

# **Ringstead Neighbourhood Development Plan**

A report to the Borough Council King's Lynn and West Norfolk  
of the Independent Examination of the Ringstead  
Neighbourhood Development Plan

Copy to Ringstead Parish Council

Independent Examiner Christopher Collison

Christopher Collison

BA (Hons) MBA MRTPI MIED IHBC

Planning and Management Ltd

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## Summary of Main Findings

This is the report of the Independent Examination of the Ringstead Neighbourhood Development Plan that has been prepared by Ringstead Parish Council. The plan area lies within the Borough Council of King's Lynn and West Norfolk administrative area. Ringstead Parish was designated as a Neighbourhood Area by the Borough Council in February 2021. The Neighbourhood Plan relates to the Neighbourhood Area. The plan period runs from 2021 until 2036. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan allocates a site for affordable residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area (parish of Ringstead).

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. Ringstead Parish was designated by the Borough Council of King’s Lynn and West Norfolk (the Borough Council) as a Neighbourhood Area in February 2021. The Ringstead Neighbourhood Development Plan (the Neighbourhood Plan) has been submitted by Ringstead Parish Council (the Parish Council), a qualifying body able to prepare a neighbourhood plan, in respect of the Neighbourhood Area. The Neighbourhood Plan has been produced by a Neighbourhood Plan Steering Group made up of Parish Councillors and other volunteers from the local community supported by consultants Collective Community Planning.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council for submission to the Borough Council. The Borough Council arranged a period of publication between 14 June 2024 and 26 July 2024. The Borough Council subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 24 September 2024.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the Borough Council including a recommendation as to whether the Neighbourhood Plan should proceed to a local referendum. The Borough Council will decide what action to take in response to the recommendations in this report.

6. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area once the Borough Council decide the Neighbourhood Plan should be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the Borough Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
  - that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”
13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and supporting documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations; and an unaccompanied visit to the neighbourhood area.
14. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- 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.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by the Borough Council in February 2021. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met. I have noted Figure 1 of the Neighbourhood Plan, in contrast to Figure 1 of the Basic Conditions Statement, in addition to showing the extent of the Neighbourhood Area also includes, without any explanation in paragraph 14 of the Neighbourhood Plan, the "BCKWLN Development Boundary (Emerging LP)". It is confusing and unnecessary for Figure 1 of the Neighbourhood Plan to show the Development Boundary defined in the emerging Local Plan, a plan that is currently subject to change. I have recommended the Development Boundary is deleted from Figure 1 I have recommended this modification so that the Neighbourhood Plan is "clearly written and unambiguous, so it is evident how a decision maker should react

to development proposals” as required by paragraph 16 d) of the Framework.

**Recommended modification 1:**

**In Figure 1 delete the “BCKWLN Development Boundary (Emerging LP)”**

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure projects). I can confirm that I am satisfied that each of these requirements has been met.
20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period is 2021-2036. The Basic Conditions Statement confirms “the RNDP covers the period 2021-2036 which is in general conformity with the timeframes for the strategic policies in the relevant emerging Local Plan for King’s Lynn and West Norfolk (2016-2036).”
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic



Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## Documents

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Ringstead Neighbourhood Plan Regulation 15 Version 2021-2036 March 2024
- Ringstead Neighbourhood Plan Statement of Basic Conditions March 2024 [In this report referred to as the Basic Conditions Statement]
- Ringstead Neighbourhood Plan Consultation Statement March 2024 [In this report referred to as the Consultation Statement]
- Strategic Environmental Assessment (SEA) for the Ringstead Neighbourhood Plan SEA Environmental Report March 2024
- Great Ringstead Neighbourhood Plan Report to Inform Habitats Regulations Assessment March 2024
- Neighbourhood Plan Supporting documents: Ringstead NP Design Guidance and Codes; Ringstead NP Green Space Assessment; Ringstead NP Heritage Assessment; Ringstead NP Housing Needs Assessment; and Ringstead NP Views Assessment
- Information available on the Parish Council website
- Information available on the Borough Council website
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and the Borough Council and the Parish Council including: the initial letter of the Independent Examiner dated 24 September 2024; and the letter dated 1 October 2024 of the Parish Council confirming it did not wish to comment on the Regulation 16 representations
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- King's Lynn and West Norfolk Borough Council Local Development Framework - Core Strategy Adopted July 2011
- King's Lynn and West Norfolk Local Plan - Site Allocations and Development Management Policies (SADMP) Adopted September 2016
- Emerging King's Lynn and West Norfolk Local Plan 2021-2040
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014

- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species Regulations 2017
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan are presented in the Consultation Statement. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.

27. A Neighbourhood Plan Steering Group consisting of Parish Councillors and other volunteers from the community was established in March/April 2021 to oversee consultation and plan production. Updates on the Neighbourhood Plan have regularly been included in the quarterly village newsletter since Summer 2021. A community survey was distributed to all households in the Neighbourhood Area in September 2021 and copies were made available at the village shop and online for a period of seven weeks. 88 completed responses were received. In October 2021 a meeting was held with a local landowner regarding potential development sites. In November 2021 a leaflet was distributed to residents and advertised on the Parish Council website sharing findings of a Housing Needs Assessment, and of a Design Codes and Guidance Document. A short community survey sought views on a range

of topics including Local Green Spaces, important views, and local heritage assets. A consultation event held in November 2022 included interactive workstations designed to capture input of attendees.

28. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 22 January 2024 and 1 March 2024. The consultation on the pre-submission draft Plan and supporting documents was publicised through emails and letters sent to stakeholders, and through the Parish Council website. Consultee bodies were notified directly. Leaflets were delivered to every property and business in the Neighbourhood Area. A hard copy questionnaire was delivered to every property and business in the Neighbourhood Area and made available on the Parish Council website. Printed copies of the survey were placed in the General Store. A drop-in event was held in the Village Hall on 10 February 2024 after which a Frequently Asked Questions leaflet was published on the Parish Council website and distributed to households.
29. The responses to the consultation, which included 31 completed questionnaires and 13 letters from stakeholders are set out on in a table presented on pages 12 to 55 of the Consultation Statement. That table presents details of the representations received from residents and from consultee bodies and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Parish Council to the Borough Council.
30. Following submission of a plan proposal by a qualifying body, the local planning authority will check it includes all items set out in Regulation 15, and then publicise the plan in accordance with Regulation 16. The local planning authority then send the Independent Examiner all the documents set out in Regulation 17, which includes a copy of any representations that have been made in accordance with Regulation 16. The actions necessary under Regulation 16 and Regulation 17 are entirely matters to be undertaken by, and under the control of, the local planning authority. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication which closed on 26 July 2024. I have been provided with copies of each of the seven representations that were duly made, and they have been published on the Borough Council website.
31. A representation of Norfolk County Council includes a general statement regarding background and context of Norfolk Fire and Rescue. The County Council representation also includes comment with respect to libraries, and in respect of the role of the County Council as Lead Local Flood Authority regarding the allocation of sites, and Local Green Space designations.

