

Borough Council of King's Lynn and West Norfolk

Holme-Next-The-Sea Neighbourhood Plan 2016-2036

Independent Examiner's Report

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27 January 2020

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Summary

I have been appointed as the independent examiner of the Holme-Next-The-Sea Neighbourhood Development Plan.

The Plan recognises the challenges faced by this coastal, rural community. It recognises the connection between the environmental assets of this highly protected area which includes European designations and an Area of Outstanding Natural Beauty and the visitor population which makes a major contribution to the local economy.

Rather than sitting back, the Plan takes a positive, thoughtful and innovative approach to some of the dilemmas the community faces and has produced a set of 25 policies aimed at addressing the impacts of climate change, a declining resident population and the benefits of being a popular destination weighed up against the very assets that attract those visitors in the first place.

The Plan is well presented and supported by an extensive and comprehensive library of background and evidence based supporting documents. It is the result of what has clearly been a great deal of work over a sustained period of time and working in collaboration with the local planning authority, other key organisations and the community to gain an excellent understanding of the local area.

The 25 policies complement those at Borough level and add a local layer of detail. They will make an enormous contribution to the vision and objectives set out in Borough level planning policies. They are distinctive in nature and bespoke to the area. In short, this Plan takes an exemplar approach and fulfills the potential of neighbourhood planning.

As a result, it has only been necessary to recommend very few modifications. In general, these have been to increase flexibility and provide greater clarity in the Plan.

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

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

Ann Skippers MRTPI
Ann Skippers Planning
27 January 2020



1.0 Introduction

This is the report of the independent examiner into the Holme-Next-The-Sea Neighbourhood Development Plan (the Plan).

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

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

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

2.0 The role of the independent examiner

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

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check³ whether the neighbourhood plan:

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

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

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

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

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

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

3.0 The examination process

I have set out my remit in the previous section of this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations seek changes to policies or the inclusion of new policies or make constructive suggestions for the inclusion of other issues in the Plan. I feel sure the Parish Council will wish to consider these in any future review of the Plan.

Some representations make comments on the Basic Conditions Statement and Consultation Statement or some of the evidence documents. I consider these all to be supporting, supplementary documents and have noted the comments made, but do not consider it falls within my remit to correct or change these documents.

PPG⁷ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁸

Despite some requests for a hearing to be held, after reviewing all the documentation and the representations made, and seeking written clarification on a number of matters from the Parish Council and the BCKLWN, who provided me with satisfactory answers to my questions, I decided it was not necessary for me to hold a hearing.

My list of questions sent to the Parish Council and the BCKLWN on 20 December 2019 are attached to this report as Appendix 3. I sent further questions on 23 December 2019 and these are attached as Appendix 4. The responses received are all publicly available.

In 2018, NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

⁵ PPG para 055 ref id 41-055-20180222

⁶ Ibid

⁷ Ibid para 056 ref id 41-056-20180222

⁸ Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 27 November 2019.

I am grateful to everyone for ensuring that the examination has run smoothly.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

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

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

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2016. An important element of the work early on was the production of a communications strategy. It was recognised that given the high proportion of second home owners in the Parish, it was important to use methods which would engage this section of the community.

A dedicated website was set up. Use was made of the Village Information Network (VIN) which is an email communications network and forum. Progress has been reported to monthly Parish Council meetings and the Annual Parish Meetings. Posters at various locations in the Parish, distribution of leaflets and advertisements in local press have been used.

A questionnaire was distributed to every household in the Parish in May 2016. A good response rate of about 40% was achieved. An event was organised to coincide with the distribution of the questionnaire and the Annual Parish Meeting in May 2016. A display at this event was then moved to the Church for the summer.

A series of events were then held to follow on providing feedback and refine ideas. These included an exhibition in September 2016 and a presentation day in early 2017 which included a SWOT analysis. This led to the production of the considerable evidence base which sits alongside the Plan and involved a number of meetings with stakeholders.

Initial draft Plan policies, possible site allocations and the evidence reports were presented and consulted upon at an event held early 2018. Over 85 people attended.

