

Borough Council of Kings Lynn and West Norfolk

**Grimston, Pott Row, Roydon and
Congham Neighbourhood Plan
2017-2036**

Independent Examiner's Report

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20 May 2024

Contents

	Summary	3
1.0	Introduction	4
2.0	The role of the independent examiner and the examination process	4
3.0	Neighbourhood plan preparation	8
4.0	Compliance with matters other than the basic conditions	9
5.0	The basic conditions	10
	<i>National policy and advice</i>	10
	<i>Sustainable development</i>	12
	<i>The development plan</i>	12
	<i>European Union (EU) obligations</i>	14
	<i>European Convention on Human Rights (ECHR)</i>	16
6.0	Detailed comments on the Plan and its policies	16
	Introduction	16
	Neighbourhood Planning	17
	Vision and Objectives	17
	General Policies (Policies 1 and 2)	18
	Housing and Design (Policies 3, 4, 5, 6 and 7)	20
	Environment (Policies 8, 9, 10, 12 and 13)	27
	Historic Environment (Policy 14)	34
	Access and Transport (Policies 15 and 16)	36
	Appendix	37
	Glossary	38
	Policies Map	38
7.0	Conclusions and recommendations	38
	Appendix 1 List of key documents	40
	Appendix 2 Questions of clarification and note of interim findings from the examiner	41

Summary

I have been appointed as the independent examiner of the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan. This is a joint Plan between three Parishes with Grimston Parish Council acting as the qualifying body.

Grimston is a large village about seven miles east of King's Lynn centered around the Old Bell Guest House. Pott Row, is also historically a linear village and is bounded to the north by Roydon Common. Together Grimston and Pott Row have a range of facilities including a surgery, primary schools, pubs and shops. The Plan area contains two other villages; Congham and Roydon. Both are much smaller in character with enclaves of development.

The Plan is presented to an exceptionally high standard. The Plan's distinctive and detailed vision is underpinned by a set of objectives. Its 16 policies cover a range of topics, but include Local Green Spaces, Strategic Gaps, a Buffer Zone around Roydon Common, views and design. The Plan is wide ranging covering a variety of local issues.

The policies are underpinned by local evidence. They are clearly written, incorporating detail when needed and are accompanied by good, robust explanation. There is a refreshing clarity of thinking.

The examination was paused to allow a focused period of consultation to be held. This was needed as unfortunately consultation had not been carried out on the Habitats Regulations Assessment document as part of the original suite of documents. The opportunity for additional evidence to be submitted in support of Policy 8 was also taken. In addition a new NPPF had been published in the interim period.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
20 May 2024



1.0 Introduction

This is the report of the independent examiner into the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by the Borough Council of King's Lynn and West Norfolk (BCKLWN) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner and the examination process

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states 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.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BCKLWN. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often representations suggest amendments to policies or additional policies or put forward other alternative suggestions including site allocations. Where I find that the submitted policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

I sent a number of questions of clarification and a note of interim findings to the qualifying body and BCKLWN on 16 September 2023. This is attached to this report as Appendix 2.

The Interim Note set out that, in respect of Habitats Regulations Assessment (HRA), there seemed to be reliance on the Strategic Environmental Assessment (SEA) Screening Report. This was of concern as that document did not refer to Roydon Common, a Special Area of Conservation (SAC) and Ramsar site which falls within the Plan area and is subject to one of the proposed policies in the Plan, in any detail.

Additionally, the consultation with the statutory bodies on the SEA and HRA seemed only to have raised the question in relation to SEA and not HRA. Natural England's response made no mention of HRA for example.

⁶ Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

⁷ PPG para 055 ref id 41-055-20180222

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

I therefore set out that, unfortunately, at that point in time, I could not conclude that the Plan met the basic conditions in relation to retained European Union obligations or the prescribed basic condition on the relevant requirements of the Conservation of Habitats and Species Regulations 2017.

Having considered the matter, BCKLWN concluded that the HRA process had “...not [been] *sufficiently clear and transparent to fulfil the requirements of the Habitat Regulations.*”¹¹

Furthermore I identified a number of more minor, fairly typical queries, but also that three policies appeared to rely heavily on evidence which had not been part of the original suite of submitted documents.

As a result of this, a HRA Screening report was produced and statutory bodies consulted. I am also grateful to both Councils who provided comprehensive answers to my queries including some background to Policy 8. Those responses (all publicly available) have enabled me to examine the Plan without the need for a hearing.

I indicated that the HRA Screening Report and Addendum Note on Policy 8 would require further public consultation.

This focused period of consultation was held between 24 November 2023 and extended to 26 January 2024. This was because the HRA Screening Report required a correction and because, in the interim period, the Government published a revised National Planning Policy Framework (NPPF) on 19 December 2023, with an update on 20 December 2023. It seemed pragmatic to allow an opportunity for any comments to be made on the revised NPPF with regard to the basic conditions at the same time.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The qualifying body chose not to make any comments.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Michael Burton at BCKLWN.

I made an unaccompanied site visit to familiarise myself with the Plan area on 12 February 2024.

¹¹ BCKLWN response to my questions of clarification and interim note of findings

Modifications and how to read this report

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics*** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. It is an excellent example of a Consultation Statement in my view; I found it to have achieved a balance between informing me of the necessary information but not too much detail. The summary of early activity in a tabular format worked well.

It was agreed that Grimston Parish Council would be the qualifying body in 2017 and the following year a Steering Group was established with representatives from all three Parishes.

An initial survey was sent to all households in the four villages in early 2019. A drop-in event was held in September 2019 to feed back the results of the survey and to consider options for the Plan.

Work on evidence documents to support the policies continued through 2019, 2020 and 2021.

Regular updates were provided to each of the Parish Councils.

Pre-submission (Regulation 14) consultation took place between 15 August – 7 October 2022. Direct contact was made with relevant stakeholders. The consultation was publicised through the Parish newsletter, posters, Facebook, the Plan website and the Parish Councils' websites. Both online and paper versions were available. Responses could be made online or in paper format.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 19 May – 30 June 2023. This was extended to 18 August 2023 because the local planning authority was concerned that some parties who had responded at the pre-submission stage had not been directly informed of the submission consultation period. The period was therefore extended to be absolutely sure that everyone had a fair chance to put forward representations.

The Regulation 16 stage resulted in 13 representations.

One representation on behalf of three Parish Councillors expresses concern about the process and governance of the working group. An independent examiner has no authority to consider such allegations of misconduct. Such matters should be dealt with through internal complaints handling procedures of the qualifying body or local planning authority.

The focused period of consultation held between 24 November 2023 – 26 January 2024 resulted in six representations, including one from the qualifying body updating references in the Basic Conditions Statement.

I have considered the representations and taken them into account in preparing my report.

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

The Plan is a joint Plan between the Parishes of Grimston, Roydon and Congham. Grimston Parish Council is the qualifying body. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parishes. The BCKLWN approved the designation of the area on 5 October 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 6 of the Plan.

Plan period

The Plan period is 2017 – 2036. This is clearly stated on the front cover of the Plan itself. Confirmation has been received from the qualifying body that this is the desired period. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹²

In this instance, two community actions are included on page 68 of the Plan in amongst policies. They are clearly distinguishable from the planning policies. I consider this to be an appropriate approach for this particular Plan.