32. Norfolk Wildlife Trust welcome additions and amendments to the earlier draft plan and have made specific comments relating to RNP Policies 7; 8; 9 and 10.
33. The Environment Agency, Historic England, and Anglian Water Services Ltd confirm no comments. Holme-next-the-Sea Parish Council states it is pleased the Submission Plan reflects the Parish Council's previous comments and congratulates the Ringstead Neighbourhood Plan team on a very professional looking document. Sedgeford Parish Council confirms no additional comments but hope the plan is successfully launched.
34. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
35. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council confirmed on 1 October 2024 that it did not wish to comment on the Regulation 16 representations of other parties.
36. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where

relevant, addressed in the proposed neighbourhood development plan.

37. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

38. This section of my report considers whether the Neighbourhood Plan as a whole:

- meets EU obligations, habitats, and Human Rights requirements;
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- whether the plan contributes to the achievement of sustainable development; and
- whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area.

Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

### **Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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**

39. Paragraph 25 of the Basic Conditions Statement states the Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the

protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. Whilst no Equality Impact Assessment has been submitted, from my own examination the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010.

40. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
41. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the Borough Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
42. A Strategic Environmental Assessment (SEA) for the Ringstead Neighbourhood Plan SEA Environmental Report March 2024 has been submitted concluding “Overall, no potential significant negative effects have been identified through the appraisal of the RNP. Significant positive effects are considered likely in relation to the SEA topic ‘Community wellbeing’ given the plan seeks to deliver small-scale affordable housing to meet the identified need of the local community, provide garden space, allocate green spaces, and provide employment spaces. Minor positive effects are considered likely for biodiversity and geodiversity and the historic environment. This is due to the focus of the Ringstead Neighbourhood Plan on maintaining and enhancing green infrastructure – which will protect and improve biodiversity connectivity and contribute to the setting of heritage features and the historic character of the neighbourhood area. The provision of additional car parking spaces,

and the inclusion of active travel networks in new development is also likely to lead to minor positive effects for transportation and movement. Neutral effects are considered likely for climate change and flood risk, given the low level of growth the plan seeks to bring forward, and the inclusion of policies that will mitigate against the effects of climate change. Minor negative effects are concluded as most likely in relation to landscape and land, soil, and water resources. This reflects the development of greenfield and agricultural land within the protected National Landscape. Alongside the small-scale development proposed, policy mitigation is likely to ensure that these effects are not significant. One recommendation is made – to increase site-specific landscaping requirements in the site allocation policy and develop a masterplan of the allocated site. However, uptake of this recommendation will not lead to changes to the likely overall effects.”

43. Paragraph 22 of the Basic Conditions Statement states “The recommendation of preparing a masterplan and increase site specific landscaping requirements had been considered but was felt was not needed at this stage. This is because they were not crucial, and it was considered that flexibility should be allowed for a future applicant to consider the policy criteria and further supporting assessments associated with the RNP. If further specifications were endorsed this may detract from deliverability of the site in the development period by an interested registered housing provider.” I am satisfied with this statement and position adopted. I have noted necessary statutory consultations have been undertaken. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
44. A Great Ringstead Neighbourhood Plan Report to Inform Habitats Regulations Assessment dated March 2023 has been submitted and concludes “This HRA undertook Likely Significant Effects screening of the RNP (Pre-submission Draft March 2023). All NP policies were assessed in relation to the following Habitat sites: • North Norfolk Coast SAC • The Wash & North Norfolk Coast SAC • North Norfolk Coast SPA / Ramsar • The Wash SPA/ Ramsar. Following Likely Significant Effects screening, it was concluded that one policy, Policy 3: RNP1- Land off Peddars Way North, had the potential to cause a likely significant effect and was discussed with regards to recreational impacts upon Habitat sites. The SADMP was considered to provide protective policies (e.g. Policy DM 19 - Green Infrastructure/Habitats Monitoring and Mitigation) for Habitat sites. However, since a net new allocation is being made within the recreational pressure zone of influence of several Norfolk European sites it falls within the ambit of the Green Infrastructure and Recreation Avoidance and Mitigation Strategy (GIRAMS). Policy 3: RNP1- Land off Peddars Way North requires a contribution for net new residential dwellings to contribute to the GIRAMS tariff. With that requirement in place, it can be concluded that the RNP will not adversely impact Habitat sites either alone or in-combination with other plans and projects.” I am satisfied that the Neighbourhood Plan meets the requirements of the revised Basic Condition relating to Habitats Regulations.

45. There are other EU obligations that could be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
46. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
47. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. The Borough Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
  - when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

48. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
49. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”



50. The most recent National Planning Policy Framework published on 19 December 2023, and amended on 20 December 2023, sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently updated on 14 February 2024. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. In July 2024 Government has issued a consultation document proposing revisions to the Framework. Those revisions are subject to change and have not been taken into consideration in the preparation of my report.
51. Section 3, including Figure 2, on pages 4 to 15, of the Basic Conditions Statement sets out cross references and comments that provide a broad explanation how the Neighbourhood Plan and each of its policies has due regard to the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
52. The Neighbourhood Plan includes in paragraphs 24 to 27 a positive vision for Ringstead with economic, social, and environmental dimensions. Paragraphs 28 to 35 of the Neighbourhood Plan set out seven objectives relating to community; landscape; natural environment and ecology; heritage; built environment; economy; and transport, that help support delivery of the vision. The objectives provide a framework for the policies that have been developed.
53. The Neighbourhood Plan includes on pages 54, 67 and 83 three Community Actions relating to biodiversity net gain credits; maintenance of drainage ditches; and public rights of way and countryside walks. The Norfolk Wildlife Trust has expressed support for the Community Action relating to biodiversity net gain credits "as this has the potential to improve the condition of these valuable sites." A table set out on page 93 of the Neighbourhood Plan identifies relevant stakeholders and partners. Paragraph 224 of the Neighbourhood Plan states "the community actions and the implementation of these will be reviewed annually as well as to monitor working relationships and necessary changes". The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the Parish Council and the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice. The Guidance states, "Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan." I am satisfied the community actions are adequately

distinguished from the policies of the Neighbourhood Plan. I have however recommended paragraph 28 of the Neighbourhood Plan should make it clear the community actions are not neighbourhood plan policies. I confirm the non-policy community actions have not been subject to Independent Examination.

**Recommended modification 2:**

**Continue paragraph 28 of the Neighbourhood Plan to confirm “three Community Actions have been identified through the plan preparation process but these are not policies of the Neighbourhood Plan.”**

54. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”
55. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). To demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”
56. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.
57. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Paragraph 15 of the Basic Conditions Statement states the Neighbourhood Plan supports the economic, social, and

environmental aspects of sustainable development. The statement does not highlight any negative impacts of the Neighbourhood Plan or its policies.

58. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Ensure housing development, including any affordable housing provision, meets local needs;
- Allocate and establish design and other requirements for development of a site for affordable housing provision;
- Ensure new market housing development is for principal residency;
- Ensure developments are of suitable design in keeping with local character;
- Establish requirements relating to extensions and other development in residential curtilages;
- Ensure development achieves biodiversity net gain through stated means and avoids unnecessary loss of trees and hedgerows;
- Designate eight Local Green Spaces;
- Ensure development respects and where possible enhances its landscape setting including important local views and dark skies;
- Ensure development is resilient to, and does not increase, flood risk;
- Establish support for appropriate conversion of rural farm buildings;
- Ensure development respects the Ringstead Conservation Area and its setting;
- Identify non-designated heritage assets; and
- Establish residential and commercial parking guidelines.

59. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

60. Paragraph 13 of the Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development

strategies; and should shape and direct development that is outside of these strategic policies.” Paragraph 21 of the Framework states “plans should make explicit which policies are strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.” Paragraph 29 of the Framework states “Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies.”

61. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). Paragraph 9 of the Neighbourhood Plan states “The borough council’s adopted Local Plan consists of the 2011 Core Strategy and the 2016 Site Allocations and Development Management Policies document which covers the plan period to 2026.” Whilst the Norfolk Minerals and Waste Local Development Framework (which comprises three minerals and waste planning policy documents) forms part of the Development Plan it is not relevant to the Neighbourhood Plan.
62. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The Borough Council has confirmed for the purposes of neighbourhood planning the strategic policies of the development plan comprise:

Core Strategy 2011:

- CS01 – Spatial Strategy
- CS02 - The Settlement Hierarchy
- CS06 - Development in Rural Areas
- CS08 - Sustainable Development
- CS09 - Housing Distribution
- CS12 - Environmental Assets

Site Allocations and Development Management Policies Plan 2016:

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Boundaries
- DM3 – Development in Smaller Villages and Hamlets
- DM5 – Enlargement or Replacement of Dwellings in the Countryside
- DM6 – Housing Needs for Rural Workers
- DM7 – Residential Annexes
- DM9 – Community Facilities
- DM11 – Touring and Permanent Holiday Sites
- DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM20 – Renewable Energy

DM22 – Protection of Local Open Space

and

Sections G70.1 and G70.2 on page 317 of SADMP which state “Ringstead is designated a ‘Smaller Village and Hamlet’ by the 2011 Core Strategy. As such it does not have any specific site allocations or a development boundary” and “Only very limited development would be expected here, and this would be judged against the range of policies in the Core Strategy and the Development Management Policies in this Plan (including, in particular, DM3: Development in the Smaller Villages and Hamlets).”

63. The Borough Council is working on an emerging Local Plan 2021-2040. The Local Plan 2021-2040 was submitted to the Secretary of State for Levelling Up, Housing and Communities, in March 2022. The examination of the Borough’s draft Local Plan is underway and has reached the stage where the Borough Council has undertaken a consultation, which closed on 2 October 2024, on the Main Modifications that are proposed to amend or replace parts of the submission plan (except for those aspects of the plan relating to Gypsies, Travellers and Travelling Showpeople which will be subject to a later consultation). It is anticipated in the Local Development Scheme that the Local Plan 2021-2040 will be adopted in February 2025.
64. The Neighbourhood Plan can proceed ahead of preparation of the emerging Local Plan. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:
- the emerging neighbourhood plan;
  - the emerging Local Plan;
  - the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

65. The approach of the Borough Council and the Parish Council has been consistent with that stated in the Guidance “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the emerging Local Plan when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”
66. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan, not the entire development plan.

67. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

68. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Figure 3, presented on pages 18 to 23, of the Basic Conditions Statement that demonstrates how the policies of the Neighbourhood Plan are in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

69. The Neighbourhood Plan includes 14 policies as follows:

RNP Policy 1: Housing Mix

RNP Policy 2: Affordable Housing

RNP Policy 3: Land off Peddars Way North

RNP Policy 4: Principal Residence Housing

RNP Policy 5: Design

RNP Policy 6: Extensions, Annexes and Outbuildings (Cartlidges and Garages)

RNP Policy 7: Biodiversity

RNP Policy 8: Local Green Space

RNP Policy 9: Landscape Quality

RNP Policy 10: Surface Water Management

RNP Policy 11: Conversion of Rural Farm Buildings  
RNP Policy 12: Ringstead Conservation Area  
RNP Policy 13: Non-Designated Heritage Assets  
RNP Policy 14: Residential and Commercial Parking Standards

70. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”
71. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social, and environmental priorities; and a platform for local people to shape their surroundings.”
72. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
73. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
74. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach



taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”

75. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
76. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.” “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
77. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **RNP Policy 1: Housing Mix**

78. This policy seeks to establish that new housing development should provide a housing mix to meet evidenced local needs. The policy seeks to establish priorities for housing provision based on understood current housing needs. The policy is supported by the Ringstead Housing Needs Assessment (HNA) July 2022.
79. Paragraph 63 of the Framework (which should be read in the context of establishing need) states the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. I am satisfied the approach adopted in RNP Policy 1 has sufficient regard for national policy in this respect. I am satisfied the policy recognises viability. I have recommended a modification to ensure the policy will remain relevant throughout the plan period, should housing needs change locally. Reliance on the Housing Need Assessment (2022) throughout the plan period to 2036 has not been sufficiently justified. I have

recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16 d) of the Framework.

80. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policies CS02 and CS09. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
81. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is, subject to the recommended modification, appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

**Recommended modification 3:**

**In RNP Policy 1 continue the second sentence with “unless more up-to-date robust evidence identifies different local housing need”**

**RNP Policy 2: Affordable Housing.**

82. This policy seeks to ensure that where affordable housing is to be provided it should comprise stated proportions of rented and ownership housing. The policy also seeks to introduce local eligibility criteria to apply for the first three months of advertising of new First Homes. The policy is supported by the Ringstead Housing Needs Assessment (HNA) July 2022.
83. Paragraph 64 of the Framework states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on site. The first part of RNP Policy 2 is only relevant where affordable housing is to be provided. The second part of the policy seeks to establish local eligibility criteria to apply for the first three months of advertising of new First Homes. I am satisfied the local eligibility criteria relating to new First Homes have been sufficiently justified and are responsive to local circumstances. The limited period of application of the local eligibility criteria ensures flexibility in taking account of relevant market signals and will not undermine deliverability. The policy has sufficient regard for national policy.
84. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policies CS06 and CS09. The policy serves a clear

purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

85. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **RNP Policy 3: Land off Peddars Way North**

86. This policy seeks to allocate, subject to stated conditions, a site of 0.6 hectares of land for affordable residential development of up to 6 dwellings for rent. The policy is supported by the Ringstead Housing Needs Assessment (HNA) July 2022.

87. I have initially considered quantitative housing land provision issues, and then considered issues relating to the specific site on land off Peddars Way North, including its selection from alternatives.

88. The Guidance states "The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing."

89. "Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need. In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making."

90. "Where neighbourhood planning bodies have decided to make provision for housing in their plan, the housing requirement figure and its origin are expected to be set out in the neighbourhood plan as a basis for their housing policies and any allocations that they wish to make. Neighbourhood planning bodies are encouraged to plan to meet their housing requirement, and where possible to exceed it."