Pre-submission (Regulation 14) consultation took place between 26 June – 7 August 2019. Hard copies of the Plan and its supporting documents were available in the village and in Hunstanton. The consultation was publicised via notices on the website and VIN, in the local press, on noticeboards, a brochure delivered to all homes, caravan sites and businesses in the Parish and announcements at Parish Council meeting and at Church. A drop-in event was held during this period.

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

Submission (Regulation 16) consultation was carried out between 30 September – 11 November 2019.

The Regulation 16 stage resulted in 17 representations. A list of those making representations is to be found in Appendix 1. I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

Holme-next-the-Sea Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. The BCKLWN approved the designation of the area on 21 April 2016. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is clearly shown on page A-3 in Part A of the Plan.

Plan period

The Plan period is 2016 – 2036. This Plan period was chosen to align with that of the emerging King's Lynn and West Norfolk Local Plan Review. The time period is clearly stated in Part A of the Plan itself, on the front cover and confirmed in the Basic Conditions Statement.

Although some representations query the extent of the period, I consider this requirement to be satisfactorily met. I also note BCKLWN does not raise any objections

to it. If there is a conflict between the Plan and the emerging Local Plan, the conflict will be resolved in favour of the policy which is contained in the last document to become part of the development plan.⁹

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹¹

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.¹³

⁹ PPG para 044 ref id 41-044-20190509

¹⁰ Ibid para 004 ref id 41-004-20170728

¹¹ NPPF para 13

¹² Ibid para 28

¹³ Ibid

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁴

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁵ Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁶

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

PPG indicates that a policy should be clear and unambiguous¹⁷ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁸

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. It also highlights other national policy and guidance documents and strategies such as A Green Future: Our 25 Year Plan to Improve the Environment (HMG, 2018) and such a wide approach is to be welcomed.

Contribute to the achievement of sustainable development

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

¹⁴ NPPF para 29

¹⁵ Ibid para 31

¹⁶ Ibid para 16

¹⁷ PPG para 041 ref id 41-041-20140306

¹⁸ Ibid

¹⁹ Ibid para 040 ref id 41-040-20160211

²⁰ Ibid

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²¹ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²² The objectives are economic, social and environmental.²³

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan meets this basic condition.

General conformity with the strategic policies in the development plan

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

The CS sets out the spatial planning framework to 2026. CS Policy CS01 sets out the spatial strategy explaining that for the rural areas the promotion of sustainable communities and sustainable patterns of development, a strong and diverse economy whilst maintaining local character and a high quality environment as well as the protection of the countryside beyond the villages are important. Within coastal areas, the detrimental impact of coastal change should be limited.

CS Policy CS02 introduces a settlement hierarchy; Holme-next-the-Sea is identified as a 'smaller village and hamlet'. These are villages with few services where it would be inappropriate to seek further development.

The SADMP gives effect to and complements the CS, guiding development up to 2026. It contains some amendments to CS Policies CS02 and CS06, neither of which fundamentally affect this Plan. It confirms that the SADMP did not define any development boundary or site allocations in Holme-next-the-Sea. It explains that only very limited development would be acceptable in this location.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan relates to CS and SADMP policies.

Emerging planning policy

The Borough Council is currently preparing a review of the CS and SADMP. The two documents have been reviewed and combined to create a new draft document which

²¹ NPPF para 7

²² Ibid para 8

²³ Ibid

²⁴ Ibid para 9

will set out a strategy for the location of development and how it should be delivered up to 2036. The draft Local Plan review was published for an eight week consultation period between 4 March – 29 April 2019. The responses are now being reviewed and it is anticipated that a further version of the plan will be published for further consultation in the early part of 2020.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁵ advises that the reasoning and evidence informing the emerging Local Plan may be relevant to the consideration of the basic conditions against which the Plan is tested. Furthermore, Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.²⁶

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG²⁷ confirms that it is the responsibility of the local planning authority, in this case BCKLWN, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is BCKLWN who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

In May 2019, the BCKLWN conducted a Screening Report to determine whether SEA was needed. It concluded that the Plan was unlikely to have significant environmental effects and that a SEA would not be needed. The statutory consultees were consulted and all three concurred with this conclusion.