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹³

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁴ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles,

¹² PPG para 004 ref id 41-004-20190509

¹³ NPPF para 13

¹⁴ Ibid para 28

conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁵

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁶ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁷

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁸

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁹

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²⁰ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²¹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²² It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²³

Whilst this has formed part of my own assessment, the Basic Conditions Statement comprehensively sets out how the Plan's policies correspond to the most up to date NPPF at the time of submission. Consultation has been held as explained in earlier sections of this report to allow interested parties to comment in relation to the current NPPF.

¹⁵ NPPF para 28

¹⁶ Ibid para 29

¹⁷ Ibid

¹⁸ Ibid para 31

¹⁹ Ibid para 16

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁴ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁵ The three overarching objectives are:²⁶

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁷

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how each Plan policy helps to achieve sustainable development as outlined in the most up to date NPPF at the time of submission.

General conformity with the strategic policies in the development plan

The development plan includes the Borough Council of King's Lynn and West Norfolk Core Strategy (CS) adopted on 28 July 2011 and the Site Allocations and Development Management Policies Plan (SADMP) adopted on 29 September 2016.

The CS sets out the spatial planning framework to 2026. CS Policy CS01 sets out the spatial strategy explaining that for rural areas the promotion of sustainable

²⁴ NPPF para 7

²⁵ Ibid para 8

²⁶ Ibid

²⁷ Ibid para 9

communities and sustainable patterns of development, a strong and diverse economy whilst maintaining local character and a high quality environment as well as the protection of the countryside beyond the villages, are important.

CS Policy CS02 introduces a settlement hierarchy; Grimston and Pott Row are designated as Key Rural Service Centres. Congham and Roydon are identified as Smaller Villages and Hamlets. Development in both categories of settlement should accord with CS Policy CS06.

CS Policy CS06 indicates that the strategy for the rural areas is to promote sustainable communities and sustainable patterns of development, maintain local character and a high quality environment, focus most new development in the Key Rural Service Centres and ensure employment, housing and services are nearby.

The SADMP gives effect to and complements the CS, guiding development up to 2026. It contains some amendments to CS Policies CS02 and CS06, neither of which fundamentally affect this Plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant CS and SADMP policies.²⁸

Emerging planning policy

The Borough Council is currently preparing a review of the CS and SADMP. The two documents have been reviewed and combined to create a new draft document, the Local Plan Review (LPR) which will set out a strategy for the location of development and how it should be delivered up to 2036.

The LPR was submitted to the Secretary of State on 29 March 2022. On 11 January 2023, the Inspectors announced the adjournment of the Local Plan Examination Hearing to allow the BCKLWN the opportunity to undertake further work to justify the spatial strategy and distribution of housing in the Local Plan Review. This work has now been completed. The examination has resumed with hearings currently scheduled through to September 2024.

I asked whether there are any implications from the work on the LPR for this Plan. In response, BCKLWN indicated that work found (Topic Paper F47) all four settlements are appropriately designated in the current settlement hierarchy.

The Topic Paper also proposes a new policy on residential development on windfall sites within and adjacent to rural settlements. This draft policy is subject to future hearing sessions.

²⁸ Table in Basic Conditions Statement page 14

The Topic Paper also proposes housing number requirements for neighbourhood plan areas including a further 22 dwellings at Grimston in the period 2021 – 2039.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁹ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.³⁰

It is clear from the Plan and the Basic Conditions Statement that the direction of the emerging LPR has been a consideration in the preparation of the Plan.

European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³¹ confirms that it is the responsibility of the local planning authority, in this case BCKLWN, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BCKLWN who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

²⁹ PPG para 009 ref id 41-009-20190509

³⁰ Ibid

³¹ Ibid para 031 ref id 11-031-20150209

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A SEA Screening Report dated October 2021 was prepared by Collective Community Planning. This concluded that the Plan was unlikely to have significant environmental effects. Consultation with the statutory bodies was undertaken. A response from Natural England concurred; Historic England responded but made no comment and no response was received from the Environment Agency.

I have treated the Screening Report to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³²

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, as the earlier sections of this report allude to, I raised concerns about the adequacy of the Screening Report in relation to HRA. These related to the heavy reliance that seemed to be placed on the SEA Screening Report for HRA considerations, the lack of reference to Roydon Common, a SAC and Ramsar falling within the Plan area and subject to a proposed policy in the Plan in any detail. Furthermore, the consultation undertaken seemed to focus on SEA.

The local planning authority agreed. As a result, BCKLWN prepared a Screening Report dated November 2023. This is accompanied by an erratum note of 7 November 2023.

The Screening Report was sent to the statutory consultees as a distinct exercise. Natural England advised that "...significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and, significant effects on Habitats sites, either alone or in combination, are unlikely."³³

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

³² PPG para 028 ref id 11-028-20150209

³³ Response from Natural England 17 October 2023

Given the nature and contents of the Plan, I agree with the conclusion of the Screening Report and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations and the prescribed basic condition

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁴ In undertaking work on SEA and HRA, BCKLWN has considered the compatibility of the Plan in regard to retained EU obligations and the prescribed basic condition and now does not raise any concerns in this regard. BCKLWN will also review this again in reaching a view on whether the Plan can proceed to referendum following receipt of my report.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities.³⁵ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to an exceptionally high standard and contains 16 policies. There is a helpful contents page at the start of the Plan.

Introduction

This is a well-written and informative section that sets out the context of the three Parishes.

It may be helpful to update the Plan throughout where relevant with the most recently published NPPF references as necessary and to ensure the Plan is up to date in relation to the emerging RLP. My expectation is that the qualifying body and BCKLWN will work together and agree any such necessary updates. This modification is not repeated elsewhere in this report.

³⁴ PPG para 031 ref id 11-031-20150209

³⁵ Basic Conditions Statement page 18

- **Update the Plan to reflect the publication of the NPPF December 2023 and the latest position with the emerging LPR**

Neighbourhood Planning

Another well-written section that is informative explaining the Plan's purpose and its relationship with other documents. It sets out the earlier stages of Plan making and signposts to other documents for further information.

Vision and Objectives

The vision for the area is:

“The rural character and special identity of the area will be protected and enhanced. This is defined by many features, but especially wildlife habitats and green infrastructure, the openness of the landscape and important distant views, historic buildings such as St Botolph's Church in Grimston, and the peacefulness of the three parishes and their settlements.

In protecting and enhancing this rural character, the plan will result in improvements to the ecological network. New habitats will be created as part of any new development, producing a biodiversity net gain in the area over the plan period.

The plan will ensure that the openness of, and access into, the rural landscape is retained for the enjoyment of residents and visitors alike. This will be coupled with protecting key views, both within the settlements such as from Vong Lane to Lynn Road as well as away from them such as looking down the valley across Roydon Common. These are so important for a sense of place and identity, adding to the peacefulness and tranquility.

The area's historic and heritage assets will continue to create a strong sense of place and belonging. Where possible, the plan will help ensure that the adverse impact of traffic flows and speeds on the main roads through the area are minimised. Underpinning life in the area is a strong, friendly and active community spirit, and the plan will build on this, helping people to stay in the area to ensure a mixed community, and creating opportunities for people to meet, interact, and get to know each other.”

