

Diss & District Neighbourhood Development Plan 2021 - 2038

Independent Examination Correspondence document

First published: 19 January 2023

Last updated: 6 March 2023

Introduction

This document provides a record of all general correspondence during the examination phase of the Diss & District Neighbourhood Plan between the Independent Examiner (Andrew Ashcroft), the Qualifying Body (Diss Town Council and the other relevant Parish Councils), and the two relevant local planning authorities (South Norfolk Council and Mid Suffolk District Council)

As required, specific documents will also be published on the two local authority websites:

- www.midsuffolk.gov.uk/DDNP
- <http://www.southnorfolkandbroadland.gov.uk/ddnp>

Copies of e-mails / letters etc. appearing on the following pages:

- 1. E from Examiner dated 16 Jan 2023: Examination start and general procedures note**
- 2. E from Examiner dated 31 Jan 2023: Clarification Note [initial comments on the submitted Plan and questions for the qualifying body etc.]**
- 3. Sent to Examiner on 6 Mar 2023: (a) DDNP Response to Examiners Clarification Note, and (b) LPA Response to Examiners Clarification Note**

1. E from Examiner dated 16 Jan 2023: Examination start and general procedures note

From: Andrew Ashcroft
To: Richard Squires (South Norfolk Council).
fwd to: Paul Bryant (BMSDC)
Dated: 16 January 2023

Dear Richard,

I attach a note on the arrangements for the examination.

Please send the note to the Town Council and the various parish councils and then display it on your website.

Kind regards,

Andrew Ashcroft
IE
Diss and District NDP

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**Diss and District Neighbourhood Development Plan
Examination Arrangements**

Purpose of this Note

This Note sets out the basis on which the examination of the neighbourhood plan will be undertaken. Its ambitions are two-fold:

- to comply with the MHCLG/NPIERS Guidance for service users and examiners (April 2018); and
- to provide guidance for Diss Town Council and the parish councils on the key stages of the examination.

The examination route map

Different examinations raise their own issues. Nevertheless, the examination of the Diss and District Plan will have the following the key stages:

Stage 1: Background Reading

This involves reading the submitted Plan, the supporting documents, and the various representations. I will take all this information into account when preparing my report.

This stage of the examination will be finished later this week.

Stage 2: Visit to the neighbourhood area

The visit will provide me with an opportunity to look at specific issues and locations in the neighbourhood area. Plainly not every component of the Plan needs to be viewed on the visit. Nevertheless, it will be focused on the issues that have arisen either from the background reading and/or which are fundamental to the Plan.

The visit will be unaccompanied. I will not meet with representatives of the Town Council, the parish councils, the two local planning authorities or any of the parties who have commented on the Plan. To do so would have the potential to affect the independence of the examination process. I will visit the neighbourhood area next week.

Stage 3: Clarification Notes

I will prepare a clarification note shortly after the visit. It will raise a series of questions for the Town Council and the parish councils on the submitted Plan. The answers to the questions will help me to understand the Plan better and, where necessary, to recommend modifications to ensure it meets the basic conditions.

The clarification note will suggest a timescale for responses based on the issues addressed. However, this is a matter which I am happy should proceed at whatever pace is determined locally. This acknowledges that work on neighbourhood plans is carried out by local councils and individuals on a voluntary basis.

Stage 4: Decision about the need for a hearing

The combination of the background reading, the unaccompanied visit and the responses to the clarification note will allow me to come to a view about the need or otherwise for a hearing as part of the examination process. The legislation anticipates that most examinations can proceed by way of written representations and without a hearing.

If a hearing is required, I will ask South Norfolk Council (working with Mid Suffolk District Council) to make the necessary arrangements.

Stage 5: The Examination Report

I will prepare the report throughout the examination period. Its general parts can be written early in the process. The elements of the report that overlap with the clarification note will not be prepared until the responses are received. These arrangements would also apply if a hearing was required. I will prepare a fact check report before the final report. This will give an opportunity for Diss Town Council, the parish councils and the two local planning authorities to comment on any factual inaccuracies and/or omissions within the report. It will not present an opportunity for the examination to enter another phase.

Other related matters

The timing of the examination

Plainly different plans cover different issues. In addition, neighbourhood plan examinations are inevitably linear and are directly affected by the number of policies within the plan concerned and the number and complexity of the representations received.

In the case of the Diss and District Plan, I anticipate being able to send the fact check report in mid-March 2023. Plainly, the anticipated programme may be affected by the timing of the responses to the clarification notes and/or the organisation of any required hearing.

Documents

I have asked the two local planning authorities to display all examination-related documents on their website.

Contact arrangements

My principal contact throughout the examination will be Richard Squires. In most cases, I will ask Richard to send documents to the Town Council and the parish councils on my behalf.

Andrew Ashcroft

Independent Examiner
Diss and District Neighbourhood Development Plan
16 January 2023

[Ends]

2. E from Examiner dated 31 Jan 2023: Clarification Note [initial comments on the submitted Plan and questions for the qualifying body etc.]

From: Andrew Ashcroft
To: Richard Squires (South Norfolk Council), Paul Bryant (BMSDC)
Dated: 31 January 2023
Subject: Diss and District NDP – Clarification Note

Dear Richard, Paul

Following my visit to the neighbourhood area last week I now attach the clarification note [**MSDC note: this is reproduced below**]. Please will you pass it to the Town Council in its capacity as the qualifying body.

I have suggested a response date which reflects the issues raised in the Note. However, I am relaxed at working to a different timetable if this raises specific issues for those concerned.

In the interests of openness and transparency I would be grateful if you would make the Note and the responses available on your websites.

Please let me know if there are any queries on the matters raised in the Note.

I will press on with writing up those elements of the report which are unaffected by the Clarification Note.

Kind regards,
Andrew Ashcroft
Independent Examiner | Diss and District NDP

* * * * *

Diss and District Neighbourhood Development Plan Independent Examiner's Clarification Note

Context

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan is very well-presented. The quality of the photographs and maps is very good. It results in a very readable and interesting document. The distinction between the policies and the supporting text is very clear.

The way in which the Plan addresses a range of issues in a market town and its rural hinterland is best practice. The joint arrangements between the Town Council and the parish councils have resulted in a very comprehensive Plan that helps to ensure that broader and cross-cutting issues are tackled in a co-ordinated fashion.

