

# **Diss and District Neighbourhood Development Plan 2021-2038**

**A report to South Norfolk Council and Mid  
Suffolk District Council on the Diss and District  
Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by South Norfolk Council and Mid Suffolk District Council in November 2022 to carry out the independent examination of the Diss and District Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 24/25/26 January 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on reinforcing the strategic role of Diss in the local area and allocating sites for new housing development. It also proposes the designation of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Diss and District Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**19 May 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Diss and District Neighbourhood Development Plan 2021-2038 (the 'Plan').
- 1.2 The Plan has been submitted to South Norfolk Council (SNC) and Mid Suffolk District Council (MSDC) by Diss Town Council (DTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan. The Plan has been produced by an innovative local agreement between DTC and the parish councils for Roydon, Burston & Shimpling, and Scole in South Norfolk, and Palgrave, Stuston and Brome & Oakley in Mid Suffolk.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plans in South Norfolk and Mid Suffolk. It identifies a series of sites for residential development and proposes the designation of a package of local green spaces.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by SNC and MSDC, with the consent of DTC, to conduct the examination of the Plan and to prepare this report. I am independent of the various organisations. In addition, I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of examining neighbourhood plans. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA Environmental Report;
- the HRA Screening Statement;
- the Site Options and Assessment Report (SOA);
- the Design Guide;
- the Housing Needs Assessment;
- the Local Green Space Assessment Report;
- the Non-Designated Heritage Assets Assessment;
- the Key Views Assessment Report;
- DTC's responses to the clarification note;
- SNC's response to the clarification note;
- MSDC's response to the clarification note;
- the representations made to the Plan;
- the update from South Norfolk Council on its intentions for the Diss Leisure Centre (April 2023);
- the Joint Core Strategy for Broadland, Norwich, and South Norfolk 2011-2026 (JCS);
- the South Norfolk Site Specific Allocations and Policies Document 2015 (SNLPSAP);
- the South Norfolk Local Plan Development Management Policies Document 2015 (SNLPDMP);
- the Mid Suffolk Local Plan Core Strategy 2012-2025 (MSCS);
- the saved policies of the Mid Suffolk Local Plan (1998) (MSLP);
- the emerging Babergh and Mid Suffolk Joint Local Plan (2018-2037);
- the emerging Greater Norwich Local Plan 2018-2038 (GNLP);
- the emerging South Norfolk Village Clusters Housing Allocation Plan (VCHAP);
- the National Planning Policy Framework (July 2021) (NPPF);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 23/24/25 January 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is summarised in paragraphs 5.10 to 5.13 of this report. Where it is appropriate to do so I comment on specific elements of the visit on a policy-by-policy basis

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Some of the representations commented that a hearing was necessary to allow a proper consideration of the Plan and its policies. Nevertheless, having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need

for a public hearing. In reaching this conclusion, I took account of the detailed nature of many of the comments made on the Plan and the level of detail in the Plan and its supporting documents. This level of detail gave me a useful and a comprehensive insight into the views which were made.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 DTC prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It provides specific details about the consultation process that took place on the pre-submission version of the Plan (June to August 2021). It is a very good example of a Consultation Statement.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the various stages of the Plan. They are summarised in the Statement as follows:
  - Section 1 – early engagement;
  - Section 2 – Issues and Options Consultation; and
  - Section 3 – Consultation on the pre-submission Plan.
- 4.4 I am satisfied from the details in the Statement that significant efforts were made to engage the local community through these key stages of the Plan. This was underpinned by the collaborative working arrangements put in place within the neighbourhood area. A potentially complicated community engagement process across an extensive neighbourhood area has been handled in a very efficient manner.
- 4.5 The Statement also provides details of the way in which DTC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.6 A key strength of the Statement is the way in which it provides specific details on the comments received during the consultation process from statutory bodies and the wider community associated with the pre-submission version of the Plan. It then identifies how the comments were assessed and the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.7 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.8 From all the evidence provided to me as part of the examination, I am satisfied that DTC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

### *Representations Received*

4.9 Consultation on the submitted plan was undertaken by SNC/MSDC and ended on 16 December 2022. This exercise generated comments from the following organisations:

- Sport England
- Norfolk Constabulary
- South Norfolk Council
- Historic England
- AAH Planning
- Anglian Water
- Aldi
- DDNP Group
- Suffolk County Council
- Orbit Homes
- M Scott Properties
- Hopkins Homes
- Inside Land Group
- Gladman Developments Limited
- Waste Management Alliance
- Norfolk County Council
- Sport England
- Ministry of Defence
- Pigeon Investment Management
- HR Restoration
- G.N. Rackham and Sons Limited
- Babergh and Mid Suffolk District Councils
- Natural England

4.10 Representations were also received from residents.

4.11 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is extensive. It incorporates Diss Town and the surrounding parish councils of Roydon, Burston & Shimpling, and Scole in South Norfolk, and Palgrave, Stuston and Brome & Oakley in Mid Suffolk. The neighbourhood area straddles the county boundary between Norfolk and Suffolk, which is demarcated by the environmentally important River Waveney. It was designated as a neighbourhood area on 23 August 2017.
- 5.2 Diss is the principal settlement in the neighbourhood area. It is an attractive historic town with a very interesting and distinctive built environment. It offers a wide range of services and facilities and is therefore seen as suitable for significant housing and employment growth. As well as a good range of shops and facilities in the town centre, there is a concentration of commercial and industrial businesses to the east of the town (located either side of the railway), with further land allocated for expansion. Diss is identified as a Main Town in the Joint Core Strategy for Broadland, Norwich, and South Norfolk and in the emerging Greater Norwich Local Plan.
- 5.3 In the South Norfolk area (outside Diss) both Roydon and Scole are designated as 'Service Villages' in the JCS and are therefore able to accommodate small scale growth through site allocations, and infill. The village of Burston (in the civic parish of Burston & Shimpling) is designated as an 'Other Village' and so suitable for small-scale development only. Shimpling is considered a smaller rural community within the countryside, where development is not usually supported.
- 5.4 Within the Mid Suffolk part of the neighbourhood area the Core Strategy defines Palgrave as one of 26 'Secondary Villages' in the settlement hierarchy. Brome and Oakley (now within the single civic parish, Brome & Oakley) and Stuston are not listed in the settlement hierarchy and as such are designated as 'Countryside Villages'.

### *Development Plan Context*

- 5.5 The local plans for SNC and MSDC contain the strategic policies of relevance for this neighbourhood plan. The current adopted local plans covering the DDNP area are:
  - the saved policies of the Mid Suffolk Local Plan (1998);
  - the Mid Suffolk Local Plan Core Strategy 2012-2025 (MSCS);
  - the Joint Core Strategy for Broadland, Norwich, and South Norfolk 2011-2026 (JCS);
  - the South Norfolk Site Specific Allocations and Policies Document 2015 (SNLPSAP); and
  - the South Norfolk Local Plan Development Management Policies Document 2015 (SNLPDMP).
- 5.6 Both local authority areas will be affected by the policies in emerging local plans. In Mid Suffolk the emerging plan is the Babergh and Mid Suffolk Joint Local Plan (JLP) (2018-2037). In South Norfolk there are two emerging plans. The first is the Greater

Norwich Local Plan (GNLP) (2018-2038) which covers Norwich, Broadland, and South Norfolk. The second is the emerging South Norfolk Village Clusters Housing Allocation Plan (VCHAP). The VCHAP is a Local Plan document which, once adopted, will become part of the Development Plan for South Norfolk. The proposed VCHAP allocates around 45 new sites for housing in South Norfolk's villages, which will deliver the bulk of the approximately 1,200 new homes that are to be delivered in the village cluster area by 2038. It was published for consultation between January and March 2023.

- 5.7 Figure 3 of the Basic Conditions Statement sets out the relationship between the policies in the submitted Plan and the relevant policies in the other plans. Whilst there is no need for me to repeat those details, I will refer to relationship where appropriate on a policy-by-policy basis in Section 7 of this report.
- 5.8 The collaborative working relationship between DTC and the parish councils has also extended to the relationships with the two local planning authorities. This has been helpful in a general sense. It has also been a very good example of how a group of local councils have worked with their respective local planning authorities to ensure that work on an emerging neighbourhood plan is complementary with work on emerging local plans. These local arrangements have proceeded in accordance with Planning Practice Guidance (ID:41-009-20190509).
- 5.9 The submitted neighbourhood plan has been prepared within the wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in South Norfolk and Mid Suffolk. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Unaccompanied Visit*

- 5.10 I visited the neighbourhood area on 23/24/25 January 2023.
- 5.11 I arrived in the neighbourhood area on 23 January and looked at Roydon and the western parts of Diss. On 24 January I spent most of the day in Diss and Burston and Shimpling. On 25 January I visited Scole and the three parishes in Suffolk.
- 5.12 The visit highlighted the significance of Diss in the local area. It also highlighted the appropriateness of the designation of an ambitious and extensive neighbourhood area. The town and the surrounding parishes clearly operate in a classic hub and spoke network where the villages rely on Diss for the delivery of higher-level services.
- 5.13 Where it is appropriate to do so I comment about my observations from the visit in a policy-by-policy basis in Section 7 of this report.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The Basic Conditions Statement addresses the relationship of the Plan's policies with the NPPF.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Diss and District Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted development plans in both South Norfolk and Mid Suffolk;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area. It seeks to ensure that it safeguards its character and appearance whilst promoting sustainable housing and employment growth. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

#### *Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a series of housing allocations (Policies DDNP1-14) and policies for employment development (Policies 2 and 3 and DDNP 15-17). In the social dimension, it includes policies to promote a range of house types and tenure (Policies 4 and 5), on walking and cycling (Policy 10) and on the Diss Leisure Centre (Policy 11). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy 16), on a strategic gap (Policy 14), on local green spaces (Policy 15), on key views (Policy 16) and for the identification of non-designated heritage assets (Policy 17). DTC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

#### *General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in South Norfolk and Mid Suffolk in paragraphs 5.5 to 5.9 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment (SEA)*

- 6.14 The Neighbourhood Planning (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons explaining why an environmental report is not required.
- 6.15 In order to comply with this requirement DTC commissioned an Environmental Report for the Plan. The assessment is thorough and well-constructed.
- 6.16 The Report considers a series of reasonable alternatives to the package of housing allocation set out in the Plan. It does so on a settlement-by-settlement basis. The evidence in relation to site options is underpinned by the SOA work undertaken by AECOM on behalf of DTC. This process sought to align with the evidence bases of the emerging GNLP and JLP, factoring in all sites identified by SNC and MSDC as well as DTC. In doing so it comments about the environmental issues surrounding the potential housing sites. The result is a very thorough and comprehensive analysis of this important matter.
- 6.17 In a more general way the Report also comments about the environmental implications of the other policies in the Plan.
- 6.18 The Report identifies six major conclusions in its Section 10 as follows:

*'Significant long-term positive effects are predicted in relation to the population and communities SEA topic, as the DDNP delivers housing to meet the required need, targeting an appropriate mix of housing, alongside additional community benefits and support for improved accessibility. Whilst residents are expected to be supported by relatively good access to healthcare, green infrastructure, recreational areas, walking and cycling routes, and the surrounding countryside in future development, only minor long-term positive effects are considered likely for the health and wellbeing SEA topic as there is scope to enhance positive effects by identifying an appropriate relocation site for the leisure centre through the planning framework (Section 10.1)*

*Minor long-term positive effects are also predicted for the biodiversity and climate change SEA topics. In terms of biodiversity, this is due to the promotion for active consideration and enhancement of biodiversity, as well as the support for enhanced ecological connections provided by the identified green corridors in the Plan area. In terms of climate change, the DDNP provides good support for a shift towards more sustainable forms of local travel, particularly through the development of green infrastructure supporting attractive walking/ cycle routes, as well as surface water management through targeted and site allocation policies. However, it is recognised that there is scope to raise the expected sustainability performance of major development proposals at Diss. (Section 10.2)*

*Uncertainty is noted for the historic environment SEA topic, as there are currently no detailed design and layout schemes at the proposed development sites, however, no significant effects are considered likely. The provisions of the DDNP supplement the policy provisions of the Local Plans and the NPPF, particularly by adding local context in terms of non-designated assets. In this respect, the policy provisions reduce the impacts of the proposed spatial strategy, which will inevitably see development in sensitive historic locations. (Section 10.3)*

*Conversely, residual minor long-term negative effects are predicted for the landscape SEA topic due to the development of greenfield land at edge of settlement locations. Minor long-term negative effects are also anticipated for the land, soil and water resources SEA topic as there remains an element of uncertainty regarding the precise grade of agricultural land that will be lost to development. Despite this, it is recognised that the Plan prioritises brownfield land opportunities and supports the remediation of contaminated land (Section 10.4)*

*The transport and movement SEA topic is also considered likely to lead to long-term negative effects due to increased congestion resulting from growth in Diss and settlements along the A1066. However, the extra policy provisions provided by the DDNP supplement the Local Plan and provide further support in enhancing local access, particularly through the identified walking/ cycling network within and surrounding the Plan area. The coordination of site allocations north of Diss enable a new link road which, although it is known that this will not sufficiently address road capacity issues, will reduce the extent of the negative impacts arising from growth. The supplementary provisions of the DDNP are thus considered for the positive effects of reducing the impacts of future growth (the level of which has been determined through the Local Plan). (Section 10.5)*

*In terms of cumulative effects, overall, the provisions of the DDNP supplement the provisions of the Local Plan, to provide additional local protections for assets, features, and characteristics of value, and identify opportunities for development to address known issues or deliver community benefits. As a result, overall positive cumulative effects are considered likely (Section 10.6)'*

6.19 In the round I am satisfied that the Plan has taken a robust and comprehensive approach to this important matter. In combination the Environmental Report and the SOA provide assurance that the Plan has properly and fully assessed all reasonable alternatives which were known at the time that the work took place. This has resulted in a Plan where there is a high degree of support for the sites selected.