The vision is supported by 11 objectives. The vision and objectives are detailed, specific to this Plan area, well articulated and relate to the development and use of land.

A Climate change statement has also been made. It is clearly linked to the policies and I welcome its inclusion.

General Policies

Policy 1 - Strategic Gaps

The Plan area comprises three Parishes and the four settlements of Grimston, Pott Row, Roydon and Congham. Each settlement has a distinctive character.

Two Strategic Gaps have been identified and are shown on Figure 3 on page 13 of the Plan. The first is north and south of Low Road/Lynn Road. This is a relatively large area between the built up areas of Roydon/Pott Row and Grimston to the east. The Plan explains that Grimston is a large village with a linear form. Pott Row has a historic linear form but this has been changed by newer developments. Roydon is a smaller settlement.

Strategic Gap 1 is relatively large but reflects the unusual pattern of development and the relationship between the different Parishes and settlements.

The second gap is much smaller in extent and is to the north of St Andrew's Lane to the west of Congham. The Plan explains that this is one of the few remaining gaps in Congham. This gap is in an edge of settlement location and consists of an agricultural field with a house beyond.

I saw at my site visit that the gaps are important and add to the sense of openness and place and the distinctive local character of the area. The gaps are an important attribute of the local area. I consider that the Strategic Gaps have been appropriately designated and as well as respecting the open nature of the areas they will make a contribution to preventing the coalescence of each distinct settlement.

The policy defines the Strategic Gaps and sets out how development within them will be approached. It does not prevent development per se, which is important to note, but seeks to ensure that the visual and physical separation of the different settlements is not undermined and that the Gaps with their undeveloped and generally open nature are maintained.

CS Policy CS06 protects the countryside for its intrinsic character and beauty beyond the villages.

CS Policy CS12 which refers to environmental assets, also refers to gaps between settlements. It explains that any development should show that its location, scale and design will protect, conserve and where possible enhance the special qualities and local

distinctiveness of the area. This includes gaps, landscape setting and distinctive settlement character.

Such designations or those similar in nature are common in neighbourhood plans adding a local layer to CS policies. They tend to recognise local landscape character and the distinctiveness of individual settlements. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted.

The policy refers to Figure 4 which should be Figure 3.

With the modification to correct the reference, the policy will meet the basic conditions as it has regard to the NPPF and its emphasis on an understanding and evaluation of each area's defining characteristics and special qualities as well as a reflection of local aspirations.³⁶ It is in general conformity with CS Policies CS01 which, amongst other things, seeks to maintain local character and a high quality environment, protecting the countryside beyond the villages for its intrinsic character and beauty as well as CS06 and CS12 referred to above. The policy adds a local layer to the CS policies and will help to achieve sustainable development.

- **Change the reference in the policy from “Figure 4” to “Figure 3”**

Policy 2 – Infrastructure

There is concern that infrastructure is not keeping pace with development. In particular there is concern about transport infrastructure and drainage and sewerage and the provision of green space. More investment in technology is also sought.

Infrastructure and its provision and coordination with growth is a part of the economic objective of sustainable development found in the NPPF.³⁷ The alignment of growth and infrastructure is identified as a key part of plan making.³⁸ The NPPF advises that non-strategic policies can include the provision of infrastructure and community facilities at a local level.³⁹

Policy 2 seeks to align the provision of infrastructure with growth. It particularly references the promotion of cycling, highway improvements, sewerage capacity and sustainable drainage systems (SuDs) and broadband provision.

It also refers to “FTTP”; it would be helpful to define this in the glossary and a modification is made to address this in that part of my report.

³⁶ NPPF para 132

³⁷ Ibid para 8

³⁸ Ibid para 11

³⁹ Ibid para 28

The policy meets the basic conditions by having regard to the NPPF, being a local expression of CS Policy CS14 on infrastructure provision and helping to achieve sustainable development. No modifications are recommended.

Housing and Design

Policy 3 – Housing Type and Mix

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.⁴⁰ It continues that the overall aim should be to meet as much of an area’s housing need as possible, including with an appropriate mix of housing types for the local community.⁴¹

Policy 3 supports the provision of smaller houses to redress the balance of house size within the Plan area and to support those wishing to downsize or who might need a different type of property and reflect local circumstances.

The policy also supports dwellings suitable for older people including bungalows.

The policy is also, and rightly, flexible recognising that the percentages set out in the policy may change over time.

I raised a query about the implementation of criteria a) and b). The qualifying body advised that the policy seeks to ensure smaller dwellings and those suitable for older people are included in housing schemes, including smaller housing schemes. Criterion a) requires a minimum of 20% suitable for older residents in schemes of two or more dwellings. Criterion b) requires a minimum of 25% to be two bedroomed or less. Both criteria could also be met by the provision of one unit doing both i.e. a two bedroomed property suitable for older people on schemes of between two and four units.

BCKLWN’s Strategic Housing Service has raised concerns about criterion b) restricting the ability to meet Borough wide affordable housing needs. However, whilst I note this concern, I consider the policy is flexible as it refers to evidence of a lower need and viability. In addition, the policy applies to the proposal as a whole i.e. for market and affordable housing in combination. There seems no reason why this criterion cannot be met by the market housing element of any scheme if evidence shows no need for this size of affordable housing. If a scheme is only delivering affordable housing, the policy is flexible on evidence of a lower need or viability.

I find the intention of the policy is good and supported by evidence presented in the Plan.

⁴⁰ NPPF para 60

⁴¹ Ibid

The policy meets the basic conditions as it has regard to national policy, contributes to the achievement of sustainable development and is in general conformity with strategic policy, and is a local expression of, CS Policies CS01, CS02 and CS09 which require new development to provide a mix of house types, sizes and affordability. No modifications to it are therefore recommended.

Policy 4 – Design and Landscaping

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴²

In relation to achieving well-designed places, the NPPF explains that neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through neighbourhood plans and engagement with the development industry and local planning authorities.⁴³

It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁴⁴

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁴⁵

CS Policy CS08 requires all development to be of high quality sustainable design. As part of this, the historic environment is to be protected and enhanced. The context and character of places is to be respected in relation to scale, density, layout and access. The policy promotes high standards of sustainability and energy efficiency. Measures include good walking and cycling links and SuDs.

CS Policy CS12 seeks to protect and enhance the historic environment and landscape character, biodiversity and geodiversity.

CS Policy CS13 seeks to enhance community wellbeing.

SADMP Policy DM15 seeks to protect and enhance the amenity of the wider environment.

⁴² NPPF para 131

⁴³ Ibid para 132

⁴⁴ Ibid para 133

⁴⁵ Ibid para 135

The Plan explains that Character Assessments have been produced for each of the four settlements. These provide a very useful evidence base.

Policy 4 seeks policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from CS Policy CS08. It cross-references the Character Assessments. It makes it clear that innovation is welcomed. The rural character and openness is to be augmented by landscaping.

Lastly, the policy sets out that development along the main through routes should have active street frontages. This is further explained in the supporting text; it is to enhance the sense of place and also to help slow traffic.

The policy will meet the basic conditions by supporting locally distinctive development of a high quality having regard to the NPPF, leading on from, and being in general conformity with the strategic policies referred to above and achieving sustainable development.