The Plan provides a clear and distinctive vision for the neighbourhood area. The Plan is proportionate to the neighbourhood area and has focused on appropriate and distinctive matters. The Plan is healthily underpinned by a series of supporting documents which have been produced to the same standard as the Plan itself. The Design Guide, the Local Green Spaces Assessment Report, the Key Views Assessment Document, and the Non-Designated Heritage Assets Assessment Report are particularly impressive.

The remainder of the note sets out comments and questions both for the Town Council and for the two local planning authorities. I recognise that the Plan has been produced by the Town Council and the various parish councils. The note refers simply to the Town Council. Plainly it will be for the local councils involved to determine amongst themselves how the responses to this note are organised.

Points for Clarification for the Town Council

Policy 1

Does the Town Council wish to refresh the information in Sections 6.1 and 6.2 of the Plan to take account of the comments from South Norfolk District Council and developers about the way in which the proposed allocations in Policy 1 would complement/add value to the existing allocations in the two local plans affecting the neighbourhood area (and the calculation of the overall numbers)?

Does the Town Council have any observations about the way in which the Plan has been prepared so that it will be complementary to the emerging Greater Norwich Local Plan (GNLP) and the Mid Suffolk/Babergh Joint Local Plan and how it may need to be reviewed once the two Plans have been adopted?

Policy DDNP1

Is criterion h necessary? Is it a matter which will ultimately be determined through the application of the Building Regulations?

In any event, how would this element of the policy be implemented through the development management process given that it comments about standards 'over and above' the Building Regulations rather than providing an absolute figure for building efficiency?

Policy DDNP4

Does the Town Council have any specific comments on South Norfolk District Council's suggestion that the site is best-suited for employment use?

Policy DDNP6

Is the Town Council satisfied that the proposed reduction in the yield of the site and the requirement for an enlarged landscape belt (when compared with Policy DIS3 of the South Norfolk Local Plan) results in a policy which is in general conformity with the development plan?

Am I correct to conclude that these changes to the proposed development of the site are underpinned by the commentary in paragraphs 118/119 of the Plan?

Has the policy been assessed for its impact on the commercial viability of the site?

Policy DDNP7

Is the Town Council satisfied that the proposed reduction in the yield of the site (when compared with Policy DIS1 of the South Norfolk Local Plan) results in a policy which is in general conformity with the development plan?

Am I correct to conclude that these changes to the proposed development of the site relates to paragraph 122 of the Plan? If so, has the Town Council undertaken a detailed assessment of the ecological and visual importance of the trees on the site?

Has the policy been assessed for its commercial viability?

Would ten homes be an efficient use of the site?

Policy DDNP8

How would the eastern boundary of the proposed site be defined?

How would the layout of the site be designed to prevent longer-term development pressures on the proposed Strategic Gap to the east?

Is there an inherent risk of allocating a housing site within the existing gap between Diss and Roydon which naturally reduces the scale of the proposed Strategic Gap as identified in Policy 14 of the Plan?

Policy DDNP14

The two criteria in the policy are appropriate to the site. However, should there be another criterion in relation to vehicular access?

The policy proposes three dwellings. Is it the intention that they are arranged in a linear fashion fronting onto the B1118 road, each with a separate vehicular access?

Policy 4

In general terms the policy reads well. Nevertheless, I am minded to recommend a modification so that it can be applied in a proportionate way linked to the capacity of the site concerned. This issue is already loosely acknowledged in paragraph 181 of the Plan.

Does the Town Council have any comments on this proposition?

Policy 6

This is an excellent policy underpinned by the submitted Design Guide. In the round the combination of the policy and the Design Guide is a first-class local response to Section 12 of the NPPF.

Plainly not all proposals will meet all the criteria in the policy. As such, I am minded to recommend a modification which would restructure the policy so that the main part sets out the general elements and then where the Diss/housing components appear as separate elements of the policy.

Does the Town Council have any comments on this proposition?

Policy 7

This is an excellent policy. It is both general and non-prescriptive.

Policy 8

Are the biodiversity net gain expectations reasonable?

In any event how could this element of the policy be delivered in a clear and consistent way as 'higher' (than national and local standards) is not defined in the policy?

Policy 11

I readily understand the approach taken in this policy. However as submitted it is a statement of support or intent rather than a land use policy.

Is the intention to offer policy support for the establishment of a new/replacement leisure centre in Diss?

Policy 13

The second part of the policy has good intentions. However, is it a land use policy? Can a neighbourhood plan reasonably provide guidance for town and parish councils on how to spend their local elements of community infrastructure levy (CIL) funding?

Would it be more appropriate if the policy established priorities for the local use of CIL monies?

Policy 14

This is a good policy which seeks to achieve a key objective of the Plan.

Policy 15

I can see the justification for the wording of the local green spaces (LGS) policy. However, is the final paragraph reasonable? How would it be applied clearly and consistently by the relevant local planning authority throughout the Plan period?

It would be helpful to have the Town Council's comments on the representation from Land Allocations in respect of proposed LGS 19 (Walcot Hall Meadows).

I note the Town Council's commentary on the proposed LGS at the High School Playing Fields (LGS18).

Policy 16

This is a good policy underpinned by evidence.

Would the second part of the policy be more appropriately-expressed (and be clearer) if the order of the two sentences was reversed?

Policy 17

This is another good policy.

Would the third paragraph of the policy be more appropriately incorporated as supporting text given that it describes the process involved in assessing any harm?

Does the Town Council have any comments on the representation from Rackham and Sons on the proposed NDHA 18?

Strategic Environmental Assessment

Gladman Development Limited comments on the way in which the different proposed housing sites are considered in the Assessment.

Does the Town Council have any comments on this matter in general terms, and the extent to which the various sites have been assessed and considered in a clear and consistent fashion?

Points for Clarification for the two local planning authorities

South Norfolk District Council

What is the anticipated timetable for the adoption of the Greater Norwich Local Plan?

As I read the recently-published Village Clusters Housing Allocation Plan it defers to the submitted neighbourhood plan in the Diss and District Neighbourhood Area. Is this correct?

Mid Suffolk District Council

Is the work on the Joint Local Plan Part 1 and Part 2 still proceeding to the timetable as set out in the Local Development Scheme (October 2022)?