6.20 In coming to this judgement, I have taken account of the comments made by Gladman Developments Ltd about the process followed to assess site options. In its response to the question raised in the clarification note on this matter DTC/AECOM advised that:

*'The submission version SEA for the DDNP has explored the relative merits of Gladman's site (Site GNLP4049 Land south of Burston Road) as part of four out of seven alternative growth options identified for Diss. This comparative assessment explored each option in relation to the baseline (as prepared through SEA scoping).'*

On this basis I am satisfied that the approach taken was both correct and robust.

- 6.21 I am similarly satisfied that the assessment of the more general policies in the Plan has been properly undertaken and that the conclusions reached in Section 10 of the Environmental Report reflect the evidence in the Report. Where necessary the Plan's policies include appropriate mitigation measures to limit their effects on the local environment.

*Habitat Regulations Assessment (HRA)*

- 6.22 DTC commissioned a separate HRA of the Plan. The HRA report (June 2022) is both thorough and comprehensive.
- 6.23 The Assessment undertook both screening and Appropriate Assessment of the policies and the proposed allocations resulting from the Call for Sites. The international designated sites considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were Breckland SPA, the Waveney & Little Ouse Valley Fens SAC, and the Redgrave and South Lopham Fens Ramsar. The impact pathways considered during the screening were recreational pressure and hydrological changes.
- 6.24 Eighteen potential site allocations to provide net new residential development were subject to Appropriate Assessment as they were located within the accepted zones of influence of the international sites and could result in adverse effects on the integrity of an international site in combination with other projects and plans.
- 6.25 Following Appropriate Assessment, the report concluded that the Plan will contain sufficient policy framework to ensure no adverse effects on the integrity of international designated sites will occur in isolation or in combination with other projects and plans.
- 6.26 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of the basic conditions.

*Human Rights*

- 6.27 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

- 6.28 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community, DTC and the other parish councils have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda. The scale and nature of the neighbourhood area is an excellent and distinctive response to that agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It also includes a package of Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies. I address the Community Actions after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan (Sections 1-5)*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an effective way. It makes good use of well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction addresses the background to the Plan. It comments about how the Plan has been prepared and how it will be used. It also includes a map of the neighbourhood area (Map 1) and identifies the Plan period. A key element of the Introduction is the way in which it describes the various settlements in a helpful and proportionate fashion. This is important in any neighbourhood plan. Plainly it is very important in the context of this Plan. In the round it is a very effective introduction to a neighbourhood plan.

- 7.10 Section 2 provides comprehensive information on the national agenda on neighbourhood planning. It does so to good effect. It also identifies important matters which have underpinned the production of the Plan.
- 7.11 Section 3 sets out the community's view on planning matters. It overlaps with the Consultation Statement.
- 7.12 Section 4 sets out the Vision and the ten objectives of the Plan. The commendably brief Vision is as follows:

*'The vision of the Diss & District Neighbourhood Plan is to maintain a vibrant community around a thriving market town.'*

- 7.13 Section 4 also addresses two specific matters to very good effect. The first is the relationship between the policies to the objectives (in the impressive Figure 4.2). The second is in Section 4.3 of the Plan which indicates the way in which the various policies would relate to the national climate change agenda. The way in which the Plan has addressed these matters is best practice.
- 7.14 Section 5 comments about the national and local planning contexts which have underpinned the preparation of the Plan.
- 7.15 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### *General Commentary*

- 7.16 The Plan is a major achievement. The way in which those involved have harnessed the time and effort of a town council and seven parish councils is both ambitious and highly-impressive in equal measure. The process followed has achieved two important outcomes. The first is that it has brought forward a plan based on a market town (Diss) and its surrounding hinterland. This has allowed the Plan to address a series of overlapping issues (such as housing delivery) and to incorporate specific matters (such as the gap between Diss and Roydon) which would otherwise have needed separate plans to identify the two parts of the gap and prepare similar/identical policies. The second is that it has reduced the administrative burden on the various town and parish councils that would otherwise have been involved in producing their own neighbourhood plans. At the same time, it has allowed local councils to commission consultants (and other associated studies) in a shared, collaborative, and cost-effective fashion. Plainly this approach will not necessarily apply to other local councils. However, where it might do so the Plan establishes best practice on this matter.
- 7.17 The recommended modifications in this report should be considered in this context. In most cases, they seek to refine the wording used in the policies so that they will have the clarity required by the NPPF and can be applied clearly and consistently by the two local planning authorities within the Plan period.

#### **Policy 1 Scale and Location of New Housing Growth**

- 7.18 This policy sets the scene for the more detailed housing allocation policies (DDNP1-14) and lists the various allocations.

- 7.19 During the examination MSDC and SNC provided updates on the housing completion and commitment figures in the Plan. They reflect the delivery on committed sites. I recommend modifications accordingly.
- 7.20 There are two principal changes. The first is that arising from the delivery of 60 homes rather than 49 homes on the Thatcher's Needle site. The second is the refinement of the housing requirements in the emerging Babergh and Mid Suffolk Joint Local Plan and recent granting of planning permissions. Plainly these matters have consequential implications throughout the various tables.
- 7.21 SNC advised that the current planning application on the proposed allocation at Policy DDNP1 proposes a slightly different yield than that identified in the Plan. Given the minimal differences in the anticipated yield and the potential for minor revisions to the layout of that site during the Plan period, I do not recommend any modifications on this matter.
- 7.22 I have recommended modifications to the proposed number of houses which might be expected to come forward on the proposed housing allocations elsewhere in this report. I recommend consequential modifications to the information contained in this policy and its supporting text.

**In the table in Policy 1:**

- **Delete DDNP3, including reference to 20 homes**
- **In the row for DDNP6, replace 25 with 42**
- **In the row for DDNP7, replace 10 with 35**
- **Delete DDNP16, including reference to 12 homes.**
- **Add Diss Subtotal "345"**
- **Add Roydon Subtotal "25"**
- **Add Scole Subtotal "81"**
- **Add Burston Subtotal "25"**
- **Add Brome ... Subtotal "12"**
- **In the row for Total, replace '478' with '488'**

*In paragraph 80:*

*Replace the second and third sentences with: 'Another element is made up of recent permissions, including 60 homes on land south of The Thatcher's Needle<sup>4</sup>. The DDNP will meet the remaining overall housing requirement for 190 homes.'*

*Replace the last sentence with: 'This gives a total deliverable housing requirement for the DDNP in Diss (including part of Roydon) of 312.'*

*Amend footnote 4 to read: 'The permission on land behind The Thatcher's Needle is Use Class C3 for a total of 73 units. The GNLP assumes 13 homes on this site as part of existing commitments, therefore the net additional housing for this site is 60 for the purposes of the DDNP.'*

*Replace paragraph 82 with: ‘The emerging Babergh & Mid Suffolk Joint Local Plan (JLP) (November 2020) set out minimum housing requirement for the Suffolk part of the neighbourhood area of 64 new homes (within the parishes of Brome & Oakley, Palgrave and Stuston). Planning permission for 49 houses had been granted at the JLP’s base date (1 April 2018), which left a requirement for 15 dwellings to be allocated across the three parishes. Following the JLP examination hearings, it was agreed that the housing requirement figure (64 dwellings in total) should now be treated as ‘indicative’ only. Between 1 April 2018 and 1 April 2021 (the neighbourhood plan start date) Mid Suffolk granted planning permission for a further 22 new dwellings on various sites across these parishes, of which 10 have been completed. A further six new dwellings have been approved since April 2021, of which one is already complete. This leaves a new existing commitment of 17 dwellings.’*

*In the table within paragraph 83:*

*In the Diss row replace ‘201’ with ‘190’, and ‘323’ with ‘312’*

*In the Brome row replace ‘0’ with ‘17’ and ‘15’ with ‘32’*

*Insert a ‘Totals’ row to read 280 – 154 – 434*

*Replace paragraph 90 with: ‘As set out in Section 6.1, the DDNP is required to allocate a minimum of 434 new homes over the Plan period up to 2038.’*

General Comments on the allocation policies

- 7.23 The various allocation policies have been well-considered. In each case they set out the Plan’s requirements and expectations for the development of the sites concerned.
- 7.24 In order to bring the clarity and precision required by the NPPF, I recommend that the format of the policies is simplified and will apply on a criteria basis. This would better relate to the format traditionally taken by development plan policies. In addition, the use of ‘expectation’ in the policies may be difficult to apply in a meaningful and consistent fashion through the development management process. This would apply either in a general sense and/or if a developer had different expectations for the development of the site concerned. The overall approach of each policy remains unaffected by this revised wording other than where there are specific recommended modifications to the approach on a site-by-site basis. I will not repeat this explanation for each policy.
- 7.25 I also recommend that the site areas in the policies are repositioned into the supporting text as part of this wider modification to their format.

Policy DDNP1 Land east of Shelfanger Road and west of Heywood Road

- 7.26 This policy proposes the allocation of land to the east of Shelfanger Road and to the west of Heywood Road in Diss for residential development. The site is located to the immediate north of the Diss Cemetery. It is 8.4ha in size and is anticipated to deliver around 180 homes. It is the largest proposed housing allocation in the Plan and will make a significant contribution to the delivery of new housing in the neighbourhood area in the Plan period.

- 7.27 I looked at the site carefully during the visit. I saw that it was in a sustainable location on the northern edge of the town. I am also satisfied that the development proposed could be sensitively incorporated within the landscape in this part of the neighbourhood area.
- 7.28 The proposed allocation is supported by the site owners (Scott Properties) and SNC.
- 7.29 The policy includes a series of criteria to shape the development of the site. Scott Properties has indicated that its proposed development of the site would accord with the bulk of the criteria. Its representation includes a brief assessment of the current outline planning application for the residential development of the site (2021/2782) against the respective criteria in the policy.
- 7.30 In general terms, I am satisfied that the criteria in the policy are appropriate to the development of the site and meet the basic conditions. I recommend detailed modifications to some of the criteria to bring the clarity and precision required by the NPPF. In some of the criteria this involves repositioning explanatory text into the supporting text.
- 7.31 Scott Properties raises a specific comment about criterion h) of the policy which refers to net zero carbon emissions from the development of the site. Plainly such an approach would have considerable merit. However as submitted the policy lacks clarity and fails to assess the impact of the ongoing changes to the Building Regulations on this important matter. On the balance of the evidence, I recommend that the criterion is deleted and is replaced by a freestanding part of the policy which offers support for innovative and carbon neutral development on the site.
- 7.32 Subject to the general modification to the format of the allocation policies (as described in paragraphs 7.24/7.25) and consequential modifications to the wording of some of the criteria the policy otherwise meets the basic conditions.

