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# **Report on Long Stratton Neighbourhood Plan 2019 to 2036**

**An Examination undertaken for South Norfolk Council with the support of Long Stratton Town Council on the January 2021 submission version of the Plan.**

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Date of Report: 5 July 2021

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## **Main Findings** - Executive Summary

From my examination of the Long Stratton Neighbourhood Plan (the Plan) and its supporting documentation, including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Long Stratton Town Council;
- The Plan has been prepared for an area properly designated – Long Stratton Neighbourhood Area – Figure 2.1 on Page 11 of the Plan;
- The Plan specifies the period to which it is to take effect – 2019 to 2036; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Long Stratton Neighbourhood Plan 2019 to 2036*

- 1.1 Long Stratton is a town in South Norfolk District. It is located halfway between the county city of Norwich and the market town of Diss. The town lies astride and to the west of the busy A140 Norwich Road which is a Roman-built road between Cromer and Ipswich running in an approximate north-south direction through the Neighbourhood Area. Long Stratton is home to the headquarters of South Norfolk Council and to about 4,500 residents.<sup>1</sup>
- 1.2 The Neighbourhood Area was formally designated by South Norfolk Council on 8 June 2016. The area designated includes the whole of Long Stratton Parish as well as southern parts of the Parish of Tharston and Hapton. The draft Plan is being progressed by Long Stratton Town Council.
- 1.3 Preparation of the Plan has been carried out in four distinct phases, inception, initial plan development, advanced plan development and formal pre-submission consultation under Regulation 14. The Plan now

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<sup>1</sup> Draft Plan, Paragraph 2.13.

submitted has a vision and objectives together with 22 policies under eight topic headings.

### *The Independent Examiner*

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Long Stratton Neighbourhood Plan by South Norfolk Council with the agreement of the Long Stratton Town Council.
- 1.5 I am a chartered town planner and former government Planning Inspector with over forty years' experience. I have worked in both the public and the private sectors. I am an independent examiner and do not have an interest in any of the land that may be affected by the draft Plan.

### *The Scope of the Examination*

- 1.6 As the independent examiner, I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ("the 1990 Act"). The examiner must consider:
- Whether the Plan meets the Basic Conditions.
  - Whether the Plan complies with provisions under Section 38A and Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act"). These are:
    - it has been prepared and submitted for examination by a qualifying body for an area that has been properly designated by the local planning authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for "excluded development"; and
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.

- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.9 The "Basic Conditions" are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood 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 for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law);<sup>2</sup> and
- meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.<sup>3</sup>

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for this part of South Norfolk Council, not including documents relating to excluded minerals and waste development, is the South Norfolk Local Plan. In addition, there is an emerging Local Plan in the form of the Greater Norwich Local Plan (GNLP), which was subject to

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<sup>2</sup> The existing body of environmental regulation is retained in UK law.

<sup>3</sup> This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

pre submission Publication Stage consultation from 1 February 2021-22 March 2021.<sup>4</sup>

- 2.2 The South Norfolk Local Plan includes various development plan documents. Of relevance are the Joint Core Strategy, the Long Stratton Area Action Plan (AAP), the Site Specific Allocations and Policies Document and the Development Management Policies Document.
- 2.3 Planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF was published on 19 February 2019 and all references in this report are to the February 2019 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Long Stratton Neighbourhood Plan 2019 to 2036, January 2021;
  - a map of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, December 2020;
  - the Basic Conditions Statement, December 2020;
  - the Long Stratton Neighbourhood Development Plan Screening Opinion for SEA,<sup>5</sup> 17 March 2020;
  - the Long Stratton Neighbourhood Plan Habitat (sic) Regulations Assessment (HRA) Screening Report 2019;
  - Long Stratton (and parts of Tharston and Hapton Parish) Housing Needs Assessment, December 2017;
  - Long Stratton Design Guideline, November 2020;
  - Long Stratton Masterplanning Report, January 2018;
  - Demographic & Socio-Economic Review of Long Stratton 2017;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Examiner's questions of 18 May 2021 and the Town Council's response received on 1 June 2021 (dated May 2021) and South Norfolk District Council's response of 24 May 2021.<sup>6</sup>

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 31 May 2021 to familiarise myself with it and to visit relevant sites and areas referenced in the Plan and evidential documents.

