

Borough Council of King's Lynn & West Norfolk:

Snettisham Neighbourhood Plan – Decision on examiner's recommendations

October 2018

Borough Council of
**King's Lynn &
West Norfolk**



Borough Council Decision on the Examiner's recommendation for the Snettisham Neighbourhood Plan

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Snettisham Parish Neighbourhood Area
Parish Council	Snettisham Parish Council
Submission	08/05/2018 – 22/06/2018
Examination	July / August 2018
Inspector Report Received	01/08/2018

1. Introduction

1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum.

1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood planning.

1.3 This Decision Statement confirms that the modifications proposed by the examiner's report on the whole have been accepted. There are two modification that have been proposed which have been amended by the Borough Council in collaboration with Parish Council and this relates to:

1.3.1 Policy NP01 Residential Allocation

1.3.2 Policy NP04 Permanent Homes.

1.4 Accordingly the draft Snettisham Neighbourhood Plan has been amended taking into account these modifications, and the Borough Council has reached the decision that the Snettisham Neighbourhood Development Plan may proceed to referendum.

2. Background

2.1 The Neighbourhood Area of Snettisham Parish was designated on 14/06/2016. The Neighbourhood Area corresponds with Parish boundaries for Snettisham Parish Council. The Snettisham Neighbourhood Plan has been prepared by the Snettisham Parish Council. Work on the production of the plan has undertaken by members of the Parish Council and the local community, since 2016.

- 2.2 The Plan was submitted to the Borough Council of King's Lynn and West Norfolk and the consultation under Regulation 16 took place between 08/05/2018 - 22/06/2018. As part of this the plan was publicised and representation invited.
- 2.3 In July 2018 Independent Examiner Nigel McGurk BSc (Hons) MCD MBA MRTPI was appointed by the Borough Council with consent of the Parish Council, to undertake the examination of the Snettisham Neighbourhood Plan. This culminated in the Examiner's Report being issued on 01/08/2018.
- 2.4 The Examiner's Report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions as set out in legislation and should proceed to a Neighbourhood Planning Referendum.
- 2.5 Having carefully considered each of the recommendations made within the Examiner's Report and the reasons for them, the Borough Council (in accordance with the 1990 Act Schedule 48 paragraph 12) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.
- 2.6 There are two areas in which the modification recommended by the Examiner has not been taken forward. This is in relation to Policy NP01 Residential Allocation and NP04 Permanent Homes. Alternative modifications are proposed by the Borough Council.

3. Recommendations by the Examiner

Policy / Area	Modification Recommended	Justification
Snettisham Neighbourhood Area	Replace plan on page 3 with a copy of the plan provided as a loose insert (including the legend and title).	To clearly show the Neighbourhood Area, and to satisfy requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).
Introduction	Page 5, first sentence, change to "... <i>(LDF) requires that Snettisham should allocate land for "at least 34" dwellings for the period to 2026. In April..."</i>	Clarity
	Page 5, delete footnote (e)	Footnote (e) on page 5 appears misleading. There is a

Policy / Area	Modification Recommended	Justification
		national presumption in favour of sustainable development and according to the National Planning Policy Framework (the Framework), neighbourhood plans cannot promote less development than set out in the Local Plan (Paragraph 184). In addition, Paragraph 47 of the Framework establishes a requirement to “ <i>boost significantly</i> ” the supply of housing.
	Page 5, delete last sentence (“This map...apply:”)	The map shown on page 6 appears misleading. The map does not relate to land use planning policies which prevent development, but is presented as showing areas where restrictions “ <i>preventing some areas being developed</i> ” might apply. This results in unnecessary confusion and detracts from the clarity of the Neighbourhood Plan.
	Page 6, delete plan and reference to various areas below it	
	Page 6, change penultimate para to “ <i>Residents also expressed a preference for development to the west of the Bypass to be commercial, as they consider there to be little practical and Available space within the main body of the Village.</i> ”	
	Page 7, Section 4, second para, change to “...the Parish. The Parish Council will seek to work with the relevant health authorities in respect of the provision of General Practice facilities. The Parish Council will also seek to liaise with the relevant drainage authorities with the aim of ensuring adequate provision. There is currently a lack of green space in the Village and the Neighbourhood Plan seeks to address this matter.”	Part of Section 4 reads as though it comprises a land use planning policy requirement, which it does not. It also sets out requirements outside the control or responsibility of the Parish Council.
	Page 7, Section 4 third para, change to “The Parish Council	