Policy 5 – Density of New Housing Development

Overall density is quite low. This policy seeks to ensure that new development reflects the character of the area. It sets out that building footprints should not exceed 50% of the plot area and that this should not be eroded over time by extensions.

The second part of the policy supports extensions but only if they do not reduce gaps between dwellings that leads to an erosion of rural character, are subordinate to the main dwelling and are less than 40% of the floorspace and sufficient car parking is retained.

The NPPF is clear that development should make efficient use of land taking into account the need for different types of development, viability, local character, infrastructure and the importance of securing well-designed and beautiful, attractive and healthy places.⁴⁶

As the policy includes two quite prescriptive percentages, I asked how these had been set. The qualifying body explained that the policy aims to ensure that sites are not unduly over developed or cramped. The percentages aim to provide some practical guidelines and 50% is often used as a benchmark for permitted development rights.

However, whilst the aims of the policy are laudable, I remain unconvinced that the percentages are based on robust evidence. In addition, this is but one element of good design which would achieve the policy's aims. Furthermore there may well be individual sites which could be developed more or those which even a 50% coverage

⁴⁶ NPPF para 128

would be inappropriate depending on the character and appearance of the area and the site's context. A modification is therefore recommended to address this concern.

With this modification, the policy will meet the basic conditions by having regard to the NPPF, being in general conformity with the CS especially CS Policy CS08 and helping to achieve sustainable development.

▪ **Amend the policy to read:**

“The density of new housing development should reflect the *prevailing* character of the area. The building footprint, including any buildings ancillary to the main dwelling, should *be in keeping with the predominant pattern of development in the area and the site's context*. Sufficient outdoor amenity and landscaping space should be provided. This should not be eroded over time by inappropriate extensions.

Extensions will be supported provided they:

- a) Do not reduce the gaps between existing dwellings in a way which leads to a cramped appearance or undermines the rural character of the village;**
- b) Are subordinate to the original dwelling; and**
- c) Retain sufficient space for off street parking for the expanded dwelling in accordance with Norfolk County Council parking standards.”**

Policy 6 – Energy Efficiency

The NPPF supports the transition to a low carbon future in a changing climate, taking full account of flood risk. The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁴⁷ It continues that plans should take a proactive approach.⁴⁸

As the supporting text recognises, the Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁴⁹ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

That WMS is now effectively moot in this respect following a Government Statement on Planning – Local Energy Efficiency Standards Update.⁵⁰ This embeds a general rule of

⁴⁷ NPPF para 157

⁴⁸ Ibid para 158

⁴⁹ Written Ministerial Statement 25 March 2015

⁵⁰ Statement made on 13 December 2023

thumb that policies which propose standards or requirements that go beyond current or proposed standards should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. I consider the principle is applicable here.

The second paragraph of the policy uses the words “will need to” and so this becomes a requirement rather than encouragement. A modification is made to change this.

With this modification, this policy will then meet the basic conditions as it takes the approach of encouraging energy efficiency, is in general conformity with CS Policy CS08 and helps to achieve sustainable development.

- **Change the first sentence of the second paragraph of the policy to read: “All new housing *is encouraged* to be designed to a high energy efficiency standard...” [retain as existing to end]**

Policy 7 – Location of New Housing

CS Policy CS01 indicates that a settlement hierarchy will be used to ensure that sustainable development locations are achieved.

CS Policy CS02 sets out a settlement hierarchy. Grimston and Pott Row are designated as Key Rural Service Centres where there is to be limited growth of a scale and nature appropriate to secure the sustainability of each settlement is supported within the Development Limits.

Congham and Roydon are identified as Smaller Villages and Hamlets. In these settlements, development is limited to specific identified needs.

In the development plan only Grimston and Pott Row currently have development boundaries defined. Development boundaries for Congham and Roydon are proposed in the emerging LPR.

CS Policy CS06 focuses development on the Key Rural Service Centres. CS Policy CS09 sets out that new housing will be identified in the Site Allocations DPD for Key Rural Service Centres with small-scale infilling or affordable housing allocations in the Rural Villages. No housing is identified in the Smaller Villages and Hamlets, but SADMP Policy DM3 does permit development to meet local needs.

23 dwellings are allocated to Grimston and Pott Row on land adjacent Stave Farm, west of Ashwicken Road. Planning permission has now been granted for 27 dwellings.

An analysis has been carried out of permitted applications for new housing development in the four villages. Regard has also been given to the direction of travel in the emerging LPR which does not allocate any sites in the Plan area, but is supportive of growth supported through neighbourhood plans. The latest iteration of the

emerging LPR hands down housing figures for each neighbourhood area. The proposed figures for this Plan area are a further 22 dwellings to 2036.

Engagement with the local community found that further housing development in the area would be acceptable if it meets the needs of the community.

Policy 7 therefore seeks to set out where and what type of development would be acceptable.

In response to a query, the qualifying body has confirmed it is the Plan's intention to designate development boundaries for Congham and Roydon. Both are shown on Figure 3 on page 13 of the Plan. Both reflect the proposed development boundaries in the emerging LPR. It is an acceptable course of action to designate these boundaries in the Plan and the boundaries have been designated logically. However, this action should be made explicit in this policy as well as to the supporting text.

Now turning to the wording of the policy, new housing in rear gardens is permitted provided that access and parking and impact on occupants is satisfactory. Whilst, in response to a query on this, it is acknowledged by the qualifying body and BCKLWN that this could be seen to deviate from national and local policies which tend to resist the inappropriate development of residential gardens,⁵¹ I accept this is supported by the local community in preference to the edge of or outside settlements. However, this stance then is at odds with the rest of the policy which supports development adjacent to and outside the settlements subject to various criteria. A modification is made that would allow development on garden land on appropriate sites without singling out such sites for positive encouragement.

Secondly the policy supports new housing in the development boundaries of Grimston and Pott Row, but also on immediately adjacent sites if there is good connectivity, is of small-scale (up to five dwellings), does not intrude into a Strategic Gap or the open countryside, does not fill a gap which makes a positive contribution to character, does not erode the sense of openness and the benefits outweigh any harm. This threshold does have some provenance in that five dwellings is the figure used in rural areas.

In Roydon and Congham, infilling is supported as long as it does not intrude into a Strategic Gap or fill a gap that makes a positive contribution to the street scene and rural character or erode openness. Some of these considerations would be finely balanced. The policy wording needs amendment to clarify in the policy that this applies within the development boundaries.

Lastly, affordable housing is permitted across the Plan area, up to four dwellings in total. I queried how this threshold had been set. There is little evidence to support such a threshold apart from a sense of this could constitute small-scale development. Given that this criterion is similar to rural exception schemes, I cannot see how the

⁵¹ NPPF para 72

threshold is justified or appropriate and to set such a maximum might well adversely affect viability and the deliverability of affordable housing.

In addition, the policy supports five dwellings adjacent to the development boundaries of Grimston and Pott Row. Whilst I appreciate the policy also sets out that affordable housing led development should also be well related to settlements, this does appear as an anomaly. In addition there is a further anomaly and potential conflict with Policy 1, Strategic Gaps.

Finally, the policy uses the word “permitted” a number of times; this is modified to “supported” as a more appropriate form of words.