Update on Planning Applications

Several representations draw attention to planning applications which had been submitted at the time that the comments were made. Please can the relevant local planning authority provide me with an update on the following applications? Where a decision remains outstanding an indicative timescale for that decision would be helpful.

I also include the current application for a food store on the DNNP 16 site (given that I saw the site notice during the visit)

For convenience I have listed the applications on a policy-by-policy basis

DDNP1 - 2021/2782

DDNP6 - 2022/1975 and 2022/1976

DDNP7 - 2022/1344

DDNP16 - 2022/2075 and 2022/2424

Representations

Does the Town Council wish to comment on any of the representations received on the Plan?

It would be helpful if the Town Council would respond to the specific comments in the representations from:

- South Norfolk Council;
- Land Allocations Limited;
- Aldi Stores;
- Orbit Homes;
- Hopkins Homes;
- Williams Gallagher;
- Gladman Developments Limited;
- Norfolk County Council;
- Pigeon Investment Management;
- GN Rackham and Sons Limited; and
- Mid Suffolk District Council?

Protocol for responses

I would be grateful for responses to the various questions by 6 March 2023. Please let me know if this timetable may be challenging to achieve. It takes account of both the number and the content of the questions raised.

If certain responses are available before others, I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by South Norfolk District Council /Mid Suffolk District Council and make direct reference to the policy/issue concerned.

Andrew Ashcroft

Independent Examiner
Diss and District Neighbourhood Development Plan
31 January 2023

[Ends]

3. Sent to Examiner on 6 Mar 2023: (a) DDNP Response to Examiners Clarification Note, and (b) LPA Response to Examiners Clarification Note

These responses are reproduced on the following pages.

DDNP Response to Independent Examiner's Clarification Note

6 March 2023

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NOTE:

For readers' convenience and to avoid the need to cross-refer the responses to more than one document, the Examiner's questions and comments have been inserted throughout these responses in *blue italics*, immediately following the relevant heading.

The Examiner's complete note and the Reg.15 submission version of the DDNP, along with all other documents relating to the submission and subsequently, including all the Regulation 16 representations can be accessed on SNC's website by [clicking on this link](#).

Throughout this document all, underscored, brown text like that in the line above denotes a clickable link to the item, either in this document or on a website elsewhere.

Although the DDNP is a multi-parish plan, the legislation requires that a single parish be nominated as the 'qualifying body'. Not unreasonably DTC is the qualifying body for the DDNP and that is the name to which that the Examiner addresses his questions throughout his clarification note. For all practical purposes, 'Diss Town Council' can be read as 'Diss & District Neighbourhood Plan Steering Group'.

Points for Clarification

Policy 1

- *Does the Town Council wish to refresh the information in Sections 6.1 and 6.2 of the Plan to take account of the comments from South Norfolk District Council and developers about the way in which the proposed allocations in Policy 1 would complement/add value to the existing allocations in the two local plans affecting the neighbourhood area (and the calculation of the overall numbers)?*
- *Does the Town Council have any observations about the way in which the Plan has been prepared so that it will be complementary to the emerging Greater Norwich Local Plan (GNLP) and the Mid Suffolk/Babergh Joint Local Plan and how it may need to be reviewed once the two Plans have been adopted?*

S6.1 & 6.2 agree that the housing figures should be recalculated in line with the most up to date numbers relating to permissions.

When developing the plan, we took into account the emerging policies in the local plans and feel that the DDNP is in conformity with these as well as the current planning context. We anticipate reviewing the DDNP when required to ensure it remains in conformity and to ensure that planning policy continues to reflect local views.

Policy DDNP1

- *Is criterion h necessary? Is it a matter which will ultimately be determined through the application of the Building Regulations?*
- *In any event, how would this element of the policy be implemented through the development management process given that it comments about standards 'over and above' the Building Regulations rather than providing an absolute figure for building efficiency?*

Criterion h relates to energy efficiency, and whilst we recognise that this could be determined through building regs, it was a recommendation from the SEA. Could it be changed to require the developer to demonstrate how net zero principles have been incorporated?

Policy DDNP4

- *Does the Town Council have any specific comments on South Norfolk District Council's suggestion that the site is best-suited for employment use?*

This site has not been developed for employment use despite being brownfield and allocated for such in the 2015 SNLP. Indeed, the site promoter has indicated that they would like to develop it for residential. Given these factors there is little confidence that the site would be developed for employment over the plan period. SNC has not previously raised an objection to this site being allocated for residential, indeed informal feedback supported this approach.

We believe there to be 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.

The site is appropriate for residential, its proximity to the Ensign Way estate means that it could easily be integrated within this. Development of the site would also enable improved connectivity.

SNC state that the GNLP is not allocating sites in Diss, relying on the DDNP to do so, yet their Reg 16 response indicates that SNC committee needs to agree to the reallocation of this site. We consider this approach to be disproportionate.

Policy DDNP6

- *Is the Town Council satisfied that the proposed reduction in the yield of the site and the requirement for an enlarged landscape belt (when compared with Policy DIS3 of the South Norfolk Local Plan) results in a policy which is in general conformity with the development plan?*
- *Am I correct to conclude that these changes to the proposed development of the site are underpinned by the commentary in paragraphs 118/119 of the Plan?*
- *Has the policy been assessed for its impact on the commercial viability of the site?*

The principle of development on this site remains and is in conformity with the current local plan. The emerging non-strategic DDNP policy will replace the SNLP allocation policy.

Overall, the DDNP would like to focus residential development within the town centre, on brownfield land where possible. This site, on the outskirts of the town is adjacent the strategic gap. It is therefore a less favoured site, when weighing up all the options. Indeed, the site did not feature as an allocation in the initial Regulation 14 consultation on the draft plan. However, in response to representations made, including those by SNC and the site owner, it was reintroduced at the Regulation 14 consultation on Major Modifications.

The quantum of housing allocated reflects the above point about where new housing should go. It reflects the need to lessen the landscape impact of the development, bearing in mind Policy 14 on the Strategic Gap, but also it fits the developable area, which is reduced due to the requirement for a large SuDS basin (owing to the significant north-south slope) and existing habitat including two mature oak trees.

There is a landscape boundary belt in the existing SNLP allocation policy DIS 3, which was specified to maintain the gap between Diss and Roydon. The provision of landscaping along the western boundary is to provide a clear visual demarcation and soft boundary between the edge of Diss and the defined strategic gap as set out in DDNP Policy 14.