Policy / Area	Modification Recommended	Justification
	<i>will seek to work in conjunction...Village. There is...and diversification is encouraged by the Parish Council. The recent..."</i>	
	Page 9, first para, delete "...- Council should monitor this."	The Parish Council cannot impose a monitoring requirement on the Local Planning Authority and nor can it seek to determine how the planning system should operate, which is a matter of statute.
	Page 9, last para, delete last sentence ("This should...point.")	
Policy NP01 – Residential Allocation	Policy NP01, change to " <i>Land is allocated for the development of around 40 dwellings at Poppyfields, as shown in Figure SNP1. The development should be informed by a design-led approach, having regard to local character and residential amenity.</i> "	Clarity: to provide a clear and unambiguous policy
	Supporting text, page 10, first para, change to " <i>...understood. A design-led approach is essential, to ensure that the growth is delivered in a manner that is in keeping with the character of the village. It...</i> "	
	Supporting text, page 11 delete the three paras below Figure SNP1. This text reads as though it comprises part of the Policy, which it does not.	
	Policy NP01, add to the end of the recommended revision, " <i>...amenity. Development of the site must provide for access to the local public rights of way network and provide clear signage to indicate access to the public rights of way network and to point out where dog walking would be acceptable within the wider area, and that Dersingham Bog is not</i>	Taking into account the response from Natural England in respect of Habitats Regulations Assessment

Policy / Area	Modification Recommended	Justification
	<i>suitable for dog walking."</i>	
Policy NP02 – Windfall Residential Development	Policy NP02, change to <i>"Proposals for windfall development in the Neighbourhood Area should demonstrate that: The provision of access by...route; That the proposal will not result in a reduction of the amount of outdoor sport or recreational space, or children's play space; That the proposal would not result in the loss of viable employment land."</i>	To ensure the policy meets the basic conditions. So it is consistent with National and Local Policy
	Introductory text, page 12, first para, change to "If the development plan is afforded reduced weighting..."	To ensure the policy meets the basic conditions. So it is consistent with National and Local Policy
	Introductory text, page 12, delete second para ("Given the...totals.")	
	Delete all supporting text on page 13	
Policy NP03 – Housing Mix	Policy NP03, change to <i>"More than half of the housing provided at the allocated site, Poppyfields should comprise two or three bedroomed housing, unless the provision of an alternative dwelling mix meets identified housing needs."</i>	So that the policy provides a clear indication of how a decision maker should react to a development proposal and that the policy is justified.
	Supporting text, page 14, delete final para	
Policy NP04 – Permanent Homes	Delete Policy NP04 Delete all text on page 15 and supporting text to Policy NP04 on page 16	Insufficient detail, unclear and a lack of evidence or understanding
Policy NP05 – Affordable Housing	Delete Policy NP05 Delete related supporting text on pages 16 and 17	Insufficient detail, unclear and a lack of evidence or understanding. Contradiction with National and Local Policy
Policy NP06 – Materials and Design	Policy NP06, change to <i>"All development should comprise high quality design. Residential development</i>	Clarity

Policy / Area	Modification Recommended	Justification
	<i>should make use of local materials, for example carrstone. All development should reflect and respond positively to local character."</i>	
Policy NP07 –Housing Density	Policy NP07, delete ".../cart lodges" Supporting text, page 18, retain the first sentence and delete the remaining supporting text ("Beyond this...individual flats.")	Clarity
Policy NP08 – Residential Car Parking	Policy NP08, second column, second row, replace "One" with "Two"	Ensure the policy is consistent with the Local Plan
Policy NP09 – Commercial Development – Smaller Scale	Delete Policy NP09 Delete supporting text associated with Policy NP09, on pages 20 and 21	The policy is unclear
Policy NP10 – Commercial Development – Larger Scale	Delete Policy NP10 Delete supporting text associated with Policy NP10, on pages 20 and 21	The policy is unclear
Policy NP11 – Development Control	Delete Policy NP11 Delete supporting text relating to Policy NP11 on pages 23 and 24	Policy does not meet the basic conditions – it may prevent sustainable forms of development from coming forward and therefore is contrary to the presumption in favour of sustainable development and the NPPF
Policy NP13 – Natural Environment	Change Policy NP13 to <i>"The enhancement of the public rights of way network, including access to it, will be supported. All development within the Norfolk Coast AONB should protect and enhance the AONB."</i> Supporting text, top of page 25, change to "...natural beauty. Part of the village is located within the Norfolk Coast AONB. The presence..."	Provide clarity
Policy NP14 -Transport	Change wording of Policy	Clarity, a lack of evidence and