91. “The National Planning Policy Framework expects most strategic policy-making authorities to set housing requirement figures for designated neighbourhood areas as part of their strategic policies”
92. The Guidance also states “If a local planning authority is also intending to allocate sites in the same neighbourhood area the local planning authority should avoid duplicating planning processes that will apply to the neighbourhood area. It should work constructively with a qualifying body to enable a neighbourhood plan to make timely progress. A local planning authority should share evidence with those preparing the neighbourhood plan, in order, for example, that every effort can be made to meet identified local need through the neighbourhood planning process.”
93. “Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in: the emerging neighbourhood plan; the emerging local plan; the adopted development plan; with appropriate regard to national policy and guidance.”
94. “The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Strategic policies should set out a housing requirement figure for designated neighbourhood areas from their overall housing requirement (paragraph 65 of the revised National Planning Policy Framework). Where this is not possible the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body, which will need to be tested at the neighbourhood plan examination. Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new local plan.”

95. Paragraph 29 of the Framework states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance.
96. Strategic Policy CS02 provides for modest levels of development in the “smaller village” of Ringstead to meet local needs and maintain the viability of the community. That policy also recognises sites for affordable housing may be developed. Part G.70 [Ringstead (SVAH) Smaller Village and Hamlet] of the Site Allocations and Development Management Policies Plan (2016) states “Ringstead is designated a ‘Smaller Village and Hamlet’ by the 2011 Core Strategy. As such it does not have any specific site allocations or a development boundary. Only very limited development would be expected here, and this would be judged against the range of policies in the Core Strategy and the Development Management Policies in this Plan (including in particular DM3: Development in the Smaller Villages and Hamlets).” Policy DM3 states new development in the designated Smaller Villages and Hamlets will be limited to that suitable in rural areas, including: .... rural exceptions affordable housing; and development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06); plus the sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted in Smaller Villages and Hamlets where the development is appropriate to the scale and character of the group of buildings and its surroundings, and it will not fill a gap which provides a positive contribution to the street scene.
97. Whilst paragraph 70 of the Framework states Neighbourhood Planning groups should consider the opportunities for allocating small and medium-sized sites suitable for housing in their area, the Framework does not require Neighbourhood Plans to allocate sites for housing. Paragraph 14 of the Framework confers a limited protection on Neighbourhood Plans which plan for housing where certain criteria are met. To benefit from the protection conferred by Paragraph 14 a Neighbourhood Plan would need to plan for housing through policies and allocations to meet the identified (or indicative) housing requirement in full, including possible allowance for some windfall development. It is not within my role to consider whether the limited protection established by Paragraph 14 of the Framework would apply if the Neighbourhood Plan is ultimately made.
98. The Neighbourhood Plan allocates a site for development although there is no requirement that it should. Paragraph 72 of the Neighbourhood Plan refers to the declining population despite an increase in housing numbers; concerns regarding

sustainability of the village and its ability to retain existing services; as well as a desire to maintain social viability. RNP Policy 3 of the Neighbourhood Plan allocates land for residential development of up to 6 dwellings. Whilst no total figure can be assumed, there is undoubtedly also some limited potential for additional dwellings to be provided within the plan area, throughout the plan period, where such development meets the requirements of national and strategic planning policy. The Neighbourhood Plan places no limit on the number of homes that can be provided where proposals are in accordance with national and strategic policy. I conclude the Neighbourhood Plan will not promote less development than set out in strategic policies, as required by paragraph 29 of the Framework.

99. I am satisfied the approach adopted to address the quantity of housing need in the Neighbourhood Area is appropriate for the purpose of neighbourhood plan preparation for the Ringstead Neighbourhood Area and provides the necessary justification that those policies (after recommended modification) that are relevant to housing supply will result in local housing needs being met. The Neighbourhood Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, and will not undermine those strategic policies.

100. Paragraph 31 of the Framework states “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.” I am satisfied the requirement that the allocated site should provide 100% affordable housing has been adequately justified not least through explanation that affordability is an issue locally. I have noted the statements of strong support locally for more affordable housing.

101. Paragraph 58 of the Framework states “Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.” The Guidance, in response to the question ‘How should a community ensure its neighbourhood plan is deliverable?’ states “Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable

housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan, or spatial development strategy. Further guidance on viability is available” (Paragraph: 005 Reference ID: 41-005-20190509 Revision date: 09 05 2019).

102. In my consideration whether the residential development allocation in Policy RNP Policy 3 is deliverable I have noted paragraph 81 of the Neighbourhood Plan states “The owners of the site, .....had been consulted and are open to the sale of the land” and paragraph 95 states “Interest by registered social providers has also been expressed suggesting this allocation will most likely be deliverable through the development period”. I have not seen any evidence that suggests the requirements of RNP Policy 3 including the widening of Peddars Way North and improvements, particularly if they are not too extensive, to its footway are too onerous and have sufficient regard for national policy relating to planning obligations. Whilst the creation of a continuous footway link along Holme Road to the top of High Street is clearly desirable it is not demonstrated, particularly given the distance from the allocation site and the fact existing properties already suffer from this deficiency of the highway network, that the tests of paragraph 57 of the Framework for this obligation are satisfied. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. Subject to this modification I am satisfied Policy RNP Policy 3 of the Neighbourhood Plan is supported by evidence to confirm consideration of deliverability and has sufficient regard for national policy and guidance in this respect to meet the Basic Conditions.

103. The merits or demerits of potential housing development on sites other than that allocated in the Neighbourhood Plan is not a matter for my consideration. The approach taken to site assessment and selection included in paragraphs 80 to 99 of the Neighbourhood Plan is proportionate to the scale of proposed provision and to the nature of the Neighbourhood Area. The site selection process has included consideration of landscape impact; relationship to existing development and townscape; site access; pedestrian linkages; nature conservation; and impact on heritage assets. The site selection process has sufficient regard for the Framework and Guidance.

104. The Plan must meet the Basic Conditions which includes being in general conformity with the strategic policies of the local plan. It is not tested against the policies in the emerging local plan. I have noted in the consideration of the Settlement Hierarchy supporting the emerging Local Plan Ringstead is recognised as being within the category of Smaller Villages and Hamlets where development will be limited to specific identified needs. Paragraph 75 of the Neighbourhood Plan

includes consideration of the emerging Local Plan. I am satisfied the Neighbourhood Plan has had regard to the evidence informing the emerging local plan in line with the advice in the PPG (Paragraph: 009 Reference ID: 41-009- 20190509).

105. Paragraph 175 of the Framework states “Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.” Paragraph 176 of the Framework states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.” Paragraph 183 of the Framework states “When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development (Footnote 64) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Footnote 64 of the Framework states “For the purposes of paragraphs 182 and 183, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” I am satisfied paragraph 73 of the Neighbourhood Plan demonstrates sufficient regard for national policy relating to National Landscapes.