Conformity with Policy 6 on Design should also be noted. Criterion e relates to making efficient use of land whilst responding sensitively and sympathetically to the local character in the immediate area, this being especially important on the edges of the villages and the transition to open countryside.

Yes; justification for the changes is in paras 118 and 119.

The policy has not been assessed for its impact on commercial viability, but is this a proportionate requirement given DDNP is a neighbourhood plan?

Policy DDNP7

- *Is the Town Council satisfied that the proposed reduction in the yield of the site (when compared with Policy DIS1 of the South Norfolk Local Plan) results in a policy which is in general conformity with the development plan?*
- *Am I correct to conclude that these changes to the proposed development of the site relates to paragraph 122 of the Plan? If so, has the Town Council undertaken a detailed assessment of the ecological and visual importance of the trees on the site?*
- *Has the policy been assessed for its commercial viability?*
- *Would ten homes be an efficient use of the site?*

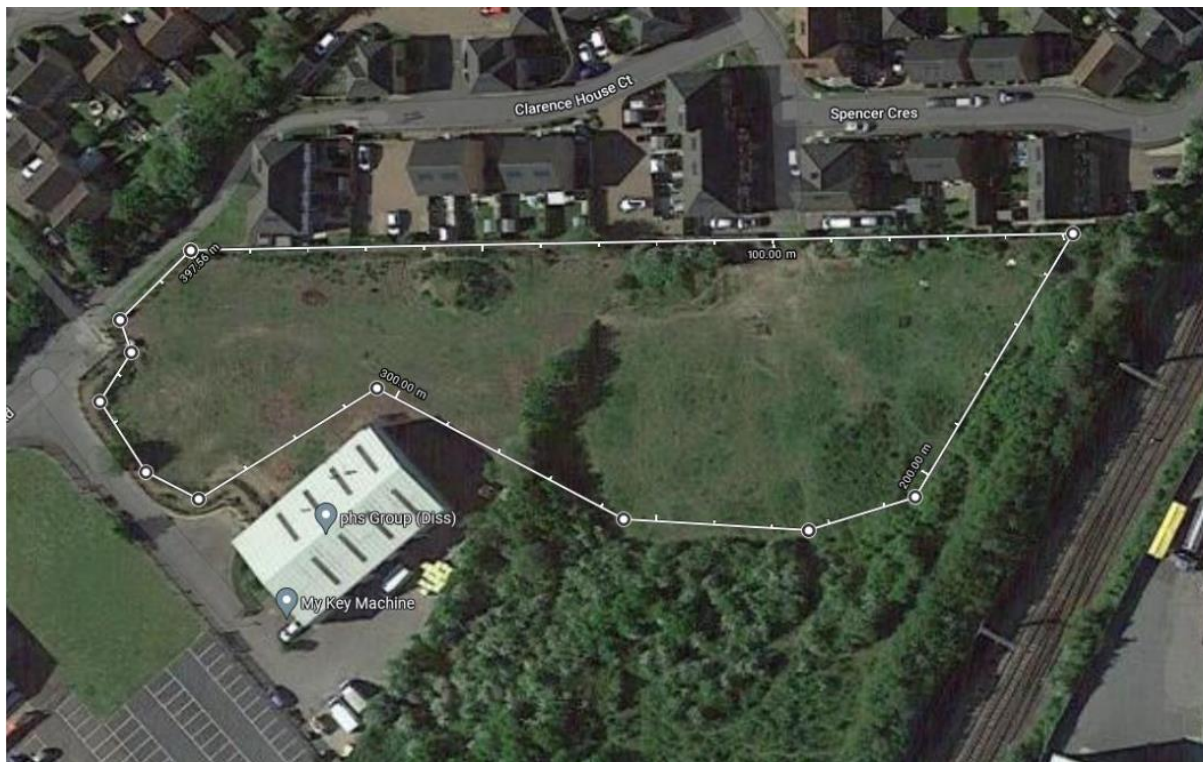
As part of developing DDNP the suitability of all sites, including those previously allocated in the SNLP, was reviewed. This approach was agreed with South Norfolk Council and was in response to representations at Regulation 14 that decisions relating to the allocations were based on out-of-date evidence, so we updated the SOA for all potential sites.

The updated SOA for this site identified that there was vegetation and some dense tree cover over part of the site. This effectively reduced the developable site area to around 0.6ha. The SOA recommended that 10 dwellings could be allocated on the site.

Table 3 Summary of Site Assessment

Site Ref.	Site Name	Area (Ha)	2022 Neighbourhood Plan Site Assessment Summary	Assessment of suitability for allocation
DIS1	Land North of Vince's Road	1.18	<p>To be read in conjunction with Appendix C</p> <p>This is a greenfield site located to the north east of the town, adjacent to the railway line. The south eastern part of the site has dense tree cover and would not be appropriate to develop, this would therefore reduce the potential development area on the site. The proximity to the railway line may also be a constraint; however, due to tree coverage along the railway and the development to the north which has been built up to the edge of the railway, this is unlikely to reduce the developable area further. This site meets both emerging and adopted Local Plan policy. Vehicular access could be provided from Prince William Way. The previous Local Plan allocation for housing is appropriate to carry forward for allocation in the Neighbourhood Plan; however, the development potential is likely to be reduced to around 10 dwellings to allow for retention of the trees.</p>	Suitable for development of 10 dwellings

The aerial image below, shows the effective area of the site and how much space the dense tree cover takes up. The eastern edge of the site is also within close proximity to the railway station and the trees are needed as a noise buffer. We acknowledge the GNLP comments that a capacity of 14 homes was mentioned in the SOA on page 62, and we would not be averse to increasing the number allocated from 10 to 14 in accordance with this to ensure efficient use of land.



Perhaps the allocation boundary needs to be amended to the 0.6ha which is identified as the developable area.

An independent ecological report on the site has not been commissioned, but this would appear to be disproportionate given this is a neighbourhood plan and the resources

available to develop it do not permit this level of evidence/assessment on individual sites. Same response with respect to commercial viability.

It is correct that the proposed development of this site relates to para 122 of the DDNP.