I therefore consider it necessary to amend this policy. There are also a number of other amendments for clarity.

With this modification, the policy will meet the basic conditions by having regard to national policy and guidance, being in general conformity with CS Policies CS02, CS06 and CS09 in particular and helping to achieve sustainable development in this locality.

- **Amend the policy to read:**

- **“1. Grimston and Pott Row**

- **In principle, residential development will be *supported on appropriate sites* within the development *boundaries* of Grimston and Pott Row.**

- **Proposals for new housing outside the development *boundaries* will be supported where:**

- a. It is immediately adjacent to the development boundary with good connectivity to the rest of the settlement;
 - b. It is of a small-scale, *of up to five dwellings*;
 - c. It does not *harm the purpose of the strategic gap (Policy 1) or significantly intrude into open countryside*;
 - d. The benefits clearly and demonstrably outweigh any harm;
 - e. It does not fill a gap which *makes a positive contribution to the street scene or the distinctiveness of the rural character of the settlement*;
 - and
 - f. It will not unduly erode the sense of openness.

- **2. Roydon and Congham**

- ***Development boundaries for Congham and Roydon are designated as shown on Figure 3 on page 13 of the Plan.***

- **The sensitive infilling of small gaps *in the development boundary* within an otherwise continuously built-up frontage will be permitted in Roydon and Congham where:**

- a. It does not *harm the purpose the strategic gap (policy 1)*;

- b. It does not fill a gap which *makes* a positive contribution to the street scene *or the* distinctiveness of the rural character of the settlement; and
- c. It will not unduly erode the sense of openness.

Across the neighbourhood area, affordable housing led development, which may include an element of market housing, if necessary for viability, will be *supported*. These sites should be immediately adjacent or well related to the settlement *and the benefit of any such scheme should clearly and demonstrably outweigh any harm caused.*"

- Add the following sentence to paragraph 76 on page 25 of the Plan which reads:

"This Plan designates development boundaries for both Congham and Roydon."

Environment

Policy 8 – Roydon Common Buffer Zone

The Plan explains that the Plan area is known for its environmental importance, with a significant part of the Plan area covered by international, national and local designations. Roydon Common has a number of designations including SAC, Ramsar, SSSI and National Nature Reserve. It is considered to be one of the best examples of lowland mixed valley mire system in the U.K.

There is evidence from the Norfolk Wildlife Trust (NWT) and others that shows visitor levels have increased since the Covid 19 pandemic and that there is a clear link between local development and increased recreation. A Norfolk wide Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS) came into force in 2022.

The supporting text makes reference to the GIRAMs and the financial contribution sought. This could change in the future and so a modification to the supporting text is recommended for this purpose.

Reference is made in the Plan to the Government's 25 Year Environment Plan. To further support the protection of Roydon Common, this policy seeks to introduce a buffer zone. This does not preclude development per se, but does require any development to be considered carefully in relation to its potential impacts. The buffer zone has been developed with the NWT. Its extent is shown on Figure 10 on page 34 of the Plan which is cross-referenced in the policy. I asked for additional information about the buffer zone. This has been provided by the qualifying body and was consulted upon at the focused consultation.

The policy requires that any new development within the buffer zone be carefully considered. All proposals (except for householder applications) are required to provide sufficient information to meet the requirements of a HRA to show that harmful effects would be avoided. It also refers to cumulative impacts.

This policy has attracted support from Norfolk County Council (NCC) and others.

The policy meets the basic conditions by having regard to national policy and guidance, being in general conformity with CS Policy CS12 in particular and helping to achieve sustainable development. No modifications to the policy are recommended.

- **Amend the last three sentences of paragraph 93 on page 31 of the Plan to read:**

“Developers within the borough are *currently* required to pay a levy of £185.93 per dwelling to the borough council to help monitor and mitigate the adverse effects of increasing visitor numbers to Natura 2000 sites resulting from development. This is part of a new Norfolk wide Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) which came into effect in April 2022. It applies to all net new residential and tourism related growth. *The levy sought is likely to change and so the latest information should be sought from reliable sources.*”

Policy 9 - Biodiversity

The NPPF⁵² is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It continues⁵³ that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

This policy seeks to protect and enhance the natural environment including through biodiversity net gain. It seeks to ensure that priority habitats and species, wildlife corridors and trees and other natural features are protected and enhanced. Lastly, it seeks to ensure that trees and hedgerows are not lost and that any losses are replaced through appropriate replacement provision.

I note that NCC support this policy.

The policy meets the basic conditions by having regard to national policy and guidance, adding a local layer to, and being in general conformity with, the relevant strategic policies, in particular CS Policy CS12 which seeks to protect and enhance biodiversity

⁵²NPPF para 180

⁵³Ibid para 186

and helping to achieve sustainable development.

Policy 10 – Key Views

The NPPF⁵⁴ requires the planning system to contribute to and enhance the natural and local environment, including protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. I consider that the identification of views is integral to conserving local landscape and built environment character and is important in conserving local distinction.

The Plan explains that 10 key views have been identified. These have been identified by the local community and are supported by a Views Assessment document. The views are shown on Figure 12 on page 40 of the Plan.

From my site visit, I consider that all the views have been appropriately identified and have key features and attributes identified in the supporting document to a sufficient extent.

Now turning to the wording of the policy, this is flexible seeking to ensure that any new development does not have a detrimental impact on the views. It does not prevent development per se.

It would be helpful to cross-reference the supporting document in the policy.

I note NCC support this policy.

There is one viewpoint, Number 2, on Figure 12 which I consider needs slight adjustment to accord with the photograph in the Views Assessment document. A modification is made in the interests of accuracy.

With these modifications, the policy will meet the basic conditions. It will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness, add a local layer to CS Policy CS12 in particular which refers to the special qualities and local distinctiveness of areas including gaps between settlements, landscape setting, distinctive settlement character and landscape features. It will help to achieve sustainable development.

- **Add at the end of the first sentence of the policy: “*and described in the Views Assessment document.*”**
- **Adjust viewpoint 2 on Figure 12 to match the location of the photograph in the Views Assessment document**

⁵⁴ NPPF para 180

Policy 11 – Local Green Space

The Plan proposes 13 areas as Local Green Space (LGS). They are shown on Figure 13 on page 44 of the Plan. More detailed boundaries are shown in the Plan on the pages following. Their proposed designation is supported by a LGS Assessment document. The NPPF explains that LGSs are green areas of particular importance to local communities.⁵⁵

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁵⁶ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁵⁷

The NPPF sets out three criteria for green spaces.⁵⁸ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw the proposed areas on my site visit.

1. Roydon Church Green is valued for its historic significance as part of the setting for the Grade II* listed Church. The qualifying body has confirmed that a correction should be made and the proposed LGS known as Roydon Church Glebe Field.
2. Congham Hall Parkland is in the grounds of a privately owned hotel, Congham Hall Hotel. This relatively large area is historic parkland with public footpaths which cross the site making it valued for recreation, wildlife, its setting and tranquility as well as its heritage.
3. Fen Allotments, Pott Row are well used and valued by the community to grow produce and as a social and recreation meeting place.
4. Community Orchards, Pott Row consists of two small areas of orchard. They are valued for recreation, tranquility and wildlife.
5. Grimston Church Allotments are well used offering recreation to the local community. They are also valued for local wildlife and their historic significance adjacent to the Church of St Botolph which is Grade I listed.