106. Paragraph 3 of the Framework includes “General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan making in chapter 3.” Paragraph 9 of the Framework includes “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so



should take local circumstances into account, to reflect the character, needs and opportunities of each area.” I am satisfied the Neighbourhood Plan has identified a site the development of which with suitable landscaping will have limited landscape impact, and is suitable for the allocation made. My visit to the site has confirmed the described relationship of the site with existing development and its landscape setting. I observed the site has little particular scenic beauty. I consider development is capable of being sensitively designed and located to avoid or minimise adverse impacts on the Norfolk Coast National Landscape; and be capable of being designed so that it can be regarded as not major development in terms of Footnote 64 of the Framework. The limitation in RNP Policy 3 that development of the site should be up to 6 dwellings is helpful in this respect. I saw nothing on site that would prevent achievement of suitable and safe vehicular and pedestrian access. I have noted neither the Borough Council nor any other party has objected to the allocation of the site in a Regulation 16 representation. I am satisfied the limited development supported by the allocation in RNP Policy 3 has sufficient regard for national policy to meet the Basic Conditions. I find the approach taken and the choices made in the Neighbourhood Plan regarding housing provision are sufficiently evidenced and justified and have sufficient regard for the Framework and Guidance

107. It is often confusing and unnecessary for a policy to refer to other policies of the Neighbourhood Plan as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified, and the Neighbourhood Plan should be read as a whole. However, in the case of RNP Policy 3 there is benefit to plan users of having key requirements of the allocation brought together in a single policy. There is however an inconsistency between policies. Part b) of RNP Policy 3 requires submission of an up-to-date housing needs survey but RNP Policy 1 states the existing Housing Needs Assessment (2022) will be acceptable evidence in demonstrating housing proposals reflect local housing need. I have recommended a modification to both RNP Policy 1 and RNP Policy 3 in this respect to correct this error and so that RNP Policy 3 has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

108. The policy is in general conformity with the strategic policies of the Development Plan in particular strategic Policies CS09 and DM3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

109. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is, subject to the recommended

modification, appropriate to be included in a 'made' neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

#### **Recommended modification 4:**

##### **In RNP Policy 3**

- **commence part b) with “Demonstration that the development proposals reflect local housing need identified in the Housing Need Assessment (2022) or”**
- **in part k) after “and” insert “, subject to meeting the requirements for planning obligations and being viable,”**

#### **RNP Policy 4: Principal Residence Housing**

110. The policy seeks to establish that new market housing, including that created through a conversion, will only be supported where first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a principal residence. The policy also states support for new market dwellings where a planning condition supported by a Section 106 agreement, which will appear on the Register of Local Land Charges, imposes a guarantee that relevant dwellings will ensure each new dwelling will be occupied only as a Principal Residence. The policy also includes requirements for occupiers of relevant properties to keep and provide evidence of occupation as a principal residence. The policy also requires planning applications to be accompanied by proof of principal residence. The policy is supported by the Ringstead Housing Needs Assessment (HNA) July 2022.

111. Paragraph 63 of the Framework states that within the context of Paragraph 62 of the Framework “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...”.

112. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework; and meets the requirements set out in the Guidance. The Guidance states “Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing” (Planning Practice Guidance Paragraph: 104 Reference ID: 41-104-20190509 Revision 09 05 2019).

113. RNP Policy 4 does not seek to influence the scale of housing development to occur within the Neighbourhood Area throughout the plan period. RNP Policy 4 does not seek to place any cap on the number of dwellings that can be built or created, nor does the policy seek to influence the size of dwellings or the tenure of housing. RNP Policy 4 does not seek to limit provision for different groups in the community

including those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes, and people wishing to commission or build their own homes. RNP Policy 4 meets the Basic Conditions in so far as it will not promote less development than set out in the strategic policies for the area, or undermine those strategic policies, as required by paragraph 29 of the Framework.

114. RNP Policy 4 has sufficient regard for paragraph 82 of the Framework in that it is responsive to local circumstances and supports housing developments that reflect local needs. The Policy also has sufficient regard for Paragraph 83 of the Framework which refers to maintenance of vitality of rural communities and support of local services, and has sufficient regard for Paragraph 97 of the Framework that states planning policies should “plan positively for the use of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities”. RNP Policy 4 also has sufficient regard for the part of Paragraph 97 of the Framework that states planning policies should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its everyday needs.”
115. The Guidance states “A wide range of settlements can play a role in delivering sustainable development in rural areas, so blanket policies restricting housing development in some types of settlement will need to be supported by robust evidence of their appropriateness” (Planning Practice Guidance Paragraph: 009 Reference ID: 67-009-20190722 Revision 22 07 2019) and “Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.” (Planning Practice Guidance Paragraph: 103 Reference ID: 41-103-20190509 Revision 09 05 2019).
116. Paragraphs 100 to 111 of the Neighbourhood Plan support RNP Policy 4. Past Census data from 2011, the most recent available at time of plan preparation, is identified as showing a third of homes in the Neighbourhood Area were not occupied. Council Tax reports of the Borough Council show, over the period 2008 to 2024, around 25% of homes in the Neighbourhood Area were classified as second homes. When self-catering holiday homes available to be commercially let are added 71 of the 211 residential properties in the Neighbourhood Area are second homes or holiday homes for letting. A case is made that the returns to owners from holiday letting of properties could restrict availability of property for private sector renting which had declined from 18.5% of the total housing stock in 2011 to only 4.3% in 2021. The Neighbourhood Plan identifies the high level of local concern, and support for a planning policy response, relating to the socio-economic impact of high levels of

second homes and holiday homes and refers to: reduction in community spirit and feelings of isolation particularly in winter months; and perceived impacts on availability and pricing of both purchase and rental homes being beyond the reach of local people especially young people trying to get onto the housing ladder.

117. As a matter of professional planning judgement, I consider that uncontrolled growth of second and holiday homes would damage the Neighbourhood Area as a sustainable community. Where significant numbers of residential properties are unoccupied for parts of the year the number of potential participants in community activity is likely to be reduced, and the economic support for local services and facilities is likely to be lessened to the detriment of the social and economic well-being of the community. A high proportion of empty properties for parts of the year is not consistent with the promotion of social interaction referred to in paragraph 96a) of the Framework, nor is it consistent with the achievement of safe areas where crime or the fear of crime do not undermine the quality of life or community cohesion referred to in paragraph 96b) of the Framework. I am satisfied the policy approach to only support new housing where occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a principal residence has been sufficiently justified by robust evidence and has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16 d) of the Framework.”
118. The second and third paragraphs of the policy relate to administrative procedures that are not appropriate to be included in a land use policy. Those interpretation matters should be transferred to the text supporting the policy with an adjustment to clarify proof of principal residence is not required at planning application stage which would not be possible. I have recommended this modification so that the policy has sufficient regard for national policy.
119. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policy CS08. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 5:  
In RPN Policy 4 delete the second and third paragraphs.**

**Incorporate the deleted paragraphs in the text supporting the policy after paragraph 111 with an adjustment to clarify proof of principal residence is not required at planning application stage.**