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<sup>4</sup> See the advice in relation to the emerging GNLP in PPG Reference ID: 41-009-20190509.

<sup>5</sup> Strategic Environmental Assessment.

<sup>6</sup> View at: <https://www.southnorfolkandbroadland.gov.uk/downloads/download/54/long-stratton-neighbourhood-plan>

### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Long Stratton Neighbourhood Plan has been prepared and submitted for examination by Long Stratton Town Council which is a qualifying body for an area that was designated by the South Norfolk Council on 8 June 2016.
- 3.2 It is the only neighbourhood plan for Long Stratton Neighbourhood Area and does not relate to land outside the designated Neighbourhood Plan Area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2019 to 2036.

### *Neighbourhood Plan Preparation and Consultation*

- 3.4 Details of plan preparation and consultation are set out in the Consultation Statement dated December 2020. At the outset, the inception stage involved the setting-up of a steering group. This was followed by the first stage of public consultation including, in particular, a survey seeking people's views.
- 3.5 The initial plan development stage took place between May 2017 and December 2018. Various engagement activities were involved as well as evidence gathering and consideration of the scope of the emerging Plan. At the advanced stage, this informed writing of a first draft of the Neighbourhood Plan followed by further consultation and development of the pre-submission draft.

- 3.6 The Consultation Statement records 29 discrete responses from the Regulation 14 stage which took place between 12 October and 7 December 2019, together with the actions take. Fifteen responses were from statutory consultees and 14 from residents.<sup>7</sup> Regulation 16 consultation was carried out between 22 March 2021 and 6 May 2021. Representation covering a variety of matters were submitted by 22 different parties including residents, statutory consultees and developers.
- 3.7 I confirm that the legal requirements have been met by the consultation process. In addition, there has been regard to the advice in PPG on plan preparation and engagement.

#### *Development and Use of Land*

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with Section 38A of the 2004 Act.

#### *Excluded Development*

- 3.9 The Plan does not include provisions and policies for “excluded development”.

#### *Human Rights*

- 3.10 Long Stratton Town Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree.

### **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Neighbourhood Plan was screened for Strategic Environmental Assessment (SEA) by South Norfolk Council, which found that it was unnecessary to undertake SEA. Having read the Environmental Assessment Screening Opinion, 17 March 2020, I support this conclusion.
- 4.2 The Long Stratton Neighbourhood Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The Neighbourhood Plan Area is not in close proximity to a European designated nature site. Natural England has not indicated that HRA would be required. From my independent assessment of this matter, I have no reason to disagree.

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<sup>7</sup> Consultation Statement, Paragraph 5.7.

## *Main Issues*

- 4.3 Before I deal with the main issues, I have a few observations to make with regard to the representations. First, the Long Stratton Neighbourhood Plan should be seen in the context of the wider planning system. This includes the extant Local Plan as well as the NPPF and PPG. It is not necessary, and it would be inappropriate, to repeat in the Neighbourhood Plan matters that are quite adequately dealt with elsewhere.<sup>8</sup>
- 4.4 Secondly, the Neighbourhood Plan does not have to deal with each and every topic raised through the consultation. In this regard, the content of the Neighbourhood Plan and the scope of the policies are largely at the discretion of the qualifying body, albeit informed by the consultation process and the requirements set by the Basic Conditions.
- 4.5 Thirdly, my central task is to judge whether the Neighbourhood Plan satisfies the Basic Conditions. Many of the representations do not demonstrate or indicate a failure to meet those conditions or other legal requirements. Similarly, many of the suggested additions and improvements are not necessary when judged against the Basic Conditions.
- 4.6 The following section of my report sets out modification that are necessary in order to meet the Basic Conditions. Some of the proposed modifications are factual corrections.<sup>9</sup> Others are necessary in order to have closer regard to national policies and advice. In particular, plans should contain policies that are clearly written and unambiguous.<sup>10</sup> In addition, the policies should be supported by appropriate evidence.<sup>11</sup>
- 4.7 Having regard for the Long Stratton Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are five main issues relating to the Basic Conditions for this examination. These concern:
- Housing;
  - Design and Character;
  - Employment;
  - Outdoor Recreation, Green Infrastructure and Biodiversity; and
  - Community Facilities.