⁵⁵ NPPF para 105

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid para 106

6. Triangle Green, Grimston is an open green space with seating. It is valued for recreation, wildlife and beauty and as a stopping point.
7. Chequers Green, Grimston is valued for recreational purposes.
8. Pott Row Green is a village green used for leisure and recreation close to the school.
9. Ashwicken Green, Pott Row is a village green and site of a shoeing stand near the old forge.
10. Holly Meadow's School Field is a playing field valued for its recreation.
11. Grimston Cricket Pitch is valued for its recreational purposes.
12. The Green, Hawthorn Avenue, Grimston is an open green area valued for its recreational use in the heart of this residential area.
13. Philip Rudd Court, Pott Row is valued for its wildlife and mature preserved oak tree as well as an amenity space.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I have considered whether there is any additional benefit to be gained by the designation for spaces falling within other designations such as a Strategic Gap. I consider that there is additional local benefit to be gained by identifying those areas of particular importance to the community and that these designations serve different purposes.

Turning now to the wording of the policy, it designates the LGSs and then sets out a detailed policy to protect the identified LGSs a number of development types considered to be exceptions to the policy on Green Belts which sets out that new buildings are regarded as inappropriate development with a number of exceptions and other development set out as not inappropriate development.

The NPPF is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁵⁹ On the face of it, Policy 11 does not align with the NPPF and adds a further "appropriate" development which relates to education provision. However, there is justification for the stance the policy takes in Appendix A of the Plan and the policy can be regarded as a local interpretation of the

⁵⁹ NPPF para 107

NPPF as relevant to these Parishes. In addition I note that other examiners have indicated the exemplary nature of similar policies in other neighbourhood plans. Lastly, there is support for this approach from NCC.

Nevertheless I recommend some changes to the policy to bring it closer to the stance in the NPPF. For instance, the NPPF uses the phrase “not inappropriate” rather than “appropriate”; I consider it important to retain this language. This will also help with any concerns about the impact such a designation may have on existing uses and businesses for example.

The last part of the policy concerns development on land adjacent to the LGSs. It requires such development to set out any impacts and how they will be mitigated. I consider this is an acceptable approach given the nature of the LGSs in this Plan area. However, I recommend the addition of the word “harmful” as mitigation is sought.

Paragraph 113 of the supporting text uses the word “permitted” in relation to the school issue discussed above. I consider this should be changed to “supported”.

There is also a photograph of the recreation ground at Hudson’s Fen on page 42 of the Plan. This is in error and should be replaced by another photograph of one of the confirmed LGSs.

With these modifications, the policy will meet the basic conditions.

- **Change references to “Roydon Church Green” to “Roydon Church *Glebe Field*”**
- **Amend the second and third paragraphs of the policy to read:**

“These will be protected from inappropriate development in accordance with Green Belt *Policy*.

New buildings are *regarded as* inappropriate development, with the *exceptions* to this:

- a) Buildings for forestry or *agriculture*;**
- b) The provision of appropriate facilities in connection with the existing use of land *or a change of use* where the facilities *do not* conflict with the reasons for designation that make it special to the *community*;**
- c) The extension or alteration of a building if it does not *harmfully* impact on the openness or the reasons for designation that make Local Green Space special to the community; or**
- d) The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.**

Other *not inappropriate* development includes:

- a) Engineering operations that are temporary, small-scale and result in full restoration;**
- b) The re-use of buildings provided that the buildings are of permanent and**

substantial construction;

c) Material changes in the use of land where it would not undermine the reasons for designation that make it special to the community; or

d) Development on any school site to enhance education provision.”

- Add the word “*harmful*” in front of “...impacts on the special qualities of the green space...” in the last paragraph of the policy
- Change the word “permitted” in paragraph 113 of the supporting text on page 42 of the Plan to “*supported*”
- Change the photograph of the Recreation Ground at Hudson’s Fen on page 42 of the Plan

Policy 12 – Dark Skies

The NPPF highlights the impact pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.⁶⁰ It continues that planning policies should limit the impact of light pollution from artificial light on local amenity, intrinsically dark skies and nature conservation.⁶¹

This policy seeks to provide a balance between safety that lighting can bring with the harm that light pollution can cause.

I note NCC support this policy as does the NWT albeit with some additional wording.

The policy meets the basic conditions particularly having regard to the NPPF and helping to achieve sustainable development. No modifications are recommended.

Policy 13 – Surface Water Management

The Plan explains that fluvial flood risk is most prominent in the southern part of Grimston Parish with the centre of the village and the southwestern side of Pott Road also falling within Flood Zone 3. An area of Congham also falls within Flood Zone 3. Surface water flooding is of key concern to the local community. There are high risk areas in various parts of Grimston, Pott Row and Roydon.

Two Figures showing fluvial flood risk and surface water flood risk are included on pages 61 and 62 of the Plan. This is helpful, but I recommend a modification to ensure the information presented is future proofed.

⁶⁰ NPPF para 191

⁶¹ Ibid

This policy sets out a requirement for all new development to assess the risk of surface water flooding. It also encourages the use of SuDs. This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁶²

The policy has regard to national policy and guidance, is in general conformity with strategic policies, in particular CS Policy CS08 which refers to flood risk as part of adapting to climate change and supports SuDs, and will help to achieve sustainable development. It therefore meets the basic conditions.

NCC as Lead Local Flood Authority request a change to paragraph 117 of supporting text. In the interests of clarity, a modification is recommended.

- **Add a sentence to Figures 14 and 15 that reads: “*The information in this Figure is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from the Environment Agency or other reliable sources of information.*”**
- **Replace the words “...in the last 10 years.” in paragraph 117 on page 59 of the Plan with the words “...extending from 2011 to September 2022.”**

Historic Environment

Policy 14 – Heritage Assets

The Plan area has a rich heritage. There is evidence of early occupation. There are a number of listed buildings including the Grade I listed St Botolph’s Church and the Grade II* listed Church of All Saints and Church of St Andrews.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.⁶³ It continues that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.⁶⁴

CS Policy CS08 seeks development of high quality sustainable design which protects and enhances the historic environment. CS Policy CS12 supports proposals which protect and enhance the historic environment.

This policy seeks to deal with both designated and non-designated heritage assets. The NPPF distinguishes between designated heritage assets and non-designated heritage assets outlining different approaches and it is important the policy reflects this. A modification is therefore made to address this point.

⁶² NPPF paras 173, 175

⁶³ Ibid para 195

⁶⁴ Ibid para 196

In relation to designated heritage assets, the NPPF is clear that great weight should be given to the asset's conservation.⁶⁵ Where a proposal would lead to the total loss or substantial harm to a designated heritage assets, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other circumstances outlined in the NPPF.⁶⁶

Where there is likely to be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.⁶⁷

The policy seeks to designate 11 non-designated heritage assets.

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.⁶⁸

However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.⁶⁹ There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.⁷⁰

In response to a query on how the non-designated heritage assets were identified, the qualifying body explained that they were identified through community consultation and were considered as part of the work undertaken on the Character Assessments. I can see that certain structures and buildings are mentioned in the Character Assessments, but regrettably there is not sufficient sound evidence to designate the assets.