### **RNP Policy 5: Design**

121. This policy seeks to establish design guidance for development proposals.
122. RNP Policy 5 is supported by the Great Ringstead Design Guidance and Codes document, prepared in August 2022, which includes a thorough local context analysis, and comprehensive character assessment of three distinctive character areas, namely the Conservation Area; the post-World War 1 development; and the countryside.
123. Paragraph 132 of the Framework states neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how these should be reflected in development. That paragraph also states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. I am satisfied RNP Policy 5 has sufficient regard for national policy in this respect.
124. The Written Ministerial Statement of 25 March 2015 states neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout, or performance of new dwellings. Whilst the new national technical standards should only be required through new Local Plan policies if they address a clearly evidence need and where their impact on viability has been considered neighbourhood plans should not be used to apply the new national technical standards. I have recommended a modification of part l) of the policy in this respect and in respect of the term "can be constructed sustainably" which is imprecise and does not provide a basis for the determination of development proposals. Parts g), h) and i) of the policy seek to introduce requirements relating to the planting of gardens in ways that are not appropriate to a development plan document. The term "future views" in part i) is imprecise and includes unnecessary duplication of RNP Policy 8 which paragraph 16 of the Framework states should be avoided. The requirement in part n) of the policy that replacement dwellings should not result in an increase in the height or scale of the original dwelling has not been sufficiently justified. I have recommended a modification in all these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16 d) of the Framework."

125. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policy CS08. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

126. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy as recommended to be modified is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In RNP Policy 5**

- **in part g) replace the final sentence with “Wherever possible car parking spaces should not be located to the front of dwellings.”**
- **in part h) after “features” insert “including the Local Green Spaces designated in Policy 8”, and delete the text after “village”**
- **in part i) replace the text after “vegetation to” with “achieve biodiversity net gain.”**
- **in part l) replace “Code” and all the text that follows it with “Codes EE01-05”**
- **in part n)**
  - **replace “should not” with “that”**
  - **delete “and”**
  - **replace “integrating into” with “with respect to the character and height of surrounding buildings and should not have a significant detrimental impact on”**

##### **RNP Policy 6: Extensions, Annexes and Outbuildings (Cartlodes and Garages)**

127. This policy seeks to establish conditional support for extensions to existing dwellings and the provision of annexes, outbuildings including cart lodges and garages.

128. Paragraph 63 of the Framework states within the context of establishing need, the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Paragraph 132 of the Framework states neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how these should be reflected in development. That paragraph also states design policies should be developed with local communities so they reflect local aspirations, and are grounded

in an understanding and evaluation of each area's defining characteristics. I am satisfied the approach adopted in RNP Policy 6 has been adequately justified in the Great Ringstead Design Guidance and Codes document produced in August 2022, and in paragraphs 136 to 139 of the Neighbourhood Plan.

129. The term "permitted" is inappropriate in the context of paragraph 2 of the Framework which states planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations will not be known until the time of determination of proposals. In this respect it is also inappropriate for the policy to require that Design Codes and Guidance are followed. The second part of the first paragraph relating to annexes and outbuildings is imprecise; does not provide a basis for the determination of development proposals; and duplicates, in part, the intention of the final paragraph of the policy. The term "the building" in the final sentence is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is "clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16 d) of the Framework.

130. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policy DM7. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

131. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is, subject to the recommended modification, appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 7:**

##### **In RNP Policy 6**

- **replace "permitted" with "supported"**
- **replace "follow" with "demonstrate regard for"**
- **delete "without creating an independent dwelling unit in the future"**
- **replace "the building" with "any annexe or outbuilding"**

#### **RNP Policy 7: Biodiversity**

132. This policy seeks to establish that identified wildlife sites should be safeguarded and retained, and habitats enhanced as part of the development

process. The policy also seeks to establish that important wildlife and high biodiversity habitats including roadside nature reserves should be protected and opportunities sought for their enhancement. The policy seeks to establish that where appropriate buffer zones, which will provide ecological benefits around sensitive sites, should be considered and encouraged. The policy also seeks to establish that development proposals must demonstrate a minimum level of biodiversity net gain and establish how that should be achieved. The policy also seeks to establish a development management approach relating to trees and hedgerows.

133. Norfolk Wildlife Trust have welcomed the reference to Roadside Nature Reserves (at RNR 35 on Docking Road and RNR 76 on Peddars Way South) and support the protection afforded to other valuable sites and habitats. The Trust also welcome reference to buffer zones. The Trust state point d) of the policy is unclear and suggest alternative wording.
134. Paragraph 185 b) of the Framework states plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 b) of the Framework states planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Paragraph 136 of the Framework states existing trees should be retained wherever possible. Paragraph 186 c) of the Framework states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills, where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.
135. The term “as part of the development process” in the first sentence of the policy is imprecise. The second sentence of the policy is seeking to provide protection of County Wildlife Sites outside the Neighbourhood Area which it may not. The term “should be considered and encouraged” does not provide a basis for the determination of development proposals. I am satisfied the part of the policy relating to biodiversity net gain provides an additional level of detail to national policy however the prescriptive nature of how net gain is to be achieved has not been sufficiently justified. I have adopted the recommendation of the Norfolk Wildlife Trust in my recommended modification of part d) of the policy. I have recommended a modification in these respects so that the policy has sufficient regard for national



policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I am satisfied the final part of the policy relating to trees and hedgerows includes sufficient flexibility to accommodate unavoidable loss, for example to achieve a safe access in development proposals.

136. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan in particular strategic Policies CS08; CS14 and DM19. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:  
In RNP Policy 7**

- **replace the first three paragraphs with “To be supported development proposals must demonstrate how they seek to safeguard, retain, and where possible enhance, County Wildlife Sites, Priority Habitats, and other important wildlife and high biodiversity habitats, including Roadside Nature Reserves. Proposals for buffer zones providing ecological benefits around sensitive sites will be supported.”**
- **after “following ways” insert “unless alternative methods are shown to be necessary”**
- **in part d) replace the text after “infrastructure” with “, such as county wildlife sites, Priority Habitats and other important wildlife and high biodiversity habitats, and strengthening green corridors to link habitats and improve connectivity for wildlife.”**

**RNP Policy 8: Local Green Space**

138. This policy seeks to designate eight identified sites as Local Green Space and seeks to establish a development management regime to apply within them.

139. Norfolk Wildlife Trust has expressed support for the designation of the eight areas proposed on the basis green spaces provide important habitats for wildlife and can act as wildlife corridors.

140. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Figure 29 of the Neighbourhood Plan and at a larger scale on the Policies Map. Six of the sites are presented on an enlarged part of the Policies Map presented on page 95 of the Neighbourhood Plan. The Local Green Space Assessment report supporting the Neighbourhood Plan includes descriptions and images of the sites, and some maps at a larger scale than those included in the Neighbourhood Plan. The scale and discrete nature of the areas of land in question assists in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Space has been adequately identified.
141. Paragraph 107 of the Framework states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. Part 13 of the Framework relates to ‘Protecting Green Belt land’. Paragraphs 152 to 156 of the Framework relate to proposals affecting Green Belt land. Those paragraphs include statements regarding the types of development that are not inappropriate in Green Belt areas.
142. RNP Policy 8 seeks to establish a development management regime to apply in the designated Local Green Spaces. Appendix C of the Neighbourhood Plan seeks to set out an explanation for the approach adopted. Appendix C does not provide sufficient justification for the variations from national Green Belt policy, for example, RNP Policy 8 seeks to prevent new buildings for agriculture or forestry, that are to be regarded as exceptions in Green Belt policy, and part a) of RNP Policy 8 seeks to exclude appropriate facilities associated with a change of use, that are to be regarded as exceptions in Green Belt policy. The categories of other appropriate development are introduced in RNP Policy 8 with the imprecise term “includes” which does not provide a basis for the determination of development proposals. The types of development included in parts d) and e) of RNP Policy 8 exclude types of development listed as not inappropriate in paragraph 155 of the Framework without sufficient justification. The limitation of engineering operations to those that are temporary, small-scale and result in full restoration is not sufficiently justified. The term “no unacceptable harm” in the final paragraph of RNP Policy 8 is imprecise and does not provide a basis for the determination of development proposals. The policy is imprecise and seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I have recommended a modification in this respect. Decision makers must rely on Paragraph 107 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with

those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 152 to 156.

143. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”
144. In respect of the areas proposed for designation as Local Green Space I find the designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.
145. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” The sites proposed for designation are all 3.7 hectares or less in area. The sites are well defined and substantially enclosed by clear boundaries. The sites are easily recognised as discrete areas of land. None of the proposed designations constitutes a blanket designation of open countryside adjacent to Ringstead as a back door way to achieve what would amount to a new area of Green Belt by another name. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close-proximity to the community it serves, is local in character, and is not an extensive tract of land.
146. The Guidance states the Qualifying Body (Parish Council) “should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Planning Practice Guidance Paragraph: 019 Reference ID:37-019-20140306 Revision date 06 03 2014). The areas proposed for designation as Local Green Space have been subject to extensive consultation with the local community. Paragraph 158 of the Neighbourhood Plan confirms

landowners have been contacted regarding the proposal to designate land areas as Local Green Space, and that they have been invited to make representations.

147. The Ringstead Local Green Space Assessment supporting the Neighbourhood Plan includes information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each of the sites, including matters referred to in the Framework. I have visited the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan and supporting Local Green Space Assessment provides sufficient evidence for me to conclude that the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

148. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.

149. The policy is in general conformity with the strategic policies of the Development Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

150. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:  
In Policy RNP8 delete the text after "Foundry Lane"**

**Delete Appendix C and references to it in the Neighbourhood Plan.**

### **RNP Policy 9: Landscape Quality**

151. This policy requires development proposals to conserve and enhance the scenic beauty and special qualities of the Norfolk Coast National Landscape. The policy states proposals which would cause coalescence with neighbouring settlements will not be supported. The policy also seeks to establish development proposals that adversely affect 12 identified key views will not be supported. The policy also seeks to minimise light pollution.

152. Norfolk Wildlife Trust has particularly welcomed and support the reference to bats, in the dark skies part of the policy.
153. I am satisfied the requirement for development proposals to conserve and enhance the scenic beauty and special qualities of the Norfolk Coast National Landscape has sufficient regard for national policy relating to conserving and enhancing the natural environment, in areas of the highest status of protection referred to in paragraph 182 of the Framework. Whilst there is only contextual supporting evidence relating to the reference to coalescence of settlements in the second paragraph of the policy, I am satisfied this is appropriate given the fact the Neighbourhood Area is situated almost entirely within the Norfolk Coast National Landscape designation.
154. Paragraph 180 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with residents but must demonstrate physical attributes beyond “ordinary” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). RNP Policy 9 where it relates to important local views is not seeking to identify valued landscapes but is seeking to ensure development proposals respect views that are important to the setting and character of the Neighbourhood Area. I am satisfied the important views are adequately identified on Figure 33 of the Neighbourhood Plan; and the approach adopted is sufficiently justified in the Ringstead Neighbourhood Plan Views Assessment Document which includes images, descriptions, and analysis of each view. I am satisfied the views identified each have characteristics that justify the policy approach to avoid development proposals significantly adversely affecting them. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not significantly adversely affect the identified views. Planning policy must operate in the public interest. I am satisfied the view locations are freely accessible to the public. The terms “adversely affect” and “any harm” in RNP Policy 9 result in a degree of restriction that has not been sufficiently justified. I have recommended a modification so that the degree of control is proportionate to the evidence base. I have recommended a modification in this respect so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework
155. Paragraph 191 c) states planning policies should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation. The final part of the policy has sufficient regard for national policy in this respect. Where proposals are acceptable there will be no need to impose a planning condition. I have recommended a modification in this respect so

that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

156. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan in particular strategic Policy CS08 and DM15. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:  
In RNP Policy 9**

- **in the text after the list of views insert “significantly” before “adversely” and insert “significant” before “harm”**
- **replace the text before the colon in the dark skies section with “To be supported development proposals that include external lighting must be”**

**RNP Policy 10: Surface Water Management**

158. This policy seeks to ensure development proposals must be designed to manage flood risk effectively, including incorporating Sustainable Drainage Systems (SuDS).

159. Norfolk Wildlife Trust has expressed support for the policy “as Sustainable Urban Drainage Systems (SuDS) are extremely important in reducing flood risk, reducing pollution locally, increasing biodiversity and when used effectively can provide habitat connectivity.”

160. Paragraphs 165 to 175 inclusive of the Framework set out national policy seeking to ensure development is not affected by flooding, and does not increase the risk of flooding elsewhere. It is the Government's stated intention to implement Schedule Three of The Flood and Water Management Act 2010 to make SuDS mandatory in all new developments in England. The local application of Sustainable Drainage Systems (SuDS) to all development proposals has been sufficiently justified.

161. This policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policies CS08 and CS14. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
162. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **RNP Policy 11: Conversion of Rural Farm Buildings**

163. This policy seeks to establish conditional support for the enlargement of redundant farm buildings for specified purposes. Other uses are identified as being "not viewed as favourable."
164. Paragraph 85 of the Framework states planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 124 of the Framework states planning policies should give substantial weight to the value of using suitable brownfield land within settlements and support the development of underutilised land and buildings. Paragraph 89 of the Framework refers to unacceptable impact on local roads and states the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
165. The final sentence of the first paragraph of RNP Policy 11 does not have sufficient regard for paragraph 88 of the Framework which includes "Planning policies and decisions should enable (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; (b) the development and diversification of agricultural and other land-based rural businesses. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
166. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policy CS06. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
167. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, as recommended to be modified, the policy is

appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:**

**In RNP Policy 11 delete the final sentence of the first paragraph**

**RNP Policy 12: Ringstead Conservation Area**

168. This policy seeks to establish that development proposals within the Ringstead Conservation Area must have regard for seven factors.
169. Paragraph 212 of the Framework states “local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.” Paragraph 135 of the Framework states planning policies and decisions should ensure that developments are sympathetic to local character and history. I am satisfied each of the factors included in the policy is appropriate and has sufficient regard for national policy.
170. I have recommended a modification to replace the imprecise term “non-listed” in RNP Policy 12, and the imprecise term “unlisted” in the notation of Figure 40 of the Neighbourhood Plan, with the term “other locally valued”. This will avoid confusion with the term “non-designated.” I have also recommended a modification to replace Figure 40 with a larger scale map so that buildings can more easily be identified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
171. The policy is in general conformity with the strategic policies of the Development Plan, in particular strategic Policy CS06. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
172. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, as recommended to be modified, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:**