²⁵ PPG para 009 ref id 41-009-20190509

²⁶ Ibid

²⁷ Ibid para 031 ref id 11-031-20150209

Following the outcome of the consultation, the BCKLWN issued a final Screening Report of June 2019 confirming the same.

Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is relevant to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁸ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The Screening Report prepared by the BCKLWN incorporates a screening for HRA. It identifies that the nearest sites are the North Norfolk Ramsar, the North Norfolk Site of Special Scientific Interest (SSSI), the North Norfolk Coast Special Area of Conservation (SAC), the North Norfolk Coast Special Protection Area (SPA), the Norfolk Coast Area of Outstanding Natural Beauty (AONB), the North Norfolk Heritage Coast, the Holme Dunes National Nature Reserve and the Wash and North Norfolk European Marine Sites.

The Screening Report notes that the Plan provides for a small amount of new housing development including an allocation of five dwellings. It considers that the Plan as a whole will bring about an improvement of the European sites and that the housing would be likely to occur by organic growth through time. In addition, it explained that the Plan is consistent with the SADMP which provides for organic growth in the 'smaller villages and hamlets' such as Holme-next-the-Sea. The SEA and HRA of the SADMP concluded that with appropriate mitigation, the SADMP including through mitigation provided through SADMP Policy DM 19, would not have a likely significant effect on the protected sites.

The Screening Report therefore concludes that a HRA is not required. The Basic Conditions Statement refers to a European Court case, *People Over Wind, Peter Sweetman v Coillte Teoranta*.²⁹ This judgment meant that measures intended to avoid or reduce effects could not be taken into account at the screening stage when considering whether a plan would be likely to have a significant effect on a European site. It concludes that as the Plan has a significant positive effect and no new mitigation over and above that in the SADMP is needed, the determination is consistent with this case law. Any mitigation required is therefore in the higher tier plan, the SADMP, and the development plan is read as a whole.

The Screening Report concludes that the Plan will not have any significant effects either alone or in combination with other plans and projects.

²⁸ PPG para 047 ref id 11-047-20150209

²⁹ Case C-323/17

The three statutory consultees have been consulted and responded. Natural England and Historic England agree that no HRA is needed. The Environment Agency responded but offered no substantive comments.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁰ The BCKLWN has considered the compatibility of the Plan in regard to EU obligations and does not raise any concerns in this regard.

Given the nature and characteristics of the European sites concerned and the nature and contents of the Plan, and taking the conclusions of the Screening Report and the responses of the statutory consultees into account, I consider that the requisite requirements have been met and the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

7.0 Detailed comments on the Plan and its policies

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

The Plan is presented in six parts; Parts A – F inclusive. Part A is the introduction and background to the Plan, Part B contains the policies, Part C is a glossary, Part D maps and graphics, Part E is the evidence library and Part F supporting documentation including the Basic Conditions Statement and Consultation Statement.

This is a somewhat unusual approach. It will be important to ensure that Parts A, B, C and D are read together and become the adopted development plan. Parts E and F are supporting documentation and will not form part of the Plan. There are a number of ways this could be done; removing the word “Part” from E and F and by joining Parts A – D together in one document for instance. Largely this is a matter of style which I do not wish to impose on the Parish Council. However, there must be certainty and no ambiguity that Parts A – D inclusive form the Plan.

The Plan contains 25 policies.

³⁰ PPG para 031 ref id 11-031-20150209

- Ensure that Parts A, B, C and D become the neighbourhood plan and that it is clear this is one document

Part A: Introduction to the Plan and Background to the Parish

Foreword

No comments.

Acknowledgments

No comments.

1 Introduction

This well written and informative section sets out the motivation for the Plan and the background to it.

2 Holme-Next-The-Sea

This section provides information about the Plan area. It highlights the loss of population between the Census in 2001 and 2011 of some 26% and some of the unusual characteristics of the Parish. For example, there is a high percentage of those working from home and self employed.

The sea is described as an asset and liability.³¹ Offering an outstanding natural environment, with many designations, the sea also has brought destruction including flooding to the village most recently in 2013. Climate change and sea level rise are major threats. In addition whilst the area is a visitor destination, this brings both benefits and threats from visitor pressure.