Policy / Area	Modification Recommended	Justification
	<p>NP14 to "The enhancement of pedestrian access to the village centre will be supported."</p> <p>Supporting text, page 25, delete sentence "There are concerns...on certain existing roads."</p> <p>Supporting text, page 26, first para, delete second sentence ("Applications will need...into account.")</p>	lack of detail
Community Aims	<p>Pages 27 and 28, delete sub-headings "Introduction/Reasoned justification" and "Supporting text"</p> <p>Provide a new sentence underneath the title at the top of page 27: <i>"Community Aims are not land use planning policies, but they are reflective of the aspirations of the local community."</i></p> <p>Change CA1 to <i>"The Parish Council will seek to encourage developers to construct...standards."</i></p> <p>Supporting text underneath CA1, change to "...standards. This may include solar panels..."</p> <p>Delete last para of supporting text on page 27 ("Decisions on planning...Village.")</p> <p>CA2, change to <i>"The Parish Council will seek to encourage new developments in Snettisham to make a contribution..."</i></p> <p>Page 28, second para, change</p>	The Community Aims on pages 27 and 28 do not comprise land use planning policies. In the interest of precision, this should be made clear. The supporting text to these includes references that are worded as though they comprise Policy requirements, which they do not

Policy / Area	Modification Recommended	Justification
	<p>to "...20 dwellings the Parish Council will seek to encourage the provision of financial contributions towards the provision of open and green space. Larger developments might include open areas..."</p> <p>Page 28 third para, change to "Whilst not designated in this Neighbourhood Plan, it is a future aim of the Parish Council that certain areas of Local Green Space be designated, where possible. This will..."</p> <p>Page 28, delete last para of text "Additional supporting...aims above."</p>	
Evidence Base	<p>Remove pages 29-36 inclusive and 44-56 inclusive</p> <p>Change title of page 37 to "Examples of housing in Snettisham"</p> <p>Delete title "Appendix 4.1, 4.2" etc, retaining just the title of each Map</p>	Some of the information provided has little direct relationship with the Policies of the Neighbourhood Plan. As such its inclusion potentially detracts from the clarity and precision of the Neighbourhood Plan.
Contents Page and Page Numbering	Update the Contents and page numbering, taking into account the Examiner's recommendations	Clarity of presentation

4. Borough Council Modifications

Policy / Area	Modification Recommended	Justification
Policy NP01 – Residential Allocation	Please see text below section 4.1.	To specifically address the possibility of more intensive development on the allocated site, and the associated requirements of additional development

		above the indicative number.
Policy NP04 – Permanent Homes	Please see text below section 4.2.	<p>To provide awareness of the matter in the neighbourhood plan, this reflects the current evidence base, i.e. the community survey.</p> <p>It also provides a basis for further policy development in this area for future versions of the plan as expressed in the Community Aim.</p>

4.1 Policy NP01 – Residential Allocation

Policy NP01

Land is allocated for the development of around 40 dwellings at Poppyfields, as shown in Figure SNP1. The development should be informed by a design-led approach, having regard to local character and residential amenity. Development of the site must provide for access to the local public rights of way network and provide clear signage to indicate access to the public rights of way network and to point out where dog walking would be acceptable within the wider area, and that Dersingham Bog is less suitable for dog walking.

A number greater than 40 will only be supported if there is both convincing evidence that this is necessary to make the development viable, and that the greater number will deliver additional community benefits for Snettisham.

Supporting text

Feedback from consultations indicated that the need for development was understood. A design-led approach is essential, to ensure that the growth is delivered in a manner that is in keeping with the character of the village. Currently an indicative maximum number is proposed to ensure that the growth delivered is proportional to the village, and to maintain the nature of the village. Depending on a design led approach as the policy specifies, it may be possible to accommodate additional homes.

An application for a higher number of new homes would need to be supported by additional community benefits relating to the allocation - e.g. the provision of open space, above the Fields in Trust 'six-acre standard' in the vicinity of the allocation, and the provision of

affordable housing to meet local need. This allows potential developers to propose viable overall plans of their choosing.

It should also be noted that this is in addition to the housing already approved under the local plan to 2026; therefore it is not in conflict with it.