Policy DDNP8

- *How would the eastern boundary of the proposed site be defined?*
- *How would the layout of the site be designed to prevent longer-term development pressures on the proposed Strategic Gap to the east?*
- *Is there an inherent risk of allocating a housing site within the existing gap between Diss and Roydon which naturally reduces the scale of the proposed Strategic Gap as identified in Policy 14 of the Plan?*

Any proposed development within the strategic gap would be out of conformity with Policy 14, though design criteria could be included within the policy to ensure that future development adjacent is not planned for in the layout.

Beyond that, further criteria could be added to the policy relating to design, such as requirement for a single access onto Old High Road; no road stub, or gap in the housing along the eastern edge permitted, which could be used to allow future access to the east; no vehicular access permitted via Roydon Loke.

It is envisaged that in accordance with criterion d, a 10m landscape buffer would be established along the eastern edge of the site. This would in effect create the eastern site boundary.

Whilst the point about the strategic gap is valid, this was identified as the best site to allocate to meet the housing requirement in Roydon village. This was based on the SOA and public consultation responses, which favoured the allocation of this site above the others consulted upon.

Policy DDNP14

- *The two criteria in the policy are appropriate to the site. However, should there be another criterion in relation to vehicular access?*
- *The policy proposes three dwellings. Is it the intention that they are arranged in a linear fashion fronting onto the B1118 road, each with a separate vehicular access?*

Expectation is that suitable highway access and parking arrangements would be demonstrated as part of any planning application.

Policy 4

- *In general terms the policy reads well. Nevertheless, I am minded to recommend a modification so that it can be applied in a proportionate way linked to the capacity of the site concerned. This issue is already loosely acknowledged in paragraph 181 of the Plan.*
- *Does the Town Council have any comments on this proposition?*

The approach suggested seems reasonable. Suggest that the policy also states that proposals should have regard to the HNA. Some formatting of the policy is also required.

The representations made about this policy are noted. As a whole the policy aims to provide flexibility, given the difficulty of having a universal housing mix policy that would apply to meet housing need in both Diss and the more rural villages.

Policy 6

- *This is an excellent policy underpinned by the submitted Design Guide. In the round the combination of the policy and the Design Guide is a first-class local response to Section 12 of the NPPF.*
- *Plainly not all proposals will meet all the criteria in the policy. As such, I am minded to recommend a modification which would restructure the policy so that the main part sets out the general elements and then where the Diss/housing components appear as separate elements of the policy.*
- *Does the Town Council have any comments on this proposition?*

Two of the criteria, f and g, are specifically related to Diss. Happy to split those out if felt necessary.

Policy 7

- *This is an excellent policy. It is both general and non-prescriptive.*

No response required.

Policy 8

- *Are the biodiversity net gain expectations reasonable?*
- *In any event how could this element of the policy be delivered in a clear and consistent way as 'higher' (than national and local standards) is not defined in the policy?*

It is recognised that this is ambiguous – a % BNG was not included in the policy to future proof it, however, perhaps greater than 10% BNG could be included. Or if there is felt not to

be sufficient justification for this then remove the requirement for measurable net gains to exceed national or local policy requirements but keep the element about delivering a qualitative improvement to the corridor, which is important and a key purpose of the policy.

Policy 11

- *I readily understand the approach taken in this policy. However as submitted it is a statement of support or intent rather than a land use policy.*
- *Is the intention to offer policy support for the establishment of a new/replacement leisure centre in Diss?*

Yes, intention 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.

Policy 13

- *The second part of the policy has good intentions. However, is it a land use policy? Can a neighbourhood plan reasonably provide guidance for town and parish councils on how to spend their local elements of community infrastructure levy (CIL) funding?*
- *Would it be more appropriate if the policy established priorities for the local use of CIL monies?*

Priorities for local use of CIL monies would be appropriate here.

Policy 14

- *This is a good policy which seeks to achieve a key objective of the Plan.*

No response required.

Policy 15

- *I can see the justification for the wording of the local green spaces (LGS) policy. However, is the final paragraph reasonable? How would it be applied clearly and consistently by the relevant local planning authority throughout the Plan period?*
- *It would be helpful to have the Town Council's comments on the representation from Land Allocations in respect of proposed LGS 19 (Walcot Hall Meadows).*
- *I note the Town Council's commentary on the proposed LGS at the High School Playing Fields (LGS18)*

LGSs are being designated to protect their special qualities. It was recognised during the assessment process that these qualities could also be affected through development on

adjacent land. In part this is due to the nature of LGS being small greenspaces, which differs from greenbelt. It is felt reasonable to include this as a requirement – but we are open to suggestions on how it could be applied clearly and consistently.

It should be noted that this policy wording, including the final paragraph, has been through examination for the Oulton Neighbourhood Plan.

In response to LGS 19, Walcot Hall Meadows, all landowners were contacted prior to Regulation 14 to notify them of our intention to designate greenspace as LGS. Landowners were also contacted as part of both Regulation 14 Consultations. This meets the requirement of the Regulations. The assessment document clearly sets out how this greenspace meets the criteria for designation, there was also community support at consultation.

Policy 16

- *This is a good policy underpinned by evidence.*
- *Would the second part of the policy be more appropriately-expressed (and be clearer) if the order of the two sentences was reversed?*

Happy with rewording suggestion

Policy 17

- *This is another good policy.*
- *Would the third paragraph of the policy be more appropriately incorporated as supporting text given that it describes the process involved in assessing any harm?*
- *Does the Town Council have any comments on the representation from Rackham and Sons on the proposed NDHA 18?*

Could we leave the requirement for a Heritage Assessment in the policy? But we agree that the rest of para 3 could be moved to the supporting text.

With regard to NDHA18, it is felt that adequate evidence is provided in the [NHDA Assessment Report](#).

As further context, which could be included within the DDNP itself:

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.