**In part B of RNP Policy 12 replace “non-listed” with “other locally valued”**

**Replace Figure 40 with a map of larger scale so that buildings can more easily be identified, and in the notation replace “important unlisted buildings” with “non-designated heritage assets and other locally valued important buildings”**

### **RNP Policy 13: Non-Designated Heritage Assets**

173. This policy seeks to identify 13 buildings as non-designated heritage assets, and establish an approach to the determination of development proposals that would affect them.
174. The Ringstead Neighbourhood Plan Heritage Assessment (2022) sets out in paragraph 4 the process adopted, and criteria used, in the identification of the 13 heritage assets referred to in RNP Policy 13. The assessment document includes a map showing the location of each heritage asset, a summary assessment table, and for each asset a photograph and description followed by notes relating to each of the assessment criteria of: age; rarity; architectural and artistic interest; group value; archaeological interest; historic interest (including archival interest, social and community value); and landmark status.
175. The Guidance refers to advice on local lists published on Historic England’s website (Planning Practice Guidance Paragraph: 040 Reference ID: 18a-040-20190723 Revision date: 23 07 2019). Historic England 2022 Neighbourhood Planning and the Historic Environment Historic England Advice Note 11 (Second Edition) states “Preparing a list of locally-valued heritage assets. Independent (at least initially) of any local list endorsed or developed by a local planning authority, neighbourhood planning groups may wish to consider if any buildings and spaces of heritage interest are worthy of protection through preparing a list of non-designated heritage assets that is referenced in neighbourhood plan policy. The use of selection criteria is important to provide the processes and procedures against which assets can be nominated and their suitability assessed for addition to the local planning authority’s heritage list. The consultation and examination processes confirm the suitability of features for inclusion in a list of non-designated heritage assets, which can be integrated within a local list maintained by the local authority, subject to discussion with them.” It is appropriate for a local community to use the Neighbourhood Plan preparation process to identify non-designated heritage assets that are locally valued. I am satisfied the process adopted and the criteria used are satisfactory. As a Member of the Institute of Historic Building Conservation I confirm I am also satisfied the 13 heritage assets are suitable to be included in a local list of Non-Designated Heritage Assets to be referenced in RNP Policy 13 of the Neighbourhood Plan.

176. The policy wording refers to development proposals making “clear the public benefits that the proposal would deliver.” Whilst public benefit is a matter referred to in paragraph 207 of the Framework in respect of proposals affecting designated heritage assets it is not a matter to be considered with respect to non-designated heritage assets. Paragraph 209 of the Framework states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” I have recommended a modification so that assessment of impact on the identified heritage assets should be as though they were non-designated heritage assets to have sufficient regard for national policy and guidance in this respect. I have recommended a modification so that the policy has sufficient regard for national policy, in particular paragraph 209 of the Framework, and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

177. As recommended to be modified the policy is in general conformity with the strategic policies of the Development Plan, in particular Strategic Policies CS08 and DM15. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

178. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 13:**

#### **In RNP Policy 13**

- **replace the text before the list of heritage assets with “The following buildings identified on Figure 42 of the Neighbourhood Plan are identified as non-designated heritage assets. In weighing applications that affect these heritage assets, directly or indirectly, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”**
- **delete the third and fourth paragraphs including criteria a) to c)**

## **RNP Policy 14: Residential and Commercial Parking Standards**

179. This policy seeks to establish that residential and commercial proposals should consider all appropriate points made under Design Code SP02 Streets and Parking, and Section 10 – Car Parking Design Guidance and Codes Checklist in Appendix B.
180. Design Code SP02 Car Parking Solutions of the Great Ringstead Design Guidance and Codes August 2022 sets out design guidance regarding car parking solutions and includes sections relating to on-street parking; on-plot side or front parking; garage parking; and parking courtyards. RNP Policy 14 includes text in each of these respects. The fifth bullet point of Design Code SP02 states “1 or 2 bedroom dwellings should provide at least 1 on plot parking space. Dwellings with 3 or more bedrooms should provide 2 on plot parking spaces.” Paragraph 111 of the Framework states “If setting local parking standards for residential and non-residential development, policies should take into account:
- (a) the accessibility of the development;
  - (b) the type, mix and use of development;
  - (c) the availability of and opportunities for public transport;
  - (d) local car ownership levels; and
  - (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”
- Design Code SP02 does not confirm that all those factors have been taken into account. RNP Policy 14 includes different minimum parking standards from those in Design Code SP02 to be provided in all new residential developments where practicable and feasible. The Neighbourhood Plan does not include justification of those different requirements nor does it include confirmation that all the factors listed in paragraph 111 of the Framework have been taken into account. I have recommended a modification so that the numerical parking standards are deleted from RNP Policy 14 and the policy title is modified so that the policy has sufficient regard for national policy. I have also recommended a modification to correct the references to the Design Code and to the relevant section of Appendix B of the Neighbourhood Plan.
181. The policy is in general conformity with the strategic policies of the Development Plan in particular strategic Policy DM17. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance subject to the recommended modification the policy is

appropriate to be included in a 'made' neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

**Recommended modification 14:**

**In RNP Policy 14**

- **in the first paragraph replace the text after “SP02” with “Car Parking Solutions, and the Car Parking section of the Design Guidance and Codes Checklist in Appendix B of the Neighbourhood Plan.”**
- **delete the third paragraph including the list of requirements**

**In the Policy title replace “standards” with “provision”**

## **Conclusion and Referendum**

183. I have recommended 14 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the 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 of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- 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.

**I recommend to the Borough Council that the Ringstead Neighbourhood Development Plan for the plan period up to 2036 should, subject to the modifications I have put forward, be submitted to referendum.**

184. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by the Borough Council as a Neighbourhood Area in February 2021.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

185. I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Supporting text must be adjusted to achieve consistency with the modified policies.

Norfolk Wildlife Trust state Community Action 1 should be corrected to insert the word “be” after “could”. I recommend this correction is made, even though I have not Independently Examined the Community Actions, so that the Neighbourhood Plan is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

**Recommended modification 15:  
Modify policy explanation sections, general text, figures, and images, and supporting documents to achieve consistency with the modified policies; to achieve updates and correct identified errors; to achieve necessary clarifications; and to ensure sufficient regard for national policy.**

Chris Collison  
Planning and Management Ltd  
21 October 2024  
REPORT END