The allocation chosen (see Figure SNP1) is not currently used for agriculture and has been vacant for a lengthy period, and so there has been an expectation that this would eventually be developed. The site was identified as by far the most popular in the questionnaire, and much of the required infrastructure is already in place – e.g. drainage, access. Access to both the Village Centre and the A149 is straightforward, supporting Village facilities whilst not impacting negatively on levels of traffic within the Village. Landowners have been consulted and are in agreement with the site being used. This land was identified as the only substantial space where development could occur without significant deleterious effects in the immediate environs of the main Village. See Section 7c (NP10) for matrix.

4.2 NP04 – Permanent Homes Modified Supporting Text, Policy and associated Community Aim

Policy NP04

The Parish Council will press the Borough Council and potential developers to ensure that properties are not built for the second home / holiday market in the main village. Properly designed houses, with adequate gardens will be sought, rather than house types and layouts more obviously suited to holiday use. As additional research results become available about the amount and impact of second / holiday homes the Parish Council will rely on this as a material consideration in commenting on planning applications.

Supporting Text

The Parish Council has given consideration to the adverse effects which second homes or holiday rentals might have on the community. The issue was raised by some 74% of respondents to the draft Neighbourhood Plan. They were concerned that such properties would have an adverse effect in Snettisham, especially those new houses coming forward through infill, or as the allocated site. Among the effects could be:

- *Using houses that would be more beneficially occupied by full time residents*
- *Eroding the sense of community from non-participation in village activities*
- *Properties potentially unoccupied for significant periods*
- *Reducing potential spend in local villages shops or services*

Whilst there are potential benefits arising from investment through any property purchase locally, on balance the Parish Council would see the greatest advantage through occupancy from full time residents.

In other areas of the country restrictions on the holiday occupancy or use as second homes have been included in neighbourhood plans. The situation in Snettisham is complicated by the presence of significant amounts of holiday property at Snettisham Beach. There are clear reasons (such as for safety from flooding and other Borough planning policies, or pre-planning precedents) why this area has such a concentration. Whilst it is true that holiday / second homes do occur in the main part of Snettisham the local levels of concentrations are not so readily apparent.

The Parish Council would like to move to a formal system where restrictions are placed on occupancy, stipulating that full-time occupancy is the norm. In the meantime the Parish Council will press the Borough Council and potential developers to ensure as far as possible that new dwellings are not built for the second home / holiday market in the main village. Properly designed houses, with adequate gardens will be sought, rather than house types and layouts more obviously suited to holiday use – minimal space standards and the like.

The Parish Council intend to conduct detailed research into the level of second homes, and the locations within the main village. The results of this work when produced will be used in comments on planning applications for new residential sites.

Community Aim 3 – Second homes

The Parish Council is concerned as to the uncontrolled effect of second homes on the community of Snettisham. It wishes to ensure all houses built in the village are occupied full-time. We will:

- *Carry out detailed research into the number and location of second / holiday homes*
- *Undertake analysis of the results to establish patterns arising*
- *Seek to demonstrate the effects of second / holiday homes on the day to day functioning of the village*
- *Liaise with other communities where the issue has arisen*
- *Explore mechanisms to address any significant problems with the Borough Council in a proportionate way*

The results will be shared with the community to define a way forward. The Parish Council will use relevant evidence and research as a material consideration when offering comment to the Borough Council on planning applications for new housing.

5. Decision

5.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

5.2 King's Lynn and West Norfolk Borough Council have carefully considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept the majority of modifications to the draft plan. The modifications which

are not agreed are (as discussed earlier) in relation to:

5.2.1 Policy NP01 Residential Allocation,

5.2.2 Policy: NP04 Permanent Homes.

5.3 Accordingly the draft plan will be altered in line with sections 3 and 4 of this report above in line with paragraph 12 (6) of Schedule 48 to the 1990 Act.

5.4 Following the modifications made, the Snettisham Neighbourhood Development Plan will meet 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 King's Lynn and West Norfolk Local Plan - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016);
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and;
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

5.5 It is recommended that the Snettisham Neighbourhood Plan progresses to referendum.

5.6 Consideration has been given as to whether the area should be extended beyond that of the neighbourhood area. The Borough Council concurs with Examiner's conclusion that nothing has been suggested which would require an extension of the area beyond that originally designated (14/06/2016).

Decision made by:



Geoff Hall

Executive Director Environment and Planning

10/10/2018

Date