Strategic Environmental Assessment

- *Gladman Development Limited comments on the way in which the different proposed housing sites are considered in the Assessment.*
- *Does the Town Council have any comments on this matter in general terms, and the extent to which the various sites have been assessed and considered in a clear and consistent fashion?*

The SEA was undertaken by AECOM as part of the Technical Support Package provided by Locality. AECOM have provided the following response to Gladman's concerns:

- Gladman's concerns over the presentation of the SEA Addendum at a 'focused consultation on main modifications' were fully considered and addressed prior to submission under Regulation 15. We appreciate the concerns that Gladman raised and note that the focused consultation was aimed to be just that; a narrow focus on the potential changes to the SEA. This report provided an initial assessment of the site in relation to the SEA themes and objectives, though granted in isolation at this point, with the intention to explore further as an alternative in the submission Environmental Report.
- 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).
- Chapter 5 of the submission Environmental Report identifies at site GNLP4049 an outline planning application had recently been submitted for the site, for the development of up to 80 homes and potentially new educational provisions and a new country park. The site was deemed to represent a potential option for growth in the north of Diss and was progressed as an alternative on this basis. Chapter 6 presents an assessment of the options established for Diss (Page 42, Table 6.4 and supporting narrative). Each option is assessed in relation to the SEA themes and objectives (which form the SEA framework) established through scoping. The potential for effects of significance is explored, and each option is ranked under each SEA theme, to further indicate relative merits. The narrative provided in Chapter 6 establishes the reasons and justifications for the anticipated effects and ranking of options.
- Most importantly, the SEA does not weight SEA objectives, and it is for the plan-maker to ultimately come to an overall judgement in relation to the performance of options across the range of SEA themes and considering wider evidence, including community consultation. Similarly, the SEA has not determined the preferred approach for the DDNP, but it has been used as a tool to support such decision-making. The DDNP Steering Group have outlined the reasons for their selected progression of site allocations in Chapter 7.

- As Site GNL4049 was not progressed as an allocation in the DDNP, it was not assessed further in Chapters 9/ 10 which provides an assessment of the submission version of the DDNP.
- AECOM concludes that the SEA process for the DDNP is robust and meets all regulatory requirements, as demonstrated in Appendix A of the submission Environmental Report. This report has explained and provided an outline of the reasons for selecting the alternatives dealt with (Chapters 4 and 5). Chapter 4 of the submission Environmental Report identifies the reasons why alternatives have focused on growth options for the DDNP (i.e., sites/ groups of sites), in recognition of the scope and aims of the DDNP and the policies most likely to give rise to significant effects.

Response to Regulation 16 Representations

- *Does the Town Council wish to comment on any of the representations received on the Plan?*
- *It would be helpful if the Town Council would respond to the specific comments in the representations from:*

Aldi



The DDNP submitted the following objection to the [Aldi planning application 2022/2424](#), which would occupy just under half the area of DDNP16:

The Diss & District Neighbourhood Plan (DDNP) Steering Group wish to object to this application on the grounds that the proposal is contrary to both current and emerging policy.

Current policy in the South Norfolk Local Plan

The Feather Mills site is allocated in the adopted Site Specific Allocations & Policies Document (2015) under Policy DIS 7 for the following:

Land amounting to some 2.21 hectares is allocated for retail (non-food goods), leisure, offices (class A2 only), and housing, with any housing only constituting a small (no more than 25% by area) proportion of the site.

The policy excludes food retail, and therefore the proposal does not conform with the requirements of this allocation policy.

Emerging policy in the DDNP

In terms of emerging policy, having been through Regulation 16, and now at Examination DDNP holds moderate weight in the planning process. Indeed, it is likely that in a month's time, the Examiner will have produced their report, which will mean that DDNP holds significant weight as the plan will have been tested against the basic conditions.

An essential element of DDNP is to promote regeneration of the south side of Park Road, establishing a new Waveney Quarter along the river. The vision is to enhance the attractiveness of both this area and the town centre, creating a multifunctional green space, leisure facilities and some housing development. This is a long-standing ambition for Diss, one strongly supported by residents throughout development of the DDNP.

DDNP Policy 2: Regeneration of the Waveney Quarter sets out that:

Proposals for development within the Waveney Quarter of Diss should contribute towards it becoming a focal point for leisure and recreation. The growth of leisure and community facilities in this area is promoted.

This proposal as it stands would not meet the objective of contributing towards the Waveney Quarter becoming a focal point for leisure and recreation. Indeed, given the size of the site and its prominent location adjacent Park Road, it could undermine the future likelihood of the Waveney Quarter becoming an area of leisure/recreation for residents and visitors to Diss.

Clause b of Policy 2 also sets out:

Proposals that strengthen connectivity between this area and the town centre will be considered favourably. Opportunities to enhance the permeability of pedestrian and cycle links within the Waveney Quarter are encouraged. All development will be expected to integrate well with the surrounding network of pedestrian and cycle links.

The proposal as currently presented does not meet this requirement. It should include a 3m shared use footway/cycleway across the whole site frontage, linking with existing.

The proposal is contrary to the DDNP Site Allocation Policy DDNP16, which specifically allocates this site for:

Leisure and housing, with any housing constituting a small (no more than 25% of the area) proportion of the site.

In addition, criterion a) of the policy sets out:

a) This is the preferred site for the new Diss Leisure Centre

This criterion reflects a key local aspiration for the Leisure Centre to be relocated to this site. Discussions are ongoing with South Norfolk Council about this prospect following assessment work of different options. The site, given its location near the town centre, is highly sustainable. Should the application proposal be given permission it will not be possible to deliver the Leisure Centre on this site.

The proposal fails to meet the requirements of DDNP Policy 8 – Green Infrastructure and Biodiversity Enhancement. This requires:

New development proposals must recognise the identified green corridors.

Proposals for new development within or adjacent to a green corridor must deliver measurable net gains in biodiversity which exceed national or local policy requirements or deliver qualitative improvement to the corridor.

The site is adjacent the green corridor which runs along the River Waveney. The proposal fails to set out how it will deliver Biodiversity Net Gain (BNG) or deliver a qualitative improvement to this corridor.

Summary

We strongly object to the planning application on the following grounds:

- *It is out of conformity with SNLP Site Allocation Policy DIS 7*
- *It is contrary to DDNP Policy 2*
- *It is contrary to DDNP site allocation policy DDNP16*
- *It fails to demonstrate how it will deliver BNG or a qualitative improvement to the adjacent green corridor*

In addition, granting of the planning application at this stage would undermine the plan making process, by predetermining decisions relating to the type and location of new development, which are central to the emerging plan.

A day after submitting the above, The DDNP Steering Group chairman submitted the following supplementary representation:

"It should be implicit in the objection, but perhaps I should be explicit and emphasise that the DDNP Steering Group feel that the decision on the Aldi application should be scheduled to follow the publication of the Examiner's report on the Plan."

Gladman Developments Ltd

See the earlier response under the [SEA heading on page 10](#).