The Plan therefore recognises the need to ensure that the natural capital of the Parish is protected and strengthened to ensure future economic prosperity. This includes recognising the distinctive historic environment that shapes the village and Parish today.

³¹ Part A, para 2.1.7, page A-7

This is a well written and informative section.

A representation from the Environment Agency is generally supportive, but requests some changes which I also consider to be worthy. The Parish Council has suggested these proposed changes as well in its response to my queries. These will help with clarity.

- **Change the word “downgraded” in paragraph 2.7.3 on page A-16 to “changed”**
- **Add a new paragraph 2.7.8 on page A-17 that reads: “*The River Hun Catchment (local significance). The Parish lies entirely within the catchment of the River Hun – one of a number of internationally rare chalk streams in Norfolk and a priority habitat for conservation under Section 41 of the NERC Act. A catchment plan for the Hun has been produced by the Norfolk Rivers Trust in collaboration with the Environment Agency (https://norfolkriverstrust.org/wpcontent/uploads/2019/02/River_Hun_CatchmentPlanOnlineCopy.pdf) and this recognises the need for improvements to a catchment that supports internationally recognised wildlife conservation sites. NDP research carried out with the Norfolk Rivers Trust has highlighted significant additional problems associated with water quality. There is a clear need for future work on the catchment which might be carried forward under the auspices of the North & North West Norfolk Catchment Partnership. The NDP team has in fact worked very closely with the Norfolk Rivers Trust to help develop HNTS 24 Water Resource Management Policy that applies to the Hun and its catchment.*”**

3 Issues and Opportunities for the Neighbourhood Plan

Identifying the key issues for the Parish, this well written section sets out the main challenges and opportunities for the Plan. These include the imbalance between the resident population and the housing stock, the number of second and holiday properties and a large element of mobile home accommodation, visitor pressure and the impact on the environment, including to Holme Dunes, pollution and water quality, climate change, flood risk and coastal erosion.

Part B: The Policies

1 Vision, Objectives and Approach

The vision is based on three components designed to deliver sustainable development:

“ **V1: Environment** – Decline will be halted and the character of the natural and

built environment will be conserved and improved to reflect the Parish's AONB setting, its special planning designations and its contribution to the local economy.

V2: Society - The small but strong community will be strengthened by exploiting opportunities to improve health and well-being and ensuring that opportunities for principal home ownership are not lost as a result of changes to the structure of the housing stock.

V3: Economy – The thriving economy will be sustained by addressing both short and longer term risks to the natural capital of the parish and by strengthening the ecosystem services it supports in order to ensure ongoing prosperity for the future.”

The vision is underpinned by ten objectives.

Both the vision and the objectives are clearly articulated and relate to the development and use of land. They are also specific to this Plan area and are well thought out and detailed.

The section also contains a guiding approach. This is based on five principles; inclusive, comprehensive, co-operative, precautionary and progressive. The Plan explains that a key aim is to ensure it has the support of stakeholders. An ecosystems services approach is taken and shown on a figure on page B-3 of the Plan.

Overall, this section demonstrates a keen understanding of the challenges and opportunities facing the Parish, a well thought out approach to plan making and takes a bespoke approach. This is to be commended.

2 Introduction to the Policies

This section explains there is an overarching policy, HNTS 1, five area specific policies based on a Parish Zoning System and 19 policies that apply across the Plan area and which are divided into economic, environmental and social/community focus.

A table has been produced that shows how each policy contributes to the vision, objectives and approach of the Plan.

The Parish Zoning System divides the majority of the Plan area into five areas. The five areas are Holme Village, the Protected Sites, an Adaption and Resilience Zone, the Countryside and Drove Orchards. The village is further divided into a Development Envelope and a Flood Risk Area. In line with the BCKLWN's representation, I consider this to be an innovative and excellent way of defining the different areas that adds a layer of useful detail.