This is a great pity as many of the buildings and structures identified would most likely be worthy candidates and there was an opportunity given to submit the necessary evidence as part of the focused consultation stage that was not taken. Therefore the assets are deleted from the policy, not because they do not potentially meet the relevant standard, but because there is a lack of evidence to support them at this point in time.

In relation to non-designated heritage assets, the NPPF explains that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.⁷¹

⁶⁵ NPPF para 205

⁶⁶ Ibid para 207

⁶⁷ Ibid para 208

⁶⁸ PPG para 040 ref id 18a-040-20190723

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ NPPF para 209

A modification is made so that the policy refers in general terms to non-designated heritage assets and so can apply when they are so designated and to ensure the policy has regard to the stance of the NPPF.

With these modifications, the policy will have regard to the NPPF, be in general conformity with the CS Policies referred to above and help to achieve sustainable development.

- **Add a new sentence at the start of the first paragraph of the policy that reads: *“Heritage assets should be conserved in a manner appropriate to their significance.”***
- **Delete the words “(as identified in Figure 16)” from the [existing] first sentence of the policy**
- **Add a new criterion a) to the [existing] third paragraph that reads: *“a) for applications which directly or indirectly affect non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the asset.”***
- **Delete the second and third sentences from paragraph 130 on page 65 of the Plan**
- **Delete Figure 16 from the Plan**
- **Consequential amendments may be required elsewhere in the Plan**

Access and Transport

This section contains two community actions.

Policy 15 – Sustainable Transport

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.⁷²

Policy 15 encourages sustainable transport choices including through the promotion of walking and cycling links to key facilities, the enhancement of footpaths where necessary and the promotion of public transport use through, for example, improved waiting facilities. It also links back to Roydon Common indicating that enhancements to

⁷² NPPF para 108

public rights of way should focus on those which will reduce pressure on Roydon Common for recreation.

The policy does however refer to major employment development and it would be helpful to define this. I asked the qualifying body to let me have a suitable definition which was helpfully provided. Major employment development is defined as a site of 1 hectare or more. I have recommended a modification to the glossary to this effect.

This policy has particular regard to the NPPF, is in general conformity with CS Policies CS08 which seeks good access links for walking and cycling and CS11 which promotes sustainable forms of transport. It will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

Policy 16 – Traffic and Speed

This policy seeks to ensure that major residential development provides traffic schemes to help reduce speed as necessary and especially on the school route.

Given the NPPF indicates that the impact of development on transport networks can be addressed⁷³ and that significant impacts on the transport network in terms of capacity and congestion and highway safety can be mitigated,⁷⁴ I consider this policy meets the basic conditions taking its lead from the stance in the NPPF. In particular it has regard to the NPPF, is a local expression of CS Policy CS11 and will help to achieve sustainable development. As a result, no modifications are proposed.

It would however be helpful to define “major residential development” which is referred to in the policy although this phrase is commonly understood. I suggest the NPPF definition is used. This should be included in the glossary and a recommendation to that effect is included in that section of my report.

Appendix

Appendix A is the justification for the LGS policy. It may be the case that this can now be removed, but this is a matter for others.

⁷³ NPPF para 108

⁷⁴ Ibid para 114

Glossary

The Plan includes a helpful glossary.

It would be useful to add definitions of “FTTP” referred to in Policy 2; “major employment development” in Policy 15 and “major development” referred to in Policy 16 to the glossary.

- **Add a definition of “FTTP” to the glossary**
- **Add a definition of “major employment development” to the glossary of *“major employment development” is defined as a site of one hectare or more***
- **Add a definition of “major residential development” to the glossary. The definition should be taken and be the same as, the definition in the NPPF**

Policies Map

I consider it desirable that a Policies Map is included with the Plan to show any designations the Plan itself makes. I am grateful for the qualifying body’s confirmation that a single Policies Map can be provided for inclusion in the Plan.

- **Include a single Policies Map at a convenient point in the Plan which shows the designations the Plan itself makes**

7.0 Conclusions and recommendations

I am satisfied that the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to the Borough Council of King’s Lynn and West Norfolk that, subject to the modifications proposed in this report, the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Grimston, Pott Row, Roydon and Congham Neighbourhood Development Plan should proceed to a referendum based on the Grimston, Pott Row, Roydon and Congham Neighbourhood Plan area as approved by Borough Council of King's Lynn and West Norfolk on 5 October 2017.

Ann Skippers MRTPI
Ann Skippers Planning
20 May 2024

Appendix 1 List of key documents specific to this examination

Neighbourhood Plan 2017 – 2036 Submission Version March 2023

Statement of Basic Conditions March 2023 (CC Planning)

Consultation Statement March 2023 (CC Planning)

Strategic Environmental Assessment Screening Report October 2021 (CC Planning)

Local Green Space Assessment March 2023 (CC Planning)

Views Assessment

Grimston Character Assessment

Pott Row Character Assessment

Roydon Character Assessment

Congham Character Assessment

Local Development Framework Core Strategy adopted July 2011

Site Allocations and Development Management Policies Plan adopted September 2016

BBKLWN Local Plan Examination Topic Paper – Spatial Strategy and Settlement Hierarchy August 2023

List ends

Appendix 2 Questions of clarification and note of interim findings from the examiner

Grimston, Pott Row, Roydon and Congham Neighbourhood Plan Examination Questions of Clarification and Note of Interim Findings from the Examiner to the Qualifying Body (QB) and the Borough Council of King's Lynn and West Norfolk (BCKLWN)

Having completed my assessment of the Neighbourhood Plan (the Plan), I am writing to set out some interim findings which will necessitate a decision from the QB as to how best to proceed.

I also set out some questions of clarification which either relate to matters of fact or are areas in which I seek clarification or further information.

I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate. Please do not send or direct me to evidence that is not already publicly available at this stage.

Interim Findings

A Strategic Environment Assessment and Habitats Regulations Assessment

One of the basic conditions the Plan must meet in order for it to be put to a referendum is that the making of the Plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations.

Planning Practice Guidance (PPG) advises us that in some limited circumstances, where a Plan is likely to have significant environmental effects, it may require a Strategic Environment Assessment (SEA).

In relation to Habitats Regulations Assessment, a prescribed basic condition was introduced in 2018 in addition to those set out in primary legislation. This provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations, including consideration of the effect on habitats sites. A screening process is undertaken to see whether a plan is likely to have a significant effect on habitats sites, either alone or in combination with other plans and projects. This initial assessment has to be done on the basis of objective information. If significant effects cannot be ruled out, then an appropriate assessment under the Habitats Regulations is carried out.

Usually if the plan is determined to require appropriate assessment, then a SEA is also needed.

In this case, a SEA Screening Report dated October 2021 has been prepared by Collective Community Planning. This concluded that the Plan was unlikely to have significant environmental effects.

In relation to Habitats Regulation Assessment (HRA), there seems to be reliance on the SEA Screening Report. However, this contains little information in relation to HRA requirements; for example it does not refer in any detail to Roydon Common, a Special Area of Conservation and Ramsar site which falls within the Plan area. It does not appear to discuss the characteristics of this site or whether there are any pathways to this or other European sites which may be relevant outside the Plan area. One of the policies in the Plan also directly refers to the European site which falls in the Plan area.