GN Rackham & Sons

DDNP2: The draft policy refers to "The former infant school, Mavery House" at paragraph 104. This is slightly ambiguous as the former school building and Mavery House are two separate buildings and Mavery House is outside the boundary of the site allocation. The supporting text at para 104 needs to be updated, removing reference to Mavery House.

DDNP6: [See earlier comments on page 3](#) in relation to this site allocation.

DDNP7: [See earlier comments on page 4](#) in relation to this site allocation.

DDNP8 Roydon: See the [Consultation Statement](#) which addresses the same objections made at Regulation 14. Justification for the allocation in Roydon is [also discussed above on p4](#).

DDNP11 Scales: see the Consultation Statement which addresses the same objections made at Regulation 14.

NDHA 18, Roydon: [See earlier comments on page 9](#) in relation to this.

Hopkins Homes

[Policy 4 on housing mix](#) – whilst it is recognised that [the HNA](#) identifies a need for fewer 1 & 2 bed homes and more 3, 4 & 5 bed homes, the policy aims to provide flexibility with respect to housing need across the NP area. Criterion d also sets out that a different mix could be justified on the grounds of viability or evidence of local housing needs.

Nothing to add with respect to Policy 5 on affordable housing.

[Policy 13](#) – first sentence of first para could be moved to supporting text.

Land Allocations Ltd

Land Allocations Ltd is a Hull based property company. In 2019 they submitted [outline planning application 2019/1555](#) for up to 80 residential dwellings. This was refused by SNC on the following basis:

- The proposed development is not supported by any specific development management policy which allows for development outside of the development boundary.
- It is considered that the proposal would result in a significant harm to the rural character of the landscape and visual appearance of the area by virtue of its erosion of the rural undeveloped character of the site and encroachment on the open countryside.
- In particular, the land currently performs an important role in keeping the hamlet of Walcot Green distinct from the town of Diss as a result of its open character. Furthermore, this encroachment on the open landscape separating the suburban development of Diss to the south with the hamlet of Walcot Green to the north will result in harm to the setting and less than substantial harm to the significance of the Grade II listed Thatch Cottage, Grade II listed Home Farm and Walcot Hall which can be considered a non-designed heritage asset.
- Insufficient information was provided to satisfactorily demonstrate that the development will not result in a net loss of biodiversity as a deliverable scheme of off-site mitigation has not been demonstrated.

The Town Council recommended refusal for all the above reasons but was particularly worried about the effects on wildlife. There is a large breeding population of Great Crested Newts on the site plus nine different species of bat (all of which is evidenced in the statutory consultee documents on the planning portal). It is also a habitat for many other species including muntjac deer. Walcot Hall is a nursing home on the northern edge of the site, which has a medieval moat around it with many plant species and pond life. It is highly valued by the community and it is for all these reasons that we are seeking that this site be designated an LGS.

Mid-Suffolk District Council

No specific comments

Norfolk County Council

DDNP3: The intention is to bring this long-time derelict site back into use, the benefits of which would be significant from a community, economic and heritage perspective. Expectation is that suitable highway access and parking arrangements would be demonstrated as part of any planning application.

Orbit Homes

DDNP10: This is currently allocated in the SNLP for 15, we are increasing this to 25 in the DDNP. We feel this represents an appropriate density for a village location in accordance with Policy 4 on Design. Thirty-five homes on this site would seem a higher density than is appropriate. The allocations being made in Scole already exceed the housing requirement, additional housing on this site is not supported.

Any incorrect referencing should be rectified.

Pigeon Investment Management

GNLP 1044: See the [Consultation Statement](#), but also this site was considered and discounted by the DDNP following review of the HELAA and DDNP SOA assessment; see SOA Table 5.1, extracted below. It was also considered that the local roads were too narrow particularly Walcot Green. The road is in places single track and has a high-pressure gas main running alongside it. The gas main is in places at a higher level than the road making it unlikely that the road could be widened sufficiently. To the north of the proposed site, Highways expressed concern that the narrow roads could not be widened enough and that the provision of the required footpath would not be achievable because of constraints and drainage positions.

Highways were also concerned that Frenze Hall Lane which meets Walcot Green close to the railway bridge is already one of the busiest roads in Diss at peak times and would be heavily congested. It should also be mentioned that where Frenze Hall Lane meets Sandy Lane at the railway bridge the road is single carriageway and is controlled by traffic lights under the bridge. The bridge has height restrictions and regularly floods due to run off in winter months.

Table 5-1: Site Assessment Summary table

Site Ref.	Site Source	Site Address	Settlement	Proposed For	Gross Site Area (ha)	Indicative Capacity ¹⁵	HELAA Conclusion	AECOM Site Assessment Summary	RAG rating	Availability
GNL P104 4	HELAA (2017)	Walcot Green	Diss	Housing	10.95	137	Not suitable. This greenfield site lies between Diss and Walcot Green. Part of the site is adjacent to the railway line; some noise mitigation may be necessary. The sewerage system would need upgrading, but this would be likely to be achievable. The site lies within one mile of a range of services, including employment opportunities, schools, shops and the railway station. The site could impact on some listed buildings in Walcot Green, and a Grade I-listed church in nearby Frenze. Some mitigation of potential ecological impacts on Frenze Hall County Wildlife Site may be necessary. Particularly in combination with site 599, pressure would be put on the local road network (Frenze Hall Lane and Walcot Green) and on the basis of current evidence, it appears unlikely that satisfactory highways and footpath improvements are capable of being delivered, due to the constraints (narrow roads). Small parts of the site alongside the railway line, that are vulnerable to surface water flooding, at 1 in 30 and 1 in 100 risk. Due to the significant highways constraints, the site is concluded as being unsuitable for the land availability assessment	Site is greenfield adjacent to railway; visible from new built housing; large site on narrow road which can't be widened due to gas mains, property issues etc; mature trees on corner; potential impact on listed buildings; screening is only present at edge of field, therefore only if whole site was developed; medium visual sensitivity; appearance of site is separate from settlement and very rural; adjacent to settlement boundary of Diss on western side; rest outside of settlement boundary; it is considered that this site is currently unsuitable for allocation due to significant highways concerns.		

DDNP4: [See earlier comments on page 2.](#)

See also the [DDNP representation at Regulation 16](#) in response to SNC's representation. We have the following additional points to make:

Response 16 re DDNP Section 7 – Growth and Infrastructure Policies, para 226: There are no plans at present for the parishes/town council to pool a proportion of future CIL monies, though there could be merit in discussing the benefits of such an approach.