### *Issue 1: Housing*

- 4.8 Policy SC1 deals with housing mix. However, I find the provisions a little confusing. There is reference to incorporating a mix that reflects the

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<sup>8</sup> See NPPF, Paragraph 16 f).

<sup>9</sup> Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

<sup>10</sup> NPPF, Paragraphs 15 and 16.

<sup>11</sup> PPG Reference: 41-041-20140306.

evidence in an up-to-date housing needs assessment. The policy then continues to set out specific requirements. It is not clear whether the requirements are one and the same.

- 4.9 For clarity, the specific (current) requirements should be set out first. There should then be reference to the possible use of an alternative housing mix. This could arise out of a more up-to-date assessment or because the site context suggests a different mix.
- 4.10 Clear wording is set out in proposed modification **PM1**. The amendment also corrects an error in the wording.<sup>12</sup> Additionally, and in reference to entry-level purchasers, the modification refers to “Appropriate regard” rather than “Specific regard”. This is because an application could pay specific regard to the matter (provide comment) without achieving the desired outcome of including low-cost property. Similar comments apply to meeting the needs of older people through non-specialist housing (specialist housing is dealt with in Policy SC2).
- 4.11 Policy SC2 has the title “Specialist and Supported Housing”. With regard to residential institutions, the policy states that *a proposal* (in the singular) will be supported. However, it was not the intention to restrict support to a single proposal.<sup>13</sup> A correction would be effected under proposed modification **PM2**. Proposed modification PM2 also deals with a small point of consistency in the grammar of the policy.
- 4.12 Policy SC3 addresses affordable housing. There is a provision for “A proportion” of affordable housing to be prioritised for residents with a close local connection. Whilst I understand the reasons for not specifying an actual proportion,<sup>14</sup> the requirement could be met through *any* proportion of affordable housing. This is unlikely to meet the desired outcome. Under proposed modification **PM3**, reference would be made to a *meaningful* proportion. This would enable the District Council to seek a proportion based on the circumstances of the particular case.
- 4.13 Proposed modification PM3 would also add clarity in circumstances where applicants are expected to refer to “any other up to date information” on affordable housing need. Specific reference to the Long Stratton Demographic and Socio-Economic review would be added.
- 4.14 With proposed modifications PM1 to PM3 in place, the housing (“strong community”) policies would pay appropriate regard to national policy and accuracy and meet the Basic Conditions.

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<sup>12</sup> See Paragraph 3.1 of the Town Council response to the Examiner’s questions.

<sup>13</sup> See Paragraph 6.1 of the Town Council response to the Examiner’s questions.

<sup>14</sup> See Paragraphs 8.1 to 8.4 of the Town Council response to the Examiner’s questions.