**Replace the policy with:**

**'The Plan allocates the site for residential development to accommodate approximately 180 homes subject to the following criteria:**

**The delivery of a coordinated approach to design, layout, landscaping, infrastructure provision across the site and its co-ordination through a master plan;**

**The design and layout of the development should safeguard the high-pressure pipeline located adjacent to the northern boundary of the site;**

**The preparation of a Transport Assessment for the site;**

**The provision of a link road to connect Heywood Road and Shelfanger Road;**

**The design and layout of the development should include pedestrian and cycle connections that link to the existing network in the town without the need to utilise the new link road;**

The design and layout of the development should ensure that off-road parking provision to the most up-to-date standards is made within the site and that measures are incorporated to discourage parking along the new link road; and

The design of the site should deliver biodiversity net gain which includes habitat enhancement or creation to link with the nearby green corridors identified in Policy 8 of this Plan and the adjacent Diss Cemetery County Wildlife Site.

Development proposals on the site which incorporate sustainable and/or innovative design and construction principles to achieve net zero carbon emissions and realise sustainability improvements over and above that set by Building Regulations will be particularly supported.'

*At the end of paragraph 97 add: 'The site is 8.4 ha in size.'*

*Replace the final two sentences in paragraph 101 with: 'The final part of the policy addresses this matter. The national position on sustainable buildings is likely to change significantly within the Plan period as the government alters the Building Regulations to improve the efficiency and carbon neutrality of new buildings. The policy provides both the opportunity and support for innovation in building techniques and practice'*

*Replace paragraph 102 with:*

*'Criterion e of the policy requires the development to include pedestrian and cycle connections that link to the existing network without the need to utilise the new link road. For example, a connection of this type could use a link via Farthing Close at the south-west and at an appropriate point onto Heywood Road on the eastern side of the site. Criterion f sets out requirements both for parking within the main residential elements of the site and to keep the new link road free of parked cars. This is essential as the link will become an important strategic east/west route around the town.'*

Policy DDNP2 Site of derelict Victorian Infant School, the Causeway, Diss

- 7.33 This policy proposes the development of the former School for residential purposes. I saw its character and current condition during the visit.
- 7.34 The site is in a highly sustainable location and the policy has been designed to safeguard the principal buildings on the site.
- 7.35 In paragraph 104 I recommend the deletion of the reference to Mavery House to take account of the consultation comments about the distinction between the former School building within the site and Mavery House which is outside the site.
- 7.36 Subject to the general modifications to the format of the allocation policies (as described in paragraphs 7.24/7.25) and consequential modifications to the wording of some of the criteria the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: 'The Plan allocates the site for residential development to accommodate approximately ten homes subject to the following criteria:'**

**In criterion a replace ‘will’ with ‘should’**

**In criteria b and d inset ‘The’ at the beginning of the two criteria.**

*At the end of paragraph 104 add: ‘The site is 0.4 ha in size.’*

*In paragraph 104 delete ‘Mavery House’*

Policy DDNP3 Site of the existing Leisure Centre

- 7.37 This policy relates to the existing Leisure Centre in Diss. The supporting text helpfully explains the context to the policy and advises that the Leisure Centre dates to the old open-air swimming lido to which a roof was added in the 1980s. It is owned and managed by SNC. The current site has several constraints that limit the leisure centre offer and a strategic plan exists to upgrade and relocate facilities within Diss. The timetable for this is currently uncertain, with the leisure sector having been significantly affected by the pandemic. The Plan comments that it is confident that the relocation of the Centre and its redevelopment it will take place during the Plan period.
- 7.38 I looked at the site during the visit. I am satisfied that a suitably-designed residential development would be appropriate for the site.
- 7.39 During the examination SNC Community Services Directorate indicated that it has now decided to refurbish the existing Leisure Centre. It also indicated that it would continue to look at options to improve and enhance the community leisure provision in Diss with a view to its implementation in the Plan period.
- 7.40 In response to this update DTC, SNC and MSDC asked me to continue with the examination of the Plan as submitted. In all the circumstances I have no option other than to recommend the deletion of this policy as the site is no longer available for residential development. I comment separately in this report on the impact of SNC Community Services Directorate’s decision on Policy DDNP16. I have recommended consequential modification to the delivery of housing in Policy DDNP1.

### **Delete the policy**

*Delete paragraphs 107-110*

Policy DDNP4 Land west of Nelson Road and east of Station Road, Diss

- 7.41 The site lies to the east of the railway line and is surrounded by existing industrial development to the north and the south, with residential development to the east. It is close to a range of services and employment opportunities and has good transport links, including mainline train services to Norwich and London.
- 7.42 The site consists of previously-developed land. It has a rather unsightly appearance. It was allocated for employment use in 2015 as part of the current SNLP but has not been developed. The owner has now suggested the site for residential use due to its proximity to Diss railway station. The employment allocation has not been carried forward as part of the emerging GNLP.

7.43 I looked at the site carefully during the visit. I saw its relationship with existing housing to the east and existing employment uses to the south. I also saw its proximity to the railway station.

7.44 In its representation on this policy SNC commented:

*'Whilst accepting that (with residential development or proposed allocation to the north and east of the site) a residential use of the site would not be inappropriate in general terms, the site would, however, also be appropriate for employment uses of a type consistent with the neighbouring residential development. The Council is, on reflection, concerned about the loss of this site for employment purposes. The retention of the allocation DDNP17 (previously DIS9) and the specific employment Policy 3 for Diss Business Park (previously DIS10) goes a substantial way to providing for the long-term strategic employment growth in Diss. However, there are limited additional employment opportunities and, given the importance of Diss as a Main Town, the Council considers that the retention of a variety of sites for employment is important to ensuring that policies create the conditions in which businesses can invest, expand, and adapt in accordance with paragraph 81 of the NPPF. The Council therefore considers that this site should be retained as a strategic employment allocation for uses compatible with neighbouring development.'*

7.45 In its response to the clarification note DTC commented that it considers that there is:

*'sufficient employment land at DIS 8, 9 and 10, and with further employment land opportunities at DIS 7 and possibly GNLP 0102, we feel that this land should be allocated for residential. Additionally, the site itself is very narrow, and therefore is limited with respect to the type of employment that could be sited there.'*

7.45 I have considered these different approaches very carefully. Based on my observations of the site during the visit, the accessibility of the site to the railway station and given that employment development has not taken place on the site since its allocation in the SNLP I am satisfied that its allocation for residential use would be appropriate.

7.46 I recommend that the criteria are modified so that they have the necessary clarity and precision as required by the NPPF. I also recommend that parts of the criteria are repositioned into the supporting text given that explain the purpose (and operation) of the various criteria rather than being land use matters.

7.47 Subject to the general modifications to the format of the allocation policies (as described in paragraphs 7.24/7.25) it otherwise meets the basic conditions.

**Replace the policy with:**

**'The Plan allocates the site for residential development to accommodate approximately 25 homes subject to the following criteria:**

**The delivery of walking and cycling links to Diss railway station;**

**The delivery of a road connection from Nelson Road to the railway station forecourt.**

**The provision of appropriate landscaping along the site boundary**

**The appropriate management of contamination on the site;**

**The delivery of a contribution towards the protection and enhancement of green infrastructure along Frenze Beck, including enhancement of the County Wildlife Site and adjacent land currently used for informal access;**

**The incorporation of the opportunity to improve surface water run-off rates, particularly in the creation of new site access and egress points; and**

**Policy CS16 (or any successor policy) of the Norfolk Minerals and Waste Core Strategy (NMWCS) applies, as this site is underlain by safeguarded mineral resources.'**

*At the end of paragraph 112 add: 'The site is 0.94 ha in size.'*

*At the beginning of paragraph 113 add: 'The development of this site will need careful attention to detail and will need to take account of its proximity to the railway and its former uses. It will also need to respond positively to opportunities which exist to enhance its accessibility.'*

*At the end of paragraph 113 add: 'The second criterion sets out the need for a road connection between Nelson Road and the railway station. This will enable a one-way bus service to utilise the connection of Nelson Road and Station Road. Its delivery will need agreement from Greater Anglia which operates services to and from the station. The third criterion comments about the need for landscaping to be an integral part of the development of the site. This will help to ensure adequate amenity for residents in the proposed houses given the proximity of industrial units (to the south) and the railway (to the east).'*

Policy DDNP5 Land north of Nelson Road, Diss

- 7.48 This policy proposes the allocation of land to the north of Nelson Road for residential purposes.
- 7.49 Planning permission was granted (2020/0478) for the erection of an extra-care facility containing 77 apartments in 2021. Whilst this is now a commitment, I am satisfied that the site should be allocated in the Plan to provide a context for any further such applications which may come forward on the site in the Plan period.
- 7.50 I recommend a modification to the supporting text to correct an error. I also recommend that explanatory text in the policy itself is deleted. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and economic dimensions of sustainable development.

**In the policy delete 'for people in need of care and support.'**

*In paragraph 115 replace '10' with '43'*

Policy DDNP6 Land off Denmark Lane, Diss

- 7.51 The site is located off Denmark Lane on the western edge of Diss. It was allocated in 2015 as part of the current SNLPSAP but has not yet been developed.
- 7.52 Policy DIS3 of the SNLPSAP allocates the site for approximately 42 residential dwellings, and requires a 10m landscape belt. The policy in the submitted Plan proposes that the yield of the site should now be 25 homes.
- 7.53 Paragraphs 118 and 119 of the Plan provide the justification for the proposed reduction in the yield of the site. They comment that:
- ‘Although in the parish of Roydon, the site is located within the settlement of Diss, at a reasonable distance from shops and services. The site is small enough not to threaten coalescence between Diss and Roydon, but it will be on the edge of the strategic gap identified within the DDNP. For this reason, and to protect the landscape value of the gap, a landscape buffer will be required along the western boundary of the site. The site is also just over 150m from an identified Green Corridor and well-used pedestrian and cycle route from Roydon to Diss. The site is considered in the calculation of the Diss settlement housing requirement, providing 25 homes, subject to acceptable design and layout being achieved. The density of housing on the site needs to reflect its edge of settlement location.’*
- 7.54 The justification for the reduction in the yield of the site was explained further in DTC’s response to the clarification note.
- 7.55 There are two current planning applications on the site (2022/1975 – residential development for six private dwellings and 2022/1976 – residential development for 47 affordable dwellings.)
- 7.56 The policy has attracted representations from SNC, Williams Gallagher and G.N. Rackham and Sons Ltd. In summary the representations draw attention to:
- the evidence which has underpinned the policy;
  - the scale of the proposed landscape buffer; and
  - the submission of recent applications which demonstrate the way in which the site can be developed successfully based on Policy DIS3 of the SNLP.
- 7.57 I looked carefully at the proposed allocation during the visit. I saw the way in which it related to Diss to the east, to the existing residential development off Denmark Lane and Long Meadow Drive and to the proposed Strategic Gap as promoted in the Plan.
- 7.58 I have considered the development of this site very carefully. On the balance of the evidence, including my own observations, I am not satisfied that the approach taken in the policy meets the basic conditions. I have reached this conclusion for a series of overlapping reasons. The first is that it does not have regard to national policy. Paragraph 60 of the NPPF comments about the government’s objective of significantly boosting the supply of homes. However, and in contrast, this policy seeks to reduce the number of houses which would come forward on the site. The second is that I am not satisfied that DTC’s concerns about the relationship between the retention of the

Gap and the development of the site are based on evidence or a full assessment of the circumstances. The proposed Gap is sufficiently extensive to operate effectively and the suggested 20 m landscape buffer is both prescriptive and excessive. In any event, the Plan has separately proposed a new housing development to the immediate west of the proposed Gap which I have concluded elsewhere in this report is appropriate in terms of its proximity to the proposed Gap. The third is that DTC acknowledges that it has not tested the potential impact of the policy against the commercial viability of the development of the site. In its response to the clarification note it suggests that such an approach would be disproportionate for a neighbourhood plan. This is a matter of judgement. Nevertheless, the importance of ensuring that proposed sites are viable and capable of being developed in the Plan period is an important element of national policy. In this case it is particularly important given that the site is already allocated in the development plan for approximately 42 homes.

7.59 In all the circumstances I recommend that the policy is modified to address these matters. The recommended modifications address the following matters:

- the potential yield of the site;
- a refinement of the criteria in relation to the landscape belt; and
- the repositioning of explanation in some of the criteria into the supporting text.

7.60 Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) I am satisfied that the policy otherwise meets the basic conditions.