Response 19 re DDNP Section 7.5 – Leisure Centre, para 276: Should be updated to reflect the [Greater Norwich Physical Activity and Sport Strategy \(2022\)](#) and its key findings.

Response 21 re DDNP Policy 2 – Regeneration of the Waveney Quarter: DDNP working with SNC have a unique opportunity to deliver an ambition for this area which has been discussed for more than 20 years. Ongoing discussions are currently underway about a scheme for the area, which includes a new leisure centre, green infrastructure, road improvements, a larger more modern bus station, toilet facilities, and possibly a one-way system. The John Grose land on the south of Park Road could form part of a new bus station and the main John Grose buildings and enclosure could be used as a gym and sports hall.

Response 22 re DDNP Policy DDNP16 – The Feather Mills Site: Since the DDNP was submitted the Feather Mills Factory has gone into administration. The new owners, Howard Homes, purchased the site from the administrators and have also purchased the neighbouring site DDNP15 (or DIS2 as currently allocated in the SNLP). Access to DDNP15 is dependent on DDNP16. We are maintaining dialogue with the new owners and are aware of a feasibility study being undertaken by South Norfolk Leisure, in addition to the Aldi application on the site.

The Feather Mills Site has always been the community's preferred location for a new Leisure Centre. We must not lose sight of the hard work undertaken by SNC and the recommendations of their consultants in 2019/20. It is clear that this work need not be repeated.

See also the DDNP representation objecting to Aldi's planning application 2022/2424 presented in full [beginning on page 11](#).

Williams Gallagher

DDNP7: See earlier points re DDNP07 [on page 4](#). In addition, access should continue to be required off Frenze Hall Lane, rather than Vince's Road as suggested, for the reasons set out in the [Consultation Statement](#). In summary, an additional access onto Vince's Road would exacerbate existing traffic problems in this area. Vince's Road is a key route, used by around 70 businesses and 270 homes. Peak time traffic often results in delays of up to 45 minutes. Norfolk County Council developed a scheme to help address this but were unable to secure the necessary land to deliver it and only minor improvements could be made.

DDNP6: See earlier points in relation to DDNP6 [on page 3](#).



Diss and District Neighbourhood Development Plan - Independent Examiner's Clarification Note

Responses from South Norfolk Council and Mid Suffolk District Council

The responses below from Mid Suffolk District Council and South Norfolk Council relate to the questions raised in the Independent Examiner's Clarification Note, dated 31st January 2023. The questions are set out in bold, for reference, with the responses directly beneath.

Mid Suffolk District Council

Is the work on the Joint Local Plan Part 1 and Part 2 still proceeding to the timetable as set out in the Local Development Scheme (October 2022)?

The Councils (Babergh and Mid Suffolk) are working to the stages set out in the [Local Development Scheme \(October 2022\)](#) for the Joint Local Plan Part 1 and Part 2. The dates in the document are indicative and the Councils are progressing towards the Main Modifications consultation for the Joint Local Plan Part 1.

South Norfolk District Council

What is the anticipated timetable for the adoption of the Greater Norwich Local Plan?

The Greater Norwich Local Plan is currently the subject of an ongoing examination. Main modifications are expected to be consulted on in autumn 2023, with adoption planned for early 2024.

As I read the recently-published Village Clusters Housing Allocation Plan it defers to the submitted neighbourhood plan in the Diss and District Neighbourhood Area. Is this correct?

Yes, this is correct. For each of the Village Cluster areas which are covered by the Diss and District Neighbourhood Area (i.e. Burston, Shimpling and Gissing; Roydon; and Scole), the respective chapter of the proposed Village Clusters Housing Allocations Plan refers to the scale of development being sought through allocations in the DDNP. There is also a web link to where people can find details of the DDNP. The relevant detail in relation to Burston, Shimpling and Gissing can be found in paragraphs 10.1-10.6; the detail relating to Roydon in paragraphs 30.1-30.6; and that relating to Scole in paragraphs 32.1-32.6.

As regards the allocation of sites within Diss itself, this has been deferred to the submitted Neighbourhood Plan by the Greater Norwich Local Plan (GNLP), with the exception of one site which the GNLP is seeking to allocate – the 'Frontier Agriculture' site, next to the railway station. Please see paragraphs 354-361 of the submitted GNLP [here](#) for an explanation. Paragraph 359, in particular, clarifies the housing requirement for Diss that will be met through the Neighbourhood Plan.

Update on Planning Applications:

Please can the relevant local planning authority provide me with an update on the following applications? Where a decision remains outstanding an indicative timescale for that decision would be helpful.

I also include the current application for a food store on the DNNP 16 site (given that I saw the site notice during the visit).

For convenience I have listed the applications on a policy-by-policy basis.

DDNP1 - 2021/2782

This application is currently pending determination. There are a few outstanding matters that the applicant needs to address. Once resolved, the application can potentially be taken to Planning Committee. However, this would need to be following the election period.

DDNP6 - 2022/1975 and 2022/1976

Officers do not have an issue with the numbers proposed, given as the application largely complies with the existing allocation and, taking into account the land supply position, as they have shown a layout that we consider is acceptable in terms of form and character. There are a couple of detailed Highways issues that still need to be resolved and officers are still awaiting the LLFA response. However, the expectation is that these can be resolved and, if so, it is currently intended that the application will be heard at Development Management Committee in April.

DDNP7 - 2022/1344

Following assessment of the proposals in January, officers raised issues with the applicant regarding certain aspects of the plans, namely around greater tree retention and ecology considerations (including biodiversity net gain) and noise levels at the site. Connected to these matters are also general design and layout issues. Aside from receiving acknowledgement of the issues raised, the Council is awaiting a detailed response from the applicant.

DDNP16 - 2022/2075 and 2022/2424

2022/2075

Certificate of lawful use for use of site as B8 (storage and distribution). Granted on 23 November 2022. Please note that this was seeking to establish whether a use was lawful rather than assessing the merits of the application against relevant planning policies.

2022/2424

The agent is seeking to deal with the issues raised by various consultees, including relating to drainage and highway safety. The application will be referred to the Council's Development Management Committee in due course – 5 April at the earliest, although this has yet to be confirmed.