### *Issue 2: Design and Character*

- 4.15 Policy DC7 concerns landscape and settlement character. Amongst other things, the policy states that “key features of the ancient countryside will be protected”. However, for the applicant, the policy does not indicate what are the key features to which regard must be paid.
- 4.16 The Town Council’s response to my questions indicates that the principal reference is Norfolk County Council’s Historic Characterisation and Sensitivity Assessment as applied to Long Stratton East Sensitivity Zone (Map 1 in the draft Plan). For clarity, reference to this document would be added through proposed modification **PM4**.
- 4.17 Policy DC8 (Creating successful neighbourhoods) makes reference to a “Building for Life 12 assessment”. Building for Life 12 has now been replaced by “Building for a Healthy Life”. As such, an up-dated reference would be appropriate. Proposed modification **PM5** refers.
- 4.18 Under Policy DC9, “opportunities to address issues at individual listed buildings and buildings of townscape significance will be sought”. However, the policy does not indicate what those issues might be. Such issues are highlighted in the Long Stratton Conservation Area Character Appraisal and would be identified through proposed modification **PM6**.
- 4.19 Policy DC10 (Long Stratton Design Principles) contains two references that require clarification. The first is reference to “Passivhaus standards” (what these are and where they are to be found). The second is to “an area-wide design code” connected to Long Stratton’s strategic site allocation. For clarity, more precise information would be provided through proposed modification **PM7**.
- 4.20 In respect of the design and character policies, proposed modifications PM4 to PM7 would have regard to national policy and ensure accuracy, contribute to the achievement of sustainable development, and the Basic Conditions would be met.

### *Issue 3: Employment*

- 4.21 Policy E12 (Training Long Stratton’s local workforce) seeks investment in local training or apprentice schemes by larger employers “where necessary to secure a strong and sustainable economy”. However, it will be difficult for a decision maker to interpret this phrase and to apply it consistently and with confidence.<sup>15</sup>
- 4.22 It is likely that most schemes creating a high number of job opportunities will benefit the local economy and investment in local training or apprenticeship schemes would be justified. This should be assumed for the purposes of the policy. Exceptions could be recognised in the policy

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<sup>15</sup> See PPG Reference ID: 041-20140306.

wording, for example when the test regarding planning obligations would not be fulfilled.<sup>16</sup> Proposed modification **PM8** sets out a revised form of wording that would have regard to national policy and meet the remaining Basic Conditions.

#### *Issue 4: Outdoor Recreation, Green Infrastructure and Biodiversity*

- 4.23 Policy GI17 (Delivering green infrastructure in Long Sutton) opens with the phrase "Where green infrastructure is required". However, there is no clarity over what is required and under what provisions. Reference to the Town Council's answers to my questions indicates that this relates to green infrastructure that is required as part of Local Plan provisions including Policy LNGS5 and Appendix 3 of the Long Stratton AAP. Amendment under proposed modification **PM9** would ensure that the policy is clearly written and unambiguous in line with national guidance.
- 4.24 Policy GI19 has the title "Protecting existing sites of biodiversity value in the plan area". I have considered whether there is general conformity with strategic policies in the Long Stratton AAP, May 2016, specifically Policy LNGS5 (General Green Infrastructure Requirements for New Developments within Long Stratton AAP Area).
- 4.25 The AAP indicates that all new developments (which would include a link road) should deliver a net biodiversity gain. The equivalent provision in Policy GI19 of the draft Neighbourhood Plan states that "development proposals will be expected to deliver net gains in biodiversity". I see no lack of general conformity in this regard.

#### *Issue 5: Community Facilities*

- 4.26 Map 8, as referred to in Policy R20 (Delivering a new community meeting space in Long Stratton), identifies the Town Council's preferred location for a new community centre in Long Stratton. Representations<sup>17</sup> indicate that, under revised proposals, provision for a community space is now made elsewhere. Amendment of the text is necessary to recognise this point (proposed modification **PM10**). However, the position in the draft Neighbourhood Plan remains as stated in the policy.
- 4.27 Finally, Policy R21 encourages provision of a swimming pool. The policy as drafted is aspirational. It would be difficult to apply in the determination of planning applications. Due regard to national guidance would be met through proposed modification **PM11**, which would indicate that a proposal for a swimming pool would be supported.

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<sup>16</sup> See NPPF, Paragraph 56.

<sup>17</sup> See Regulation 16 representations of Norfolk Homes Ltd.