**Replace the policy with:**

**‘The Plan allocates the site for residential development to accommodate approximately 42 homes subject to the following criteria:**

**Appropriate highway and footpath accesses are created onto Denmark Lane;**

**The layout of the site should be designed to result in a self-contained development which acknowledges the designation of a Local Gap between Diss and Roydon to the immediate west of the site;**

**The submission of a Landscape Management Plan with planning applications to demonstrate how the design responds to the site’s location on the edge of village, and ensure impacts on the wider landscape are minimized;**

**The provision of a landscape belt along the western boundary of the site;**

**The delivery of appropriate contributions to local community facilities;**

**The provision of open amenity play space on site;**

**The design and layout of the site incorporates opportunities to improve surface water run-off rates, particularly in the creation of new site access and egress points;**

**Any street lighting should respond positively to the contents of Policy 6: Design of this Plan; and**

**The design and layout of the site responds positively to Policy CS16 (or any successor policy) of the Norfolk Minerals and Waste Core Strategy (NMWCS) as this site is underlain by safeguarded mineral resources'**

*At the end of paragraph 117 add: 'The site is 1.6 ha in size.'*

*Replace paragraph 119 with:*

*'The policy continues with the approach taken on this site in Policy DIS 3 of the South Norfolk Local Plan Site Specific Allocations and Policies Document. It updates that policy by taking account of proposed identification of a Gap between Roydon and Diss. Criteria c) and d) set out specific requirements for landscaping. Criterion d) comments specifically about the need for a landscape belt along the western boundary of the site. This should be addressed in the round in the wider context of the overall Landscape Management Plan. However, it is expected that it would be the 10 metres as set out in the Local Plan policy.'*

Policy DDNP7 Land north of Vince's Road, Diss

- 7.61 This site is in the north-east part of the town adjacent to the railway line. It is currently allocated in the SNLPSAP (Policy DIS1) for 35 homes although it has not yet been developed.
- 7.62 The policy proposes that the yield of the site should be 10 homes. The reduced yield of the site is explained in paragraph 122 of the Plan which advises that the SOA's assessment of the site comments that the south eastern part of the site has dense tree cover and would not be appropriate to develop. The SOA comments that this reduces the potential development area on the site to around 0.6ha.
- 7.63 The policy has attracted representations from SNC, Williams Gallagher and G.N. Rackham and Sons Ltd. In their overlapping ways they comment about:
- the inconsistency between the policy in the submitted Plan and Policy DIS1 of the adopted Local Plan;
  - the lack of any evidence about the ecological importance of the trees on the site; and
  - the associated implications on the commercial viability of the site.
- 7.64 I looked at the site carefully during the visit. I saw its relationship to the railway line and the surrounding employment uses.
- 7.65 I have considered the development of this site very carefully. On the balance of the evidence, including my own observations, I am not satisfied that the approach taken in the policy meets the basic conditions. I have reached this conclusion for a series of overlapping reasons. The first is that it does not have regard to national policy. Paragraph 60 of the NPPF comments about the government's objective of significantly boosting the supply of homes. However, in contrast, this policy proposes to reduce the

number of houses which would come forward on the site. The second is that DTC's commentary about the importance and ecological value of the trees adjacent to the railway is not supported by any specific evidence. Whilst it is not within my role to comment on current planning applications, the site owner takes a different view on this matter and have commissioned a detailed report to form part of its proposal for the development of the site. The third is that DTC acknowledged in its response to the clarification note that it has not tested the potential impact of the policy on commercial viability. It suggests that such an approach would be disproportionate for a neighbourhood plan. This is a matter of judgement. Nevertheless, the importance of ensuring that proposed sites are viable and capable of being developed in the Plan period is an important element of national policy. In this case it is particularly important given that the site is already allocated in the development plan for approximately 35 homes.

7.66 In all the circumstances I recommend that the policy is modified to address these matters. The recommended modifications relate to the following matters:

- the potential yield of the site;
- a refinement of the criteria in the policy to delete the prescriptive elements of the submitted policy on trees; and
- the repositioning of explanation in some of the criteria into the supporting text.

7.67 In the absence of any compelling evidence to the contrary I recommend that the yield of the site reverts to the figure of 35 homes as set out in the adopted SNLPSAP. Plainly the eventual number of houses delivered on the site will be determined through the development management process and taking account of the criteria in the modified policy.

7.68 Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) I am satisfied that the policy otherwise meets the basic conditions.

**Replace the policy with:**

**'The Plan allocates the site for residential development to accommodate approximately 35 homes subject to the following criteria:**

**The delivery of a vehicular access to Frenze Hall Lane through Prince William Way;**

**The delivery of appropriate landscaping along the boundary to Vince's Road employment area;**

**The delivery of the site should respond positively to the findings of an arboricultural impact assessment and retain any trees identified as having amenity or ecological value;**

**The connection of the site with green infrastructure along Frenze Beck, including to the County Wildlife Site and adjacent land;**

**The design and layout of the site, including the incorporation of gardens into the layout of the site, should respond positively to the Diss & District Design Code; and**

**The development of the site should incorporate wastewater infrastructure capacity appropriate for the number of dwellings on the site.'**

*In paragraph 121 replace the second sentence with: 'It is currently allocated in the South Norfolk Local Plan Site Specific Allocations and Policies Document (Ref DIS1) for 35 homes, and although not yet developed, a planning application has now been submitted for the development of the site.'*

*At the end of paragraph 121 add: 'The site is 1.18 ha in size.'*

*Replace paragraph 122 with: 'The policy sets out a series of criteria to influence and shape the development of the site. They include the delivery of appropriate landscaping along the boundary to Vince's Road employment area and that the development of the site should respond positively to the findings of an arboricultural impact assessment and retain any trees identified as having amenity or ecological value. It is also important that the design and layout of the site responds positively to the Diss & District Design Code.'*

Policy DDNP8 Land south of Roydon Primary School, Roydon

- 7.69 As the policy title describes, this site lies to the south of the Primary School in Roydon. It is part of a wider parcel of land in agricultural use. I looked carefully at the proposed site during the village. I saw its relationship with the other built development in the village including the School. I gave particular attention to the relationship between the proposed allocation and the proposed Strategic Gap (between Roydon and Diss) to the immediate east and south.
- 7.70 SNC welcomes the inclusion of an allocation policy within Roydon. This policy meets the indicative housing requirement for Roydon, is consistent with the Government's objective of significantly boosting the supply of homes and is in general conformity with the emerging policies for Greater Norwich.
- 7.71 I have considered the policy very carefully. On the one hand it will assist in bringing forward new development in a sustainable location. On the other hand, it includes a complex and overlapping set of criteria and does not fully tackle its relationship with the proposed adjacent Strategic Gap. In addition, the policy includes unnecessary elements of supporting text. In all the circumstances I recommend that the policy is modified to remedy these matters. In summary the recommended modifications propose:
- the deletion of the unnecessary criterion b);
  - a closer coordination of the landscape related criteria;
  - the inclusion of an additional criterion to ensure that the design and layout of the site results in a self-contained development which does not create longer-term pressures on the proposed Strategic Gap to the east of the site; and
  - the repositioning of explanation in some of the criteria into the supporting text.

- 7.72 Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) I am satisfied that the policy otherwise meets the basic conditions.

**Replace the policy with:**

**‘The Plan allocates the site for residential development to accommodate approximately 25 homes subject to the following criteria:**

**An appropriate highway access is created onto Old High Road;**

**The layout of the site should be arranged to result in a self-contained development which acknowledges the designation of a Local Gap between Diss and Roydon to the immediate east of the site;**

**The submission of a Landscape Management Plan within which planning applications should demonstrate how the design and layout responds to the site’s location on the edge of village, and ensure impacts on the wider landscape are minimized;**

**The provision of a landscape belt along the eastern boundary of the site;**

**The existing trees and hedgerow along the boundaries of the site are retained and enhanced;**

**The provision of pedestrian and cycle access to Roydon Loke; and**

**Any street lighting should respond positively to the contents of Policy 6: Design of this Plan.’**

*At the end of paragraph 124 add: ‘The site is 1.25 ha in size.’*

*At the end of paragraph 128 add:*

*‘Policy DDNP8 sets out important guidance about the way in which the site should be developed. Criterion a) comments about the need for a safe access. In developing this part of the proposal developers should consider the implications of the morning and afternoon school traffic peaks on the use of the highway network. Criterion b) refers to the need for the development of the site to respect the Plan’s designation of a Gap between Roydon and Diss to the immediate east of the allocated site. The policy includes several criteria on landscaping. This is an important issue given the relationship of the site to the wider countryside. Criterion d) comments specifically about the need for a landscape belt along the western boundary of the site. This should be addressed in the round in the wider context of the overall Landscape Management Plan. However, it is expected that it would be around 10 metres deep to take account of the proposed Gap and to correspond to the approach taken in Policy DDNP6 on land at Denmark Lane in Diss to the east of the proposed Gap. Finally, the sixth criterion comments about the need for pedestrian and cycle access to Roydon Loke. This should be addressed in a sensitive fashion given the Green Corridor status of the Loke.’*

Policy DDNP9 Land west of Gissing Road, Burston

- 7.73 The policy proposes the allocation of a greenfield site adjacent to the built-up area of the village. It is a self-contained site with hedges along its boundaries.
- 7.74 In the round I am satisfied that it will comfortably relate to the form and layout of the village. SNC comments that the proposed allocation meets the indicative housing requirement for Burston, is consistent with the Government's objective of significantly boosting the supply of home and is in general conformity with the emerging policies for Greater Norwich.
- 7.75 I recommend detailed modifications to some of the criteria so that they will have the clarity and precision required by the NPPF. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: 'The Plan allocates the site for residential development to accommodate approximately 25 homes subject to the following criteria:'**

**In criterion a) replace 'Delivery' with 'The delivery of'**

**In criterion c) replace 'must' with 'should'**

**Replace criterion d) with: 'The incorporation of appropriate landscaping to retain the integrity of Manor House Farm; and'**

*At the end of paragraph 130 add: 'The site is 1.54 ha in size.'*

Policy DDNP10 Flowerdew Meadow, Scole

- 7.76 The site sits to the immediate east of the existing houses in Flowerdew Meadows. Part of the site is already allocated in the SNLP (Policy SCO1) for 15 dwellings. This allocation carries that site forward, but proposes to deliver 25 new dwellings at a slightly higher density to reflect the character of the local area.
- 7.77 SNC welcomes the inclusion of an allocation policies within Scole. It will help to meet the indicative housing requirement for Scole, is consistent with the Government's objective of significantly boosting the supply of home and is in general conformity with the emerging policies for Greater Norwich.
- 7.78 I have taken account of the helpful representation from Orbit Homes. On the matters which it raises about the density and development potential of the site, I am satisfied that the format of the allocations policies provides approximate yields for the site. The detailed development will be resolved at the development management level. In any event an increase in the yield of the site from approximately 25 to approximately 35 homes will represent a significant change in the policy which has not had the benefit of input from statutory consultees. For clarity I recommend modifications to the numbering of the adjacent allocation.

- 7.79 I am satisfied that the relationship between the development of this site and the adjacent proposed allocation (Policy DDNP11) to its immediate north is appropriate and is properly recognised in the two policies.
- 7.80 I recommend a detailed modification to the wording of criterion a to bring the clarity required by the NPPF. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: ‘The Plan allocates the site for residential development to accommodate approximately 25 homes subject to the following criteria:’**

**In a) replace ‘DDNP10’ with ‘DDNP11’**

**In a) replace ‘expectation remains that vehicular access will be provided’ with ‘vehicular access should be provided’**

*At the end of paragraph 135 add: ‘The site is 1 ha in size.’*

Policy DDNP11 Land east of Norwich Road, Scole

- 7.81 This site is adjacent to the existing settlement boundary of Scole, close to the primary school and other village services. It will extend the existing built-up area northwards along Norwich Road. I looked at the site carefully during the visit. I saw its relationship with both the village and the surrounding countryside.
- 7.82 SNC welcomes the inclusion of allocation policies within Scole. It will help to meet the indicative housing requirement for Scole, is consistent with the Government’s objective of significantly boosting the supply of home and is in general conformity with the emerging policies for Greater Norwich.
- 7.83 I am satisfied that the relationship between the development of this site and DDNP 10 to its immediate south is appropriate and is properly recognised in the two policies.
- 7.84 I recommend a detailed modification to the wording of criterion a to bring the clarity required by the NPPF. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) and consequential modifications to some of the criteria the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: ‘The Plan allocates the site for residential development to accommodate approximately 50 homes subject to the following criteria:’**

**Replace a) with: ‘The incorporation of a heritage statement within the application details which sets out how the development will mitigate any impacts on nearby listed buildings, including High House;’**

**Replace b) with: ‘The preparation of a noise impact assessment and the implementation of any required noise attenuation measures;’**

**In c) replace 'Deliver' with 'The delivery of'**

**In d) replace 'Provide' with 'The provision of' and 'DDNP9' with 'DDNP10'**

*At the end of paragraph 138 add: 'The site is 2.6 ha in size.'*

Policy DDNP12 Former Scole Engineering Site, Diss Road, Scole

- 7.85 The site is located on the edge of the village. It is a brownfield site, currently the location of a garage and vehicle repair business, which intends to relocate to a smaller site. It is surrounded by residential dwellings.
- 7.86 In 2020 outline permission (2020/1236) was granted for demolition of the existing garage workshop buildings and construction of six dwellings. This helps to suggest that the site is available and capable of delivery in the Plan period. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) and consequential modifications to the wording of some of the criteria the policy otherwise meets the basic conditions.