3 Policy HNTS 1: Principle of Sustainable Development

Policy HNTS 1: Principle of Sustainable Development

This is a positively worded policy that supports appropriate and sustainable development. A significant proportion of the Plan area is covered by international and national as well as local designations, including European sites and a SSSI. The whole of the Plan area falls within the Norfolk Coast AONB and over 60% is Heritage Coast.

The CS recognises that the coastal areas of the Borough are a major asset in relation to tourism, homes, recreation and habitats, but that these also provide a challenge in relation to the management of visitor related development, environmental and ecological assets and other processes such as erosion and climate change. Maintaining the sustainability of rural communities is complex.

The policy reflects the NPPF's stance on conserving and enhancing the natural environment. It recognises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to landscape and scenic beauty alongside national parks³² and the Broads adding a local layer of detail. Within Heritage Coasts, planning policies should be consistent with the special character of the area and the importance of its conservation. Major development is unlikely to be acceptable, although improving accessibility for visitors can be appropriate.³³

The NPPF also advocates a proactive approach to mitigating and adapting to climate change.³⁴ It states that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to the impacts of climate change. This can include providing space for physical protection measures or future relocation of vulnerable development and infrastructure. This includes taking account of flood risk and coastal change.

It is in general conformity with the CS and CS Policies CS01 and CS08 in particular as well as SADMP Policy DM 1. It will especially help to achieve sustainable development as it recognises and seeks to provide a balance between protection and future proofing.

The policy is clearly worded and meets the basic conditions. No modifications are therefore recommended.

³² NPPF Section 15 and para 172 in particular

³³ Ibid paras 170, 173

³⁴ Ibid Section 14 and para 149 in particular

4 Policy HNTS 2: Holme Village Zone

Policy HNTS 2: Holme Village Zone

The Plan designates a Holme Village Boundary in two parts within an orange boundary line on the Village Inset Map. Whilst there is an objection to the extent of the proposed zone, I consider it is clearly and appropriately designated given the status of the settlement as a 'smaller village and hamlet' in the CS, its location within an AONB and the nature of the local environment.

The Plan then goes on to identify a "Development Envelope" where housing and other types of development can be supported and a "Flood Risk Area" where development is more limited. The SADMP explains that boundaries identified in that document are not necessarily reflective of the full extent of existing built development and that extensive gardens and other backlands are generally excluded. The SADMP did not identify any boundaries for smaller villages and hamlets. However, it is clear the Plan takes its lead from the approach in the SADMP and I consider both sub areas are also clearly and appropriately designated.

The supporting text to the policy explains that the purpose of the Development Envelope is to guide development to suitable locations and to ensure there are some infill opportunities for further development. The purpose of the Flood Risk Area is to limit development in this location, but to ensure that some development can take place such as extensions to existing properties.

The policy is clearly worded. Holme-next-the-Sea's status in the CS settlement hierarchy is as a 'smaller village and hamlet' where CS Policy CS02 indicates development will be limited to specific needs identified in CS Policy CS06. In turn CS Policy CS06 supports modest levels of development to meet local needs and to maintain the vitality of these communities provided this can be achieved in a sustainable manner and without detriment to the character of the surrounding area or landscape.

The policy respects the historic and unusual settlement pattern of the village and acknowledges its constraints. It reflects its AONB designation and the NPPF's stance on limiting the scale and extent of development in such areas. It is in general conformity with the CS and CS Policies CS01, CS06, CS07 and CS08 in particular as well as SADMP Policies DM 2 and DM 3. It will help to achieve sustainable development.

It is important to have a consistent definition of "infill" across the Plan to avoid any confusion. I noticed a different interpretation between this policy, Policy HNTS 14 and the Glossary. Therefore with a modification to ensure that the definition of infilling is consistent internally with the Plan, the policy will meet the basic conditions.

- **Change the first sentence in the policy to read: “Within the Development Envelope, *the sensitive infilling of small gaps within an otherwise continuously built up frontage facing the existing road network will be permitted provided it conforms to the other policies of the NDP and the Local Plan.*”**

5 Policy HNTS 3: Protected Sites Zone

Policy HNTS 3: Protected Sites Zone

The Protected Sites Zone identified in the Plan and shown on the Plan Zones map covers about 42% of the Plan area and includes the designations of RAMSAR, SPA, SAC and SSSI. The aim of the policy is to ensure that any development permitted within this zone makes a positive contribution to the protection and longer term enhancement of the protected areas and species.