### *Other Policies*

- 4.28 Various policies have not been the subject of discussion in the above report. These concern community integration (Policies SC4, 5 and 6), employment (Policy E11), town centre matters (Policies TC13, 14 and 15), open space (Policy GI16), green infrastructure (Policy GI18) and broadband provision (Policy C22).
- 4.29 To a greater or lesser extent, these topics are covered in the NPPF (Section 6 – Building a strong, competitive economy; Section 7 – Ensuring the vitality of town centres; Section 8 – Promoting healthy and safe communities; Section 9 – Promoting sustainable transport; Section 10 – Supporting high quality communications; and Section 15 – Conserving and enhancing the natural environment). I find that there has been regard to this national policy and the Basic Conditions have been met.

### *Conclusions on the Main Issues*

- 4.30 With the modifications that I have recommended, the Plan would meet the Basic Conditions. Other minor (non-material) changes, including suggestions and corrections set out in the representations, can be incorporated into the final version of the Plan.

## **5. Conclusions**

### *Summary*

- 5.1 The Long Stratton Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Long Stratton Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

*Overview*

- 5.4 It is evident that a considerable amount of time and effort has been devoted to the development and production of this Plan and I congratulate those who have been involved. The Plan should prove to be a useful tool for future planning and change in Long Stratton over the coming years.

*Andrew S Freeman*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 40	<p>Substitute the following for the text of Policy SC1:</p> <p>“Major residential development proposals (10 dwellings or more) will be supported where they incorporate a significant proportion (circa 70 percent) of two and three bedroom dwellings. Appropriate regard shall also be had to meeting the needs of 1) entry level purchasers on low and medium incomes for example by including flats and terraced housing; and 2) older people through accessible, adaptable general needs housing.</p> <p>An alternative housing mix must be justified by 1) an up-to-date assessment of existing needs applicable to Long Stratton; or 2) the site-specific context.”</p>
PM2	Page 44	<p>In Policy SC2, under the “Specialist housing” heading, insert “they” at the start of the third bullet point.</p> <p>Under “Residential institutions”, substitute “Proposals” for “A proposal”.</p>
PM3	Page 45	<p>In Policy SC3, add “meaningful” before “proportion”.</p> <p>Substitute “relevant information including the Long Stratton Demographic and Socio-Economic review and the strategic housing market assessment” for “up to date information (e.g. the strategic housing market assessment)”.</p>
PM4	Page 54	<p>In the second bullet point of Policy DC7, after “settlement boundaries”, insert “(Map 1 – East Sensitivity Zone)”.</p> <p>After “ancient countryside”, insert “as identified in Norfolk County Council’s Historic</p>

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
		Characterisation and Sensitivity Assessment”.
PM5	Page 57	In Policy DC8, replace “Building for Life 12 assessment (as updated or equivalent)” with “Building for a Healthy Life Assessment”.  Edit the supporting text accordingly.
PM6	Page 58	In relation to Policy DC9, add the following to Footnote 15: “Current issues where attention should be focussed are highlighted on Page 15.”
PM7	Page 62	In Policy DC10, after “Passivhaus standards”, insert a footnote: <a href="https://www.passivhaustrust.org.uk/">https://www.passivhaustrust.org.uk/</a>  Delete all text after and including “an area-wide design code” and replace with “the Long Stratton Design Code (or any accepted replacement) as agreed by South Norfolk Council in connection with the planning permission for the site.”
PM8	Page 66	Substitute the following for the second paragraph of Policy E12:  “Where relevant and appropriate, development proposals which are anticipated to create a high number of job opportunities will be required, via a S106 planning obligation, to invest in local training and/or apprenticeship schemes.”
PM9	Page 81	In the opening of Policy GI17, insert “under Local Plan provisions” before “Green Infrastructure”.
PM10	Page 88	In Paragraph 5.6.31, replace the wording after “Star Lane” with the following: “which was part of the proposal as submitted in a planning application by Norfolk Homes Ltd in 2018”.

<b>Proposed modification number (PM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
PM11	Page 93	For the words "is strongly encouraged" in Policy R21, substitute "would be supported".