**Replace the policy with: 'The Plan allocates the site for residential development to accommodate approximately six homes.'**

*At the end of paragraph 144 add: 'The site is 0.2 ha in size.'*

Policy DDNP13 Land north-west of Ivy House, Brome

- 7.87 This site currently consists of a redundant farmyard and farm buildings. The allocation has been proposed with a view to the site being developed/designed in a co-ordinated way rather than as individual units. The development of the site will make a productive use of brownfield land.
- 7.88 I recommend a series of detailed modifications to the criteria so that they will have the clarity and precision to be applied in the development management process. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: 'The Plan allocates the site for residential development to accommodate approximately nine homes subject to the following criteria:'**

**In a) replace 'Adequate' with 'A safe'**

**In b) replace 'Design' with 'The design of the site'**

**In e) replace 'Programme' with 'A programme' and 'will' with 'should'**

*At the end of paragraph 149 add: 'The site is 0.61 ha in size.'*

Policy DDNP14 Land south of the B1118, Lower Oakley

- 7.89 This site is next to the built-up area of Oakley and had been included in the submission version of the JLP, where it was shown as an allocation for five homes. During

examination, however, consideration of the settlement hierarchy and site allocations was deferred to a future date. This has allowed this Plan to propose this allocation and the settlement boundary in the meantime.

- 7.90 The policy correctly identifies the need to safeguard the listed building to the east.
- 7.91 I looked at the site carefully during the visit. Given its rectangular nature, and the way in which other properties in the village relate to the B1118 which runs through the village in an east-west direction, I recommend the incorporation of two additional criteria into the policy. The first comments that the properties should follow the linear format of the village and front onto the B1118. The second is that this arrangement secures a safe access into the overall site.
- 7.92 I recommend a series of detailed modifications to the criteria in the submitted policy so that they will have the clarity and precision to be applied in the development management process. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: ‘The Plan allocates the site for residential development to accommodate approximately three homes subject to the following criteria:’**

**Replace a) with: ‘The submission of a heritage statement identifying the way in which the development will mitigate any impacts on the nearby Grade II listed Weaver’s Cottage;’**

**Replace b) with: ‘Securing a programme of archaeological investigation prior to development commencing to take account of the potential of the site recorded in the Historic Environment Record;’**

**Insert two additional criteria as follows:**

**‘c) The site should be arranged in a linear fashion with the properties fronting onto the B1118; and**

**d) The provision of satisfactory access into the site.’**

*At the end of paragraph 153 add: ‘The site is 0.15 ha in size.’*

*At the end of paragraph 154 add: ‘The policy sets out guidance about the way in which the site should be developed to take account of the existing pattern of development in the village.’*

#### Policy 2 Regeneration of the Waveney Quarter

- 7.93 This policy sets out a broad approach towards the regeneration of the Waveney Quarter. As with the format of Policy 1 it provides a context for more detailed policies (in this case DDNP15/16).

- 7.94 The supporting text comments that an essential element of the Plan is to promote regeneration of the south side of Park Road, establishing a new 'Waveney Quarter' along the River Waveney. The vision is to enhance the attractiveness of both this area and the town centre, creating a multifunctional green space that connects the town with the river valley. Development in this area will include improved green infrastructure, leisure facilities and some enabling housing development.
- 7.95 I looked at this part of Diss carefully during the visit. Its potential was self-evident.
- 7.96 In its representation SNC advises that it welcomes the inclusion of an overarching policy relating to the Waveney Quarter.
- 7.97 I am satisfied that the policy takes a positive approach to this important matter. It also includes an appropriate and distinctive range of detailed matters to influence specific proposals throughout the Plan period. I recommend a series of modifications to bring the clarity required by the NPPF. I recommend that the requirements of the second criterion are applied in a proportionate fashion. This acknowledges that individual proposals will present the different opportunities to achieve some of the commendable ambitions of that part of the policy.
- 7.98 Otherwise the policy meets the basic conditions. It will contribute significantly to proposals to regenerate this part of the town. In doing so it will contribute to the delivery of each of the three dimensions of sustainable development.

**In a) replace 'Creative and innovative design that is sensitive to its location near to the riverside and Conservation Area will be expected.' with 'Development proposals should incorporate creative and innovative design solutions which respond positively to its location near to the riverside and the Conservation Area.'**

**In b) replace the first two sentences with: 'As appropriate to their scale, nature and location development proposals should strengthen connectivity between this area and the town centre and incorporate opportunities to enhance the permeability of pedestrian and cycle links within the Waveney Quarter.'**

**In the final sentence of b) replace 'All development.... expected to' with 'As appropriate to their scale nature and location development proposals should'**

**In c) replace 'proportionate' with 'sensitive in scale and design' and 'permitted' with 'supported'**

Policy DDNP15 Land off Park Road, Diss

- 7.99 This allocation refers to the part of the Waveney Quarter which is closest to the watercourse. The site is already allocated in the SNLPSAP. The Plan comments that it is expected that development will take place within the Plan period, which mirrors that of the emerging GNLP.
- 7.100 The Plan advises that this allocation is central to the vision for this part of Diss, with the key focus on improving amenity, green space, and links with the river valley. Its development is a key component of enhancing the leisure offer in Diss and creating a

more attractive link between the town and the river valley. This policy will be a key part of the delivery of the wider approach taken in Policy 2 of the Plan.

- 7.101 I am satisfied that the policy takes a positive approach to this important matter. It also includes an appropriate and distinctive range of detailed matters to influence specific proposals throughout the Plan period. I recommend a series of modifications to bring the clarity required by the NPPF. I recommend that its requirements of the second criterion are applied in a proportionate fashion. This acknowledges that individual proposals will present the different opportunities to achieve the commendable ambitions of that part of the policy.
- 7.102 The final part of the policy comments about the Plan's broader ambitions for the relocation of the Diss Leisure Centre to the site to the immediate north (Policy DDNP16). I address that issue in the following policy. However, for the purpose of Policy DDNP15 I recommend that this part of the policy is deleted.
- 7.103 I recommend a series of detailed modifications to other criteria in the submitted policy so that they will have the clarity and precision to be applied in the development management process. They do not affect the wider approach taken in the policy. Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the policy with:**

**'The Plan allocates the site for leisure, open space, and residential development, accommodating approximately ten homes subject to the following criteria:'**

**The design of the scheme should be sensitive to the adjacent Conservation Area and River Waveney, and any built development should be delivered at a safe distance away from the river corridor taking account of its flooding profile;**

**The scheme should deliver an area of open space and habitat improvement for local wildlife which enhances the function of the adjacent green corridor and provides a buffer for the river corridor;**

**The scheme should facilitate the provision of a riverside walk to join the existing riverside walk which currently runs past the two existing supermarkets off the A1066 and connects to 'The Lows' leading to Palgrave;**

**The scheme should expand the provision of the footways/cycleways across the site frontage;**

**Any new homes should be within Flood Zone 1 (taking into account reprofiling of the site), should be well-related to existing development and closely related to each other. In addition, they should be sensitively designed and sited to reflect their position in the river valley and their proximity to the Conservation Area;**

**Development proposals should incorporate opportunities to improve surface water run-off rates, particularly in the creation of new site access and egress points;**

**The scheme should incorporate wastewater infrastructure capacity appropriate for the mix and scale of buildings and their uses on the site.'**

**The scheme should incorporate measures to mitigate against noise emissions from the adjacent electricity substation; and**

**Policy CS16 (or any successor policy) of the Norfolk Minerals and Waste Core Strategy (NMWCS) applies, as this site is underlain by safeguarded mineral resources.'**

*At the end of paragraph 162 add: 'The site is 4.6 ha in size.'*

Policy DDNP16 The Feather Mills Site, Park Road, Diss

7.104 The site is the former Feather Mills premises. The company has recently announced that it has gone into liquidation. I saw that the site was unoccupied at the time of the visit. It fronts onto the A1066.

7.105 The Plan proposes the allocation of the site for leisure and housing use. It comments that housing uses should not occupy more than 25% of the site area. The Plan advises that this site is the preferred location for the new Diss Leisure Centre. It also comments that the site is highly sustainable as it is close to the town centre, local walking and cycling links (including the new riverside) and the bus station. I have taken account of the information provided by SNC Community Services Directorate on its future plans for the Leisure Centre (as set out in the Section on Policy DDNP3) in relation to this policy.

7.106 In its representation SNC comments:

*'The Council is concerned that the narrow definition of allowed uses may be detrimental to achieving the Neighbourhood Plan's overall aspirations for the Wensum Quarter. If the leisure centre is not relocated to this site, it is unclear whether there is a need/demand for alternative leisure uses that would utilise a site of this size, and such evidence has not been found with the submission documents. As such, the Council is concerned that, whilst the allocation is positively worded, there is not proportionate evidence that it is deliverable in accordance with the requirements of paragraph 16(b) of the NPPF. The Council are of the opinion that the Policy should be broadened, allocating the site for leisure, limited housing and other commercial, business and service uses as defined with Class E of the Use Classes Order 1987 (as amended). This will help ensure that the policy does not act as a barrier to the appropriate redevelopment of this site and would also help create the conditions within which businesses can invest, expand, and adapt in accordance with paragraph 81 of the NPPF.'*

7.107 In its representation Aldi Ltd comments that the proposed allocation fails to take account of Policy DIS7 of the SNLPSAP. It also comments that the Plan has submitted no detailed evidence about the relocation of the Leisure Centre and the extent to which it and the proposed associated residential development would be commercially viable and therefore able to overcome the issues associated with bringing forward a new use on previously developed land.

- 7.108 Aldi has now submitted a planning application (2022/2424) on part of the proposed allocation. This will be a matter for SNC to determine in due course.
- 7.109 I have considered this matter very carefully. On the one hand, the Plan's proposal (at the time of submission) for the use of the site for a relocated Leisure Centre had considerable merit. The site has excellent accessibility to the town centre and to the retail and commercial uses along the A1066. In addition, the policy acknowledges that a degree of supporting residential development will be needed to secure and/or assist the development to come forward. On the other hand, the submitted Plan did not provide any clarity on the choice of a site for a new Leisure Centre or how it would be delivered. Similarly, it provided no detailed information on the development costs/viability of pursuing this site as its preferred option. Moreover, the future of the delivery of leisure services in the town has altered since the Plan was submitted.
- 7.110 At the same time the policy does not provide any assurance about the way in which it is in general conformity with the strategic policies in the Local Plan. This is an important issue for three reasons. The first is that Policy DIS7 of the SNLPSAP includes provision for a broader package of uses and which are not addressed in the submitted policy. The second is if the neighbourhood plan is 'made' on this basis, the resulting conflict with policies in the development plan must be resolved in favour of the policy which is contained in the last document to become part of the development plan. In this case the most recent document would be the neighbourhood plan. The third is that the updated position of SNC on the Diss Leisure Centre has altered the strategic approach to the broader delivery of leisure services in the town which had underpinned the contents of the submitted Plan.
- 7.111 Having taken account of all the information available to me, I have concluded that the policy does not meet the basic conditions as it is not in general conformity with the strategic policies in the development plan. I have considered SNC's suggestion that the policy should be broadened, allocating the site for leisure, limited housing and other commercial, business and service uses. Plainly such an approach would remedy the basic conditions issue which I have raised. However, it is not within my remit to propose a different policy which has neither been tested for its impact on environmental/habitat issues nor has been included in the Plan which has recently been the subject of public consultation.
- 7.112 In these circumstances I recommend that the policy and the supporting text are deleted.
- 7.113 I appreciate that this outcome will be a disappointment for DTC. Nevertheless, there is no reason why the discussions on the future delivery of leisure services in the town cannot continue. If this site is selected as a location for the delivery of services beyond those which will be offered at the refurbished Leisure Centre, the policy can be revisited as part of any future review of the Plan. Similarly, the deletion of the policy from the Plan will not undermine the broader ambitions for the redevelopment of the site. In this context Policy DIS7 of the SNLP will remain unaffected and will continue to shape proposals for the site as part of its role within the development plan.