The zone is clearly and appropriately defined. The policy has sufficient flexibility and is clearly worded. It seeks to ensure there is a balance between conservation objectives and recreational use. It reflects the stance of the NPPF on the conservation and enhancement of the natural environment whilst setting out a bespoke policy bearing in mind the issues in the Plan area. It is in general conformity with the CS and CS Policies CS01, CS07, CS08 and CS12 in particular. It will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

6 Policy HNTS 4: Adaption and Resilience Zone

Policy HNTS 4: Adaption and Resilience Zone

This zone is clearly identified and shown on the Plan Zones map. The Plan explains that the purpose of this zone is to provide a precautionary response to the impacts of climate change, sea level rise and flood risk, provide opportunities for visitors away from the Protected Sites Zone and conserve and enhance biodiversity in this area which is not affected by sea level rise.

The policy is clearly and sufficiently flexibly worded; it permits development that supports farming activities, provides access opportunities and improves habitats. It sets out various types of development that may be regarded as appropriate, but is not overly prescriptive and does not provide a ‘closed’ list.

The supporting text explains that this zone is the last remaining area of landscape in the Parish which is suitable for compensatory adjustments for the loss of Parish amenity

and biodiversity. It has many footpaths, some with views over the landscape and provides opportunities for increased, if appropriate, recreational use.

The NPPF is clear that planning policies should contribute to and enhance the natural and local environment including by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. By identifying this zone, the Plan helps to counter the loss of some of the protected areas, divert visitor pressure to less vulnerable areas and in the longer term provide a larger area of higher quality biodiversity. It is a local expression of the CS and CS Policies CS01, CS06, CS07, CS08 and CS12 in particular. It will help to achieve sustainable development.

I have considered whether there is any actual or potential conflict between this policy and Policy HNTS 9 as well as raising this point with the BCKLWN and the Parish Council. Both bodies have concluded, as have I, that no conflict arises. This is because Policy HNTS 9 supports existing holiday accommodation sites to facilitate adaption and resilience including one for one replacements and this accords with this policy. The policy therefore meets the basic conditions and no modifications are recommended.

7 Policy HNTS 5: Countryside Zone

Policy HNTS 5: Countryside Zone

The supporting text explains that the reasons behind the designation of this zone is to protect and enhance its intrinsic character and beauty and sets out five aims for the zone. The policy requires any development to respect this purpose and the aims of the zone as well as the area's AONB status.

A need for any development must be demonstrated and linked to that specific location. Where possible, existing buildings should be used or re-used and be physically and functionally linked to existing buildings.

A high standard of design is sought.

The policy seeks to support farming enterprise.

The policy is a local expression of CS Policies CS01 and CS06 which protect the countryside for its intrinsic character and beauty as well as CS12.

I recognise that the CS indicates that tourism plays a major role in the local economy in terms of employment. However, a reason why people wish to visit is based on the natural and historic environments on offer. There is therefore a balance between taking a positive approach to tourism development to ensure it continues to deliver benefits to the local economy. CS Policy CS10 promotes the visitor economy including

smaller scale opportunities in rural areas to sustain the local economy providing these are in sustainable locations and not detrimental to the natural environment. New tourism accommodation is supported in rural areas, if, amongst other things, it is not detrimental to the landscape.

Policy DM 11 of the SADMP refers to touring and permanent holiday sites. The policy again recognises the contribution such sites can make as well as the impact they can have on sensitive environments. It puts forward what is described as a “controlled approach” to such new development in the AONB, but makes it clear that even small scale proposals for holiday accommodation will not normally be permitted in the AONB.

In this case, the intent of the policy is clear and in line with the NPPF’s support for sustainable tourism which respects the character of the countryside³⁵ and its stance on conserving and enhancing AONBs.³⁶ It is a local expression of Borough level policies. It will help to achieve sustainable development in this