In addition the consultation with the statutory bodies only appears to have raised the question in relation to SEA and not HRA. For instance Natural England's response makes no mention of HRA at all.

Unfortunately, I therefore cannot conclude, on the basis of the information I have at the moment, that the Plan meets the basic conditions in respect of retained European Union obligations and the prescribed basic condition. In particular, there is insufficient information in respect of HRA and it is not clear whether the statutory bodies have been consulted in respect of both SEA and HRA.

I therefore ask that further clarification is given to me on these points. Once I have your thoughts on these matters, we can determine whether any further work is needed.

If further work is needed on SEA and HRA, once this work had been concluded, this would result in the need for a further period of consultation, firstly with the statutory consultees and then secondly with the public and other consultees for a period of six weeks.

I understand this will be worrying news to those involved in the production of the Plan.

I also want to present a rounded picture of other queries on some of the policies at this time.

B Queries on the Policies

There are a number of queries across the policies which I set out below:

1. Please could the QB confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any such comments to me as part of its response to this stage of the examination. There is no obligation to do so; it is only if the QB wishes to. Please note that no new evidence can be submitted as part of the response.
2. On 5 September 2023, the Government updated the National Planning Policy Framework (NPPF) a few weeks after the extended Regulation 16 stage had ended and shortly after the examination had commenced.

The update focused on national policy for onshore wind. Transitional arrangements are set out in the updated NPPF. These explain that the policies on renewable and low carbon energy and heat only apply to local plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or would reach that stage within three months of the publication of the updated NPPF.

Although that relates to Local Plans, I consider the same principle can pragmatically be applied to this Plan. I therefore consider that even if the updates are relevant to this Plan, the updates do not apply and it is not necessary to have further consultation on this. I invite comments on this proposed course of action from the QB and BCKLWN.

3. Please could BCKLWN provide the Plan area designation documents (application, plans and determination) to me?
4. Please could the Plan period be confirmed? The front cover states 2017 – 2036, but the Basic Conditions Statement indicates that the Plan period is 2022 – 2036 and the SEA Screening

Report states 2021 – 2036.

5. It is welcomed that the Plan has kept an eye on the emerging Local Plan Review (LPR). There are some references to the emerging Local Plan throughout the Plan.

In addition, after the Plan was submitted, the Inspectors appointed to undertake the examination of the LPR adjourned the hearings so that further work could be undertaken by BCKLWN on the spatial strategy and distribution of housing. That work has now been completed and is currently out for consultation between 8 September – 20 October 2023.

- a) Do any implications arise from this current consultation for the Plan? I invite comments on this from the QB and BCKLWN, particularly in relation to Policy 7, Location of New Housing.
 - b) Would the QB like to provide replacement and up to date wording for any references to the emerging LPR throughout the Plan (paragraphs 8, 17, 80 and 85)?
6. Paragraph 40 of the supporting text to Policy 1, Strategic Gaps, refers to the development boundaries of each of the four settlements. However, it is my understanding that only Grimston and Pott Row currently have defined development boundaries in the Core Strategy. I understand it is the intention of the emerging LPR to introduce development boundaries to Congham and Roydon. Is it the intention of the Plan to designate the development boundaries shown in Figure 3? This is also relevant to Policy 7, Location of New Housing.
 7. Policy 3, Housing Type and Mix, includes criteria a) and b). The policy refers to schemes for two or more dwellings, but neither criterion could be achieved on a scheme of two or three unless the criteria are interpreted as very minimum percentages.

The paragraph beneath this states “This means that for new build schemes of 2- 4 dwellings, for example, at least 1 unit should meet criterion ‘a’ and at least one should meet criterion ‘b’, and this could be the same one dwelling meeting both criteria.” I am not sure what the underlined element of this part of the policy means or what the overall policy is seeking. Please could clarification be given?

8. Policy 5, Density of New Housing Development, refers to 50% of the plot area and 40% of the total internal floorspace of dwellings. These are both precise percentages. Please clarify how the percentages have been set.
9. In relation to Policy 7, Location of New Housing, a number of queries arise.
 - a) Question 10 above in relation to the emerging LPR is relevant.
 - b) The policy also supports housing in rear gardens of existing dwellings. This is an unusual stance to adopt; the NPPF (paragraph 71) indicates that policies resisting inappropriate development of residential gardens should be considered. Policies at BCKLWN level also would not generally support this type of backland development. How does this element of the policy sit with national and local policies? How does it sit with Policy 1 of this Plan? Is there any potential conflict?
 - c) What is the intention of criterion 1 d.?

- d) With regard to development in Roydon and Congham, how does the policy relate to the designation of development boundaries for each settlement (if indeed this is the intention)?
 - e) The last part of the policy supports affordable housing up to a maximum of four units. How has this threshold been set?
10. Policy 8, Roydon Common Buffer Zone is an interesting and innovative policy. Reference is made to the collaborative work undertaken with the Norfolk Wildlife Trust. Please could evidence of the work undertaken and the NWT's support for the principle of the identification of the buffer zone and its extent as well as the current wording of the policy be provided?
11. Policy 11, Local Green Spaces (LGS). A number of queries arise.
- a) Should Roydon Church Green be Roydon Church Glebe Field?
 - b) Should the photograph of LGS3 Recreation Ground at Hudson's Fen be removed from the Plan?
 - c) Some of the proposed LGSs (LGSs 2, 6 and 11 I think) also fall within a proposed Strategic Gap. How would the two policies work together? Is there any conflict?
12. Policy 14, Heritage Assets, seeks to designate a number of non-designated heritage assets. In principle, this is to be welcomed. Please send me the background evidence to support this part of the policy.
13. Policy 15 Sustainable Transport refers to "major employment development". I consider it would be helpful to define this and I invite a definition to include in the glossary from the QB.
14. I consider it desirable that a Policies Map is included with the Plan to show any designations the Plan itself makes.

Conclusions and Way Forward

To summarise, based on the information before me, I regret to say that, at the present time, I do not consider that the submitted documents on SEA and particularly on HRA are sufficient. I will however await your further thoughts on this matter before I reach a firm conclusion on this issue.

During the course of an examination, it is not unusual for me to have a number of questions of clarification. This is the case with many of the other queries above. There are also two more substantive queries in relation to the recently updated NPPF and the current position of the emerging Local Plan. In this instance, there are three policies which heavily rely on evidence that has not apparently been submitted with the suite of documents. It may well be that the evidence is available or simply needs to be collated into a suitable supporting evidence document. It may be that further consultation would be needed if evidence which has not been previously available is used to underpin these policies.

I understand that this will not be welcome news to those involved in the production of the Plan. However, there are many other aspects of this well presented Plan which are exemplary and

innovative.

In terms of a way forward, I will wait for your comments on the SEA and HRA. Once we have decided on that issue, we can then set out a way forward.

I am also not seeking, and will not accept, any representations from other parties regarding any of the matters covered in this Note at this stage.

This note will be a matter of public record and should be placed on the relevant websites at earliest convenience.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
16 September 2023