### **Delete the policy**

*Delete paragraphs 166 to 169*

Policy DDNP17 Land at Sandy Lane (north of Diss Business Park), Diss

- 7.114 This policy proposes the allocation of land to the north of the Diss Business Park for employment use. The employment allocation is brought forward from the SNLPSAP. Whilst the land is yet to be developed it is expected that development will take place within the Plan period.
- 7.115 I am satisfied that the proposed allocation has been well-considered. It is sensitively located in relation to other employment land in the town. In addition, it will contribute significantly to the ongoing economic well-being of the town.
- 7.116 I recommend a series of detailed modifications to the criteria in the submitted policy so that they will have the clarity and precision to be applied in the development management process. In several cases the recommended modifications clarify that the requirements relate to the overall development of the site. Plainly it will be for the overall development of the site to determine how these wider objectives are achieved.
- 7.117 Subject to the general modifications to the format of the allocation policies (as set out in paragraphs 7.24/7.25) the policy otherwise meets the basic conditions.

**Replace the opening element of the policy with: ‘The Plan allocates the site for employment development subject to the following criteria:’**

**In b) replace ‘Provide’ with ‘The development of the overall site should provide’**

**In c) replace ‘Take account’ with ‘The development of the overall site should take account’**

**In d) replace ‘Provide’ with ‘The development of the overall site should provide’**

**In e) replace ‘Protect’ with ‘The development of the overall site should protect’**

**In f) replace ‘Contribute’ with ‘The development of the overall site should contribute’**

*At the end of paragraph 171 add: ‘The site is 4.22 ha in size.’*

Policy 3 Diss Business Park

- 7.118 The Diss Business Park is located a short distance from the town centre, near to the railway station. It was allocated in the SNLPSAP and has mostly been developed. It includes the Diss Business Hub, which provides meeting and conference facilities as well as office space for small businesses. This policy seeks to set out a context for future development.
- 7.119 In the round the policy takes a positive approach to the future of the Business Park both in terms of land uses and the delivery of cycleway and footpath enhancements.
- 7.120 I recommend modifications to the format of the opening element of the policy so that it clarifies that proposals would need to comply with the identified matters. I also

recommend wording which would allow the policy to be applied on a proportionate basis. Plainly different proposals will have their own impact on the matters listed in the policy. Otherwise, it meets the basic conditions. It will assist in delivering the economic dimension of sustainable development.

**Replace the opening part of the policy with: ‘As appropriate to their scale, nature and location, development or redevelopment proposals at Diss Business Park should comply with the following matters:’**

#### Policy 4 Housing Mix

- 7.121 This policy takes a proactive approach to ensure that the mix of new housing developments responds to local housing needs. Its key success is its non-prescriptive approach. It properly draws attention to the housing types which would best meet local housing needs.
- 7.122 I recommend detailed modifications to some of the wording which relates to the house types listed in the policy so that they naturally flow from the wording in the opening part of the policy. I recommend modifications to the opening element so that the policy can be applied on a proportionate basis taking account of the size and location of individual proposals which will inevitably present their own opportunities to deliver the housing identified in the policy.
- 7.123 I also recommend that elements of explanation in the policy are repositioned into the supporting text.
- 7.124 Criterion g) has a hybrid format. Its first sentence is a continuation of the approach taken in the policy. The remaining part is a separate component of the wider policy approach. On this basis I recommend that it is repositioned so that it appears separately at the end of the policy.
- 7.125 Otherwise the policy meets the basic conditions. It will assist in delivering the social dimension of sustainable development.

**In the opening element of the policy replace ‘All new’ with ‘As appropriate to their size and location’**

**In c) delete ‘enabling them to have a home of their own’**

**Delete d)**

**In e) replace ‘Support will be given’ with ‘Support the need’**

**Replace f) with ‘Support the need for private rent housing’**

**Replace g) with: ‘delivering a proportion of serviced dwelling plots available for sale to self-builders or custom builders which comply with other policies in the development plan.’**

**Add a free-standing element at the end of the policy to read:**

**‘Proposals for major residential developments should provide 5% self or custom build properties on-site through the provision of serviced plots unless such an approach would not be viable or practicable. Once the serviced plots are available for development, they should be marketed for this purpose for a period of not less than 12 months.’**

*At the end of paragraph 181 add:*

*‘The policy has been carefully prepared to bring forward appropriate house types. Criterion c is an important element of the policy. It will assist younger people in their ambition to have a home of their own. This part of the policy applies to all housing on an application site taken as a whole, including both open-market and affordable housing combined. This will apply unless a different mix is fully justified on the grounds of viability or evidence of local housing need.’*

#### Policy 5 Affordable Housing

- 7.126 This policy sets out the Plan’s approach to affordable housing. Its focus is on the delivery of social rented housing and smaller homes.
- 7.127 I have taken account of the helpful technical representations on this matter. I recommend that the policy is recast so that its purpose is clear, so that it takes account of potential viability and practical issues, so that it acknowledges that affordable housing policy may not be identical across the two administrative areas and to ensure that the provision of affordable housing takes account of the most up-to-date information available.
- 7.128 I also recommend consequential modifications to the supporting text. Otherwise, it meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

**Replace the policy with:**

**‘Proposals for residential development should provide affordable houses in accordance with the strategic policy approach in the relevant local planning authority area and reflect the information in the most up-to-date Housing Needs Assessment. Where it is both practicable and commercially viable to do so, future affordable housing provision should:**

- a) have a focus on social rented housing; and**
- b) include the provision of smaller dwellings including one-bedroomed dwellings.’**

*Replace paragraph 193 with: ‘Policy 4 of the Plan has been carefully worded to ensure that it takes account of potential viability and practical issues, and to ensure that the mix of affordable homes, tenure and size takes account of the most up-to-date information available.’*

## Policy 6 Design

- 7.129 This is an important policy in the Plan. It seeks to ensure that new development is well designed and respects the character of the part of the neighbourhood area in which it is located.
- 7.130 The policy is underpinned by the Diss and District Design Code which was commissioned as part of the wider preparation of the Plan. It is a first-class document.
- 7.131 The policy sets out a series of definitions of high-quality design. I am satisfied that the matters identified are both appropriate for a neighbourhood plan and distinctive to the neighbourhood area. In the round the combination of the policy and the Design Guide is a first-class local response to Section 12 of the NPPF.
- 7.132 I recommend specific modifications to the policy so that its relationship with the Design Code is enhanced and to recognise that different design principles will apply throughout the neighbourhood area. The first matter is addressed by making an explicit reference to the Design Guide in the opening element of the policy. This removes the need for criterion j of the policy. The second matter is addressed by separating out the Diss-related design matter from the more general elements of the policy.
- 7.133 In addition I recommend a modification to the wording of criterion h) to bring the clarity required by the NPPF and the deletion of the final sentence of criterion i). Whilst the commentary that poor design will not be supported is appropriate it sits at odds with the remainder of the policy which identifies the principles and the definition of good design.
- 7.134 Otherwise the policy meets the basic conditions. It will make a significant contribution to the delivery of the environmental dimension of sustainable development.

### **Replace the opening element of the policy with:**

**‘Development proposals should demonstrate high-quality design and respond positively to the Diss and District Design Guide. High quality design is defined by:’**

**Delete g).**

**In h) replace ‘will be expected to’ with ‘should’**

**In i) delete the final sentence.**

**After i) add:**

**‘In addition to the general contents of this policy high-quality design would include securing high-density residential development in and around Diss town centre.’**

**Delete j).**

## Policy 7 Surface Water Management

- 7.135 This policy takes a very comprehensive approach to surface water management.
- 7.136 The excellent supporting text identifies that the River Waveney runs through the Plan area and is a key feature of both the landscape and water management. Flood Zones show the fluvial flood risk in Diss is associated with the River Waveney that flows to the south of the town. Flood risk is greatest to the south, following the river, and to the east. Several properties between Rose Lane and Stuston Road are within Flood Zone 3. Further properties to the north of Ling Road, south of Victoria Road, in the vicinity of Rose Lane, London Road/Whitehorse Street junction are within Flood Zone 2. Mapping shows that Diss is at risk from surface water. However, it is mostly confined to gardens and the road network as well as the floodplain of the existing watercourse. There is significant flooding risk to property from overland flow routes originating from the vicinity of Mount Street and extending in a south-east direction towards Victoria Street and then the River Waveney. The Norfolk Local Flood Risk Management Strategy identifies ninety properties in Diss and twenty in Scole at risk of surface water flooding.
- 7.137 The policy is supported by Anglian Water. This is an important issue given its technical nature.
- 7.138 I recommend detailed modifications to the wording of the policy to bring the clarity and precision required by the NPPF. Otherwise, it meets the basic conditions.

**In the first part of the policy replace ‘must’ with ‘should’ and ‘are encouraged with ‘will be supported’.**

**In the second part of the policy replace ‘must’ with ‘should’.**

**In the fourth part of the policy replace ‘not practicable or feasible’ with ‘neither practicable nor feasible’.**

## Policy 8 Green Corridors and Biodiversity Enhancement

- 7.139 This policy addresses green corridors and biodiversity enhancements. It is underpinned by well-developed supporting text which sets out a series of local initiatives.
- 7.140 In the round the policy takes a positive approach to this matter. I recommend a series of modifications to the policy to bring the precision required by the NPPF. The second part of the policy requires proposals to deliver measurable net biodiversity gains beyond national or local requirements without specifying the extent to which they should exceed those figures or a meaningful justification for such an approach. I recommend a specific modification to remedy this matter, and as agreed by DTC in its response to the clarification note.
- 7.141 In some cases the elements of the policy comment on process matters or include a series of examples about the issues which could be addressed by the policy. These matters are very helpful. However, they help to describe how the policy will be implemented. As such, I recommend that they are repositioned into the supporting text.
- I correct an error in the map number in the policy.

Replace the policy with:

**‘The Plan identifies the management, enhancement, and creation of wildlife habitats within the green corridors identified on Map 17 as a key priority. They will be a focal point for local conservation to create a more joined up Green Infrastructure Network and where possible increased public access, helping people to experience wildlife first-hand.**

**Development proposals should respond positively to the identified green corridors (shown in Map 17). Proposals for new development within or adjacent to a green corridor should deliver measurable net gains in biodiversity in accordance with national or local policy requirements or deliver qualitative improvement to the corridor relating to the quality of habitat or its ability to facilitate movement of fauna or flora.**

**Proposals in the vicinity of green corridors should maintain, and where practicable enhance, the function of the corridor and demonstrate how they will mitigate any unacceptable harm to wildlife in the corridor concerned.**

**Developments proposals should maximise habitat opportunities to make provision for local wildlife and promoting the freedom of movement of wildlife through development sites. Existing natural features within development sites should be retained wherever practicable.’**

*At the end of paragraph 255 add:*

*‘In pursuing the measures in the first part of the policy there will be a key focus on working with local landowners. The third part of the policy sets out the implications for developers to mitigate against unacceptable harm being caused to the identified green corridors. Harm is likely to be caused by the introduction of barriers, such as housing, roads, hard landscaping and artificial lighting, or the re-direction of water sources or water courses. The fourth part of the policy comments about opportunities to enhance habitat opportunities. In relation to the provision for local wildlife examples may include incorporating of bird boxes, swift bricks and bat boxes into structures and natural features. In relation to promoting the freedom of movement of wildlife through development sites examples may include incorporating hedgehog highway gaps in barriers between gardens. Where necessary, planning applications should be accompanied by an ecology report that demonstrates how habitat opportunities will be maximised and retained.’*

#### Policy 9 Road Traffic Improvements

- 7.142 This policy seeks to relate existing and planned developments to the capacity of the highways network. The supporting text comments helpfully about the context to the issue.
- 7.143 Paragraph 258 of the Plan advises that road traffic congestion is an issue in Diss both within the town centre and along the A1066. Traffic modelling for Norfolk County Council’s Diss Network Improvement Strategy (DNIS) shows that this will increase as a result of housing growth. It highlights that this is a significant cause of concern,

particularly where the historic character of Diss may be compromised, as it already has been in some areas including Victoria Road.

- 7.144 Paragraph 259 explains further that a series of measures to improve traffic flow through Diss are identified in the DNIS. This includes improvements to the A1066 Morrisons Roundabout Junction which is currently the most constrained junction. It also advises that these improvements are needed to support the planned growth in the submitted Plan and surrounding area, and that this policy requires that they are delivered in advance of significant growth. It advises that it is anticipated that improvements will be delivered through County Council infrastructure funding or Parish Partnership Funding, with remaining schemes delivered through associated growth.
- 7.145 The policy has two related parts. The first indicates that the DNIS solutions should be delivered before the cumulative effects of traffic become severe. The second comments that road traffic measures should respect the historic character of the town.
- 7.146 I am satisfied that the second part of the policy meets the basic conditions with a detailed modification to the wording used. Plainly it is important that addressing one matter does not create a separate issue of concern.
- 7.147 I fully understand the intention of the first part of the policy. The timely delivery of the DNIS measures will be an important component of measures to ensure the free and safe flow of traffic in the town. However as submitted the policy does not have the clarity required by the NPPF for a variety of reasons. The first is that the DNIS package will ultimately be delivered by Norfolk County Council in its capacity as the highway authority. The second is that the policy does not make any connection between new developments and the trigger mechanisms for the implementation of the package. Thirdly the delivery of the broader package will also relate to the development of sites identified in this Plan and/or in the emerging local plans being produced by SNC and MSDC. As SNC comment (it) 'will assess the impact on the highway network in connection with the determination of planning applications. Where interventions are secured through development these will need to be fair and reasonably related to the development and what is necessary to make a development acceptable may not be consistent with the current Network Improvement Strategy, although this will be considered in decision making.' In these circumstances I recommend the deletion of this part of the policy.
- 7.148 I also recommend consequential modifications to the supporting text.

**Delete the first part of the policy.**

**In the second part of the policy replace 'will' with 'should'**

*In paragraph 259 delete 'and Policy 9: Road Traffic Improvements requires that they are delivered in advance of significant growth.'*

Policy 10 Walking and Cycling Network

- 7.149 This policy addresses a series of matters relating to walking and cycling. Its focus is on promoting an extended network of walking and cycling facilities which are shown

on Maps 18 and 19. The broader initiative is explained in the comprehensive supporting text (paragraphs 264 to 274).

- 7.150 I recommend that the policy is recast so that it more properly sets out its component elements. In doing so I recommend that the explanation in the submitted policy is repositioned into the supporting text.
- 7.151 A representation raises a specific matter about the proposed route between Durbidges Hill and Burston Road. I have considered the matter very carefully. In the round I am satisfied that the policy and its scope is appropriate and meets the basic conditions. It is a general supporting policy. In some cases, the improvements to the network will be achieved in the Plan period. In other cases, the improvements will not proceed for a range of reasons including their practicability and delivery.

**Replace the policy with:**

**‘The Plan supports improvements to the network of walking and cycling infrastructure as identified in Maps 18 and 19.**

**New cycle infrastructure should be high-quality and safe and designed in accordance with latest government guidance, including Cycle Infrastructure Design (LTN 1/20) or future versions of the Design document.**

**The delivery of safe off-road walking/cycle routes as part of development proposals will be supported.’**

*At the end of paragraph 280 add: ‘Policy 10 sets out these ambitions in a policy format. Sources of funding will include direct contributions from developers as part of on/off-site highway works and the Community Infrastructure Levy. Opportunities to secure other funding will be sought to complement these sources.’*

**Policy 11 Diss Leisure Centre**

- 7.152 The context to the policy is the dated nature of the Diss Leisure Centre on Victoria Road. It was originally an open-air swimming lido. Its operation was taken over by SNC in 1974 and a roof was added to the pool in the 1980s. It remains predominantly a wet-facilities centre. The size of the site has constrained the expansion of other facilities, and although located near to Diss town centre, its limited parking provision has affected its usage. The policy seeks to offer support for the development of a replacement facility. Policy DDNP3 comments separately about the potential redevelopment of the existing site for residential purposes. As with other elements of the Plan this policy has now been affected by SNC’s recent decision to retain and refurbish the existing Leisure Centre
- 7.153 In general terms the ambition of the policy meets the basic conditions. However as submitted it reads as a statement of intent rather than a land use policy. In its response to the clarification note, DTC advised that the intention of the policy is to support establishment of a new and improved leisure centre in Diss, with connectivity by active travel being an essential element of the location of a new site. This matter is addressed in Policy DNDP16 earlier in this report.

- 7.154 Whilst I have recommended the deletion of Policy DDNP16 earlier in this report I am satisfied that a general policy on new/additional leisure services should remain in the Plan. Such an approach would correspond with the recent approach taken by SNC for the delivery of leisure services in the town. On this basis, I recommend that the policy is recast to offer support for the development of an additional leisure facility which meets connectivity and accessibility requirements. I also recommend consequential modifications to the supporting text (which also take account of the recent SNC decision on the delivery of leisure facilities in the town).

**Replace the policy with:**

**‘Proposals for the delivery of an additional leisure facility in Diss will be supported subject to the following criteria:**

- **it would provide good access for people choosing to walk or cycle; and**
- **it would accommodate the vehicle parking needs for the floorspace and activities proposed.’**

*Replace paragraph 277 with:*

*‘South Norfolk Council has recently indicated that it will be refurbishing the existing Leisure Centre site and will look at other sites in the town to deliver additional leisure services. This policy concentrates on the potential delivery of those services on other sites.’*

*In paragraph 280 replace ‘a new leisure centre’ with ‘additional leisure facilities’*

*Replace paragraphs 282/283/284 with:*

*‘The policy sets out a general approach to the delivery of additional leisure facilities. Diss Town Council will work with South Norfolk Council to assess possible sites within the context of the overall strategy set by this Plan.’*

**Policy 12 Broadband**

- 7.155 The context to this policy is that the Plan’s evidence base shows that a relatively high proportion of people work from home and could be more likely to use local services or those in neighbouring communities, and rely on good technological infrastructure. The Plan comments that improved Broadband will support people working from home as well as reduce the need to travel.
- 7.156 The policy seeks to ensure that new developments incorporate broadband infrastructure. Plainly this is partly a planning matter and partly a service/infrastructure delivery issue. In the round I am satisfied that the policy takes an appropriate and positive approach to this important issue. However, to bring the clarity and precision required by the NPPF I recommend that the policy is recast so that it sets out the requirements which developers need to meet. The revised policy results in the loss of unnecessary supporting text in the submitted policy.

**Replace the policy with:**

**‘Development proposals should incorporate broadband infrastructure. Major residential developments and all employment developments should provide fibre-to-the-premises for high connection speeds. For smaller schemes, fibre-to-the-premises should be provided where practicable. Where this is not practicable, the provision of broadband speeds of more than 24Mbps should be delivered.’**

Policy 13 Funding and Delivery of Infrastructure

- 7.157 This policy sets out the Plan’s approach to the way in which major development should relate to infrastructure. The second part comments about the use of community infrastructure levy (CIL) funding.
- 7.158 I recommend that the first part of the policy is recast so that it more properly explains its purpose and the opportunities for development proposals to provide any required infrastructure which would make them acceptable or to contribute proportionately to the delivery of required infrastructure where other development proposals are affecting the capacity of existing infrastructure.
- 7.159 The second part of the policy comments about the way in which the various councils within the neighbourhood area would use the local element of CIL monies. It does so to good effect and identifies five important projects. However, it describes a process and the importance of the identified projects. As such it is not a land use policy. On this basis I recommend that it is relocated into the supporting text. Finally, I recommend that the elements of explanation in the submitted policy are repositioned into the supporting text.
- 7.160 Otherwise, the policy meets the basic conditions. It recognises the importance of ensuring that infrastructure provision runs in parallel with the new development. It will contribute to the delivery of the three dimensions of sustainable development.

**Replace the policy with:**

**‘Major development proposals should demonstrate the way in which they can be satisfactorily accommodated within the capacity of existing infrastructure or that they provide or contribute towards the enhancement of the relevant infrastructure.’**

**Development proposals which would have an unacceptable impact on the capacity or the effective operation of existing infrastructure will not be supported.’**

*At the end of paragraph 292 add:*

*‘Funding from the Community Infrastructure Levy provided to Diss Town Council and the parish councils will, where appropriate, be used on projects that either support and make the overall level of planned growth in the Plan more sustainable, or that are otherwise identified as community priorities. This will include, but is not limited to, the following matters:*

- a) further developing the Green Corridors including habitat enhancement;*
- b) the delivery of a new leisure centre for Diss;*
- c) the regeneration of the Waveney Quarter, south of Park Road in Diss;*
- d) the development of priority projects on the walking and cycling network; and*
- e) the implantation of traffic calming in the villages.'*

*At the end of paragraph 293 add: 'For this purpose infrastructure includes, but is not limited to, sewage and highways.'*

#### Policy 14 Strategic Gap between Diss and Roydon

- 7.161 This policy seeks to retain a strategic gap between Diss and Roydon.
- 7.162 The supporting text comments that in recent years the gap between the village of Roydon and the built-up area of Diss (which includes part of Roydon parish) has narrowed, mainly due to the expansion of Diss to the west. The Plan expresses local concern that the boundaries between the two settlements will become increasingly blurred.
- 7.163 I looked at the proposed gap carefully during the visit. I walked along its northern edge from Roydon into Diss and then returned to the south. The significance of the Gap in the local landscape was self-evident.
- 7.164 I am satisfied that the policy meets a clear planning purpose of maintaining the separation of the two settlements and preventing their coalescence. It is also clear that the designation of a Gap would help to achieve a key objective of the Plan. I am also satisfied that the designation of a Gap would be consistent with the wider ambitions of the Plan and the overall delivery of sustainable development in the neighbourhood area. In particular, the Plan has positively promoted other parcels of land for new development both in Diss and in the other parishes in the neighbourhood area.
- 7.165 Within this context I recommend that the title of the policy and the gap should refer to 'Local' rather than 'Strategic'. Whilst the Gap straddles two administrative areas it is not the role of a neighbourhood plan to promote a 'strategic' policy.
- 7.166 I recommend that the wording of the second part of the policy is modified so that it more closely defines its ambitions and the existing separation between the two settlements. This will bring the clarity required by the NPPF.
- 7.167 The proposed Gap is immediately adjacent to a proposed housing allocation to its west (DDNP8). I have commented about the relationship between the two designations in that policy given that the implications are greater for the proposed housing allocation than for the proposed Gap.

**Replace the second sentence of the policy with: 'Development proposals that would unacceptably detract from the open character of the Local Gap or reduces the separation between Diss and Roydon will not be supported.'**

*In the policy title replace 'Strategic' with 'Local'*

Policy 15 Local Green Space

- 7.168 This is another important policy in the Plan. In this case it proposes 52 local green spaces (LGSs). They are identified on Maps 21-27 on a parish-by-parish basis. The approach taken is underpinned by the Local Green Spaces Assessment.
- 7.169 The range of proposed LGSs reflects the extensive nature of the neighbourhood area and the difference between the urban characteristics of Diss and the more rural character of the surrounding parishes. They range from incidental green spaces (LGS17 and LGS19), to a range of churchyards, to a range of formal recreation areas (LGS 9, LGS21, LGS 26 and LGS39) to meadow and wooded areas (LGS24, LGS48, LGS49 and LGS51). The details in the Assessment include the extent to which the proposed LGSs meet the criteria for designation in the NPPF. In the round, the Assessment has addressed this important matter in a very thorough and robust fashion.
- 7.170 The supporting text comments about the process which was followed to determine which green spaces should be designated. A working group of residents from each parish was used to identify potential sites for designation. These were then mapped, visited and evidence gathered as to their current use, history, importance locally and special qualities. It also advises that potential sites were reviewed to determine if they met the national criteria, with all those which did or may do put to consultation. Residents were asked to what extent they agreed that the green spaces put forward in their community were special to them, and if they had any specific comments as to why they are special. A benchmark of 80% of residents agreeing or strongly agreeing that the spaces were special to them was used as a guide to determine which of those consulted upon should be designated.
- 7.171 The Plan also advises that any landowners affected by LGS designation were contacted and given the opportunity to provide their views.
- 7.172 SNC has commented about the proposed designation of LGS18 (Diss High School Playing Fields). Land Allocation Limited has commented about the proposed designation of LGS19 (Walcot Hall Meadows). I address these two proposed LGSs in paragraphs 7.175 to 7.185 of this report.

*The other proposed LGSs*

- 7.173 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.
- 7.174 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested.

Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

*Diss High School Playing Fields (LGS18)*

- 7.175 This proposed LGS relates to the Diss High School Playing Fields. It is an open space of 8 ha and provides a wide range of recreational activities for the school.
- 7.176 SNC contend that the LGS designation may affect the ability of the School to respond to the educational needs of the town in the future. It also suggests that the designation is not consistent with the local delivery of sustainable development.
- 7.177 I saw the extent of the proposed LGS from Walcot Road during the visit. I am satisfied that the proposed LGS complies with the three criteria in paragraph 102 of the NPPF.
- 7.178 In its response to SNC's commentary DTC acknowledged the points raised about the local delivery of sustainable development and agreed to this proposed LGS being deleted if it is subject to any uses being for school expansion only. I have taken this matter into account. However, it is not within my remit to propose an alternative policy or approach for the future of the site. Nevertheless, it is clear from SNC's commentary that it sees the Playing Fields as being appropriate to be potential future development only for uses which are related to the overall operation of the School.
- 7.179 On the balance of the evidence I recommend that the proposed LGS is deleted from the policy as it is inconsistent with the local delivery of sustainable development. In reaching this conclusion I have assessed the extent to which potential extensions of the School, and the development of additional or ancillary features, would accord with the overall details of the policy. Whilst criterion b) would offer some support to such proposals there would be a degree of uncertainty about the extent to which their scale and location would conflict with the reasoning behind the proposed designation.

*Walcot Hall Meadow (LGS19)*

- 7.180 This proposed LGS relates to agricultural land to the south of the Walcot Nursing Home. It is 3.25 ha in size.
- 7.181 The LGS Assessment comments that the proposed LGS is highly-valued by the residents because of its diverse wildlife. It highlights that common sightings include small deer, hedgehogs, and bats.
- 7.182 Land Allocation Limited contend that 'the LGS designation has been unduly influenced by objections to the residential development proposed on the land and not based upon a robust assessment forming part of the required evidence base to support the Neighbourhood Plan. It advises that the site is not designated as a site of wildlife significance as a whole. The pond and a central mature tree provide habitats for protected species which are already statutorily protected. The Town Council has not, therefore, demonstrated that the site is special and holds a particular local significance

apart from habitats which could be retained within a sensitive development proposal in any case’.

- 7.183 I saw the extent of the proposed LGS from the northern end of Walcot Rise during the visit.
- 7.184 I am satisfied that the proposed LGS is local in character and not an extensive tract of land and that it is in reasonably close proximity to the community it serves. However, I am not satisfied that it is demonstrably special to the community and holds a particular local significance. Whilst the Assessment comments about the wildlife on the site there is no information to suggest that the level of use of the site is demonstrably different from that on any other parcel of agricultural land to warrant such a designation. No other information is offered about other characteristics of the site which may have justified its designation as LGS.
- 7.185 On the balance of the evidence, I recommend that the LGS is deleted from the policy.

*The policy itself*

- 7.186 Neighbourhood plan policies on the designation of LGSs are underpinned by the approach taken in paragraph 103 of the NPPF. In effect individual plans select their own LGSs and then apply the national policy to the identified sites. However, the Plan has decided to provide a more detailed policy to protect the identified LGSs than is traditionally the case. The scope of the policy and its approach is detailed in Appendix B of the Plan.
- 7.187 I have taken account of DTC’s response to the clarification note on the nature and extent of the policy. On the balance of the evidence, I am satisfied that the bulk of the policy sets out a balanced and well-considered expression of policy in relation to LGSs. There is a clear relationship between the policy and the specific LGSs proposed in the Plan. The Plan contains an extensive range of LGSs across an urban area and several rural parishes. In these circumstances a matter-of-fact approach to future development on LGSs may prevent sensitive development from coming forward on individual sites which would not conflict with the purposes of the designation. I correct an error in the map numbers in the policy.
- 7.188 The final part of the policy comments that proposals that are on land adjacent to Local Green Space are required to set out how any impacts on the special qualities of the green space, as identified by its reason for designation, will be mitigated. I have considered this matter carefully together with DTC’s response to the question in the clarification note. On the balance of the evidence, I recommend that this element of the policy is deleted. I have reached this conclusion for three reasons. The first is that the approach taken has no direct relationship with national policy or guidance on LGSs. Planning Practice Guidance (ID: 37-007-20140306) comments that designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. It comments that plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making. Whilst I am satisfied that this is not DTC’s intention, the policy has the potential to

hinder otherwise acceptable development coming forward on adjacent sites. The second is that it will place onerous and disproportionate responsibilities on adjacent landowners. The third is that it will affect a significant number of planning applications in Diss where there is a concentration of LGSs in and around its built-up area.

**In the first part of the policy replace '12 to 18' with '21 to 27'**

**Delete the final part of the policy**

**Delete LGS18 and 19.**

*Remove LGS18 and 19 from Map 23.*

#### Policy 16 Protection of Key Views

7.189 This policy identifies a series of Key Views in the neighbourhood area. Its approach is underpinned by the excellent Key Views Assessment Report.

7.190 I am satisfied that the Key Views have been appropriately selected. I am also satisfied that the policy has been designed to operate in a non-prescriptive basis. In its response to the clarification note DTC accepted that the sentences in the second part of the policy should be reversed to bring clarity and precision to the policy. I recommend accordingly. In addition, I recommend other detailed modifications to the wording used to acknowledge that harm to views is a subjective matter and the test in the development management process will be the acceptability or otherwise of any harm which may arise to the views as a result of new development.

**Replace the second part of the policy with: 'Development proposals should demonstrate that they are sited and designed to be of a form and scale that avoids or mitigates unacceptable harm to the identified key views. Development proposals that would unacceptably harm the identified key views will not be supported.'**

#### Policy 17 Non-designated heritage assets

7.191 This policy sets out a very thorough and comprehensive approach towards non-designated heritage assets. During the visit I saw a range of listed buildings and conservation areas. At the same time, I saw a range of other buildings which contributed towards the character and appearance of the neighbourhood area and helped to explain its history and development over time.

7.192 The proposed non-designated heritage assets are shown on Maps 36-41.

7.193 A representation suggested that Tower House in Roydon should not be identified as one of the assets. I looked at Tower House during the visit. In its response to the clarification note DTC commented that:

*'Tower House is a well-known and cherished landmark feature of Roydon. It can be seen above the trees from many near and distant points, especially when entering Roydon from Diss. It has a locally important historical significance in its own right and in relation to the mid-20th century development of the village along the main High*

*Road. Tower House was built in 1936 as a water tower to supply water to new homes in Roydon. The tank came from Diss railway station and below this, in the tower, was residential accommodation which has continued as such after the water tower function ceased in the 1960s. The water supplied the first few bungalows built on the south side of the High Road. The building is seen as aesthetically and communally valuable by a majority of the resident respondents to the DDNP consultations.'*

- 7.194 On the basis of all the information available to me, I am satisfied that Tower House has an appropriate background and context to justify its proposed identification as a non-designated heritage assets in the Plan.
- 7.195 In the round the policy takes an appropriate and positive approach to this matter. I recommend a detailed modification to the third part of the policy so that the requirement for a Heritage Statement is clear and explicit. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**In the third paragraph of the policy replace 'will need to' with 'should'**

**Community Actions**

- 7.196 The Plan includes a series of community actions. They are non-land use planning matters which have naturally arisen during the Plan preparation process.
- 7.197 The Actions are set out in the main body of the Plan rather than in a separate section of the Plan as suggested by national policy. I have considered this matter very carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate and meets the basic conditions. I have reached this conclusion for three principal reasons. The first is that the Actions are presented in a different colour to the land use policies. The second is that the Actions operate in a complementary way to the land use policies. The third is that the association between the policies and the Actions makes the Plan more legible and easier to understand. This conclusion reinforces the commentary in paragraph 76 of the Plan.
- 7.198 Actions 1 (Affordable Housing cascade), 5 (Town Centre Action Plan), and 6 (Diss Heritage Triangle) are particularly noteworthy. I saw several initiatives which have taken place in the Heritage Triangle during the second day of the visit. In turn they will contribute to the delivery of sustainable development in the neighbourhood area.

**Monitoring and Review**

- 7.199 Paragraph 63 of the Plan comments that the Plan will be subject to periodic review and modified as required by changes to the guiding planning policy and local circumstances.
- 7.200 Earlier parts of this report have drawn attention to the relationship between the submitted Plan and the emerging local plan documents being produced by SNC and MSDC, and more broadly in relation to the Greater Norwich area. Given the importance of the adoption of the emerging plans on the planning policy context in the neighbourhood area I recommend that paragraph 63 of the Plan is expanded so that it

provides guidance to residents and the development industry alike about the way in which the Plan will respond to the adoption of the emerging strategic documents

- 7.201 The language used in the recommended modifications acknowledges that in the same way that there is no requirement for a town council or parish council to produce a neighbourhood plan, there is no requirement for those organisations to review a 'made' neighbourhood plan. In the local circumstances I acknowledge that the organisation of a potential review of the Plan would be more challenging than for a traditional plan prepared for a single parish. Nevertheless, the recommended wording has been designed to recognise that where there is a conflict between different elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Plainly a review of a made Plan will have the ability to keep its contents up-to-date and to be aligned to the emerging strategic documents within the Plan period.

*Replace paragraph 63 with:*

*'The Diss and District Neighbourhood Development Plan has been designed to operate within the context provided by the development plan in both South Norfolk and Mid Suffolk. This will assist in ensuring a close relationship between planning policies in the two local authority areas and the planning policies in this Plan.*

*The Plan is a response to the needs and aspirations of the local community as they are currently understood. However, it is acknowledged that current challenges and concerns are likely to change over the Plan period (to 2038). In its capacity as the qualifying body, the Town Council is responsible for maintaining and periodically revisiting the Plan to ensure its continued relevance and to monitor delivery. In conjunction with the parish councils in the neighbourhood area it will monitor the effectiveness of the Plan mainly through an assessment of the way in which its policies are applied locally through the development management process and at appeal. If it becomes clear that certain policies need revising the Town Council and the parish councils will assess the need for a partial review of the Plan.*

*Any neighbourhood plan operates within the wider context provided by national planning policy and local planning policy. The Town Council will monitor and assess the implications of any changes to national or local planning policy on the Plan throughout the Plan period. Where necessary it will consider the need for a partial review of the Plan.*

*The eventual adoption of the Greater Norwich Plan could bring forward important changes to local planning policy. In this context the Town Council will assess the need or otherwise for a full or partial review of the neighbourhood plan within six months of the adoption of that Plan.'*

Other matters - General

- 7.202 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be

required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for DTC, SNC and MSDC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

Other matters – Specific

- 7.203 The emerging development plan context in both South Norfolk and Mid Suffolk has progressed since the Plan was submitted. In this context I recommend that the referendum version of the Plan updates the information provided about the relevant emerging local plan documents within the Plan. This is particularly important in relation to the publication of the main modifications to the JLP in Mid Suffolk and to the recent consultation on the VCHAP in South Norfolk.

*Update the information in the Plan about the relevant emerging local plan documents.*

- 7.204 MSDC has suggested a detailed modification and update to paragraph 41 of the Plan. It is factual in nature. I recommend accordingly.

*Replace paragraph 41 with:*

*‘The emerging Babergh and Mid Suffolk Joint Local Plan for 2018 to 2037 (JLP) had identified Brome, Palgrave, and Stuston as Hinterland Villages. Oakley was identified as a Hamlet. Together, these villages were expected to deliver 64 homes over the Plan period. With the strategic policies in the JLP relating to the settlement hierarchy and housing requirement figures now deferred to Part 2 (expected to be adopted in 2025), this means that the housing requirement figure should be treated as indicative only.’*

- 7.205 I also recommend that the references to the NPPF within the Plan are checked and updated where necessary. MSDC has raised specific matters in relation to the NPPF references included in paragraphs 173/199/262/345 of the Plan.

*Refine and correct the references in the Plan to the NPPF in general terms, and with specific reference to paragraphs 173/199/262/345.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Diss and District Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to South Norfolk Council and Mid Suffolk District Council that subject to the incorporation of the modifications set out in this report the Diss and District Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved South Norfolk Council and Mid Suffolk District Council on 23 August 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**19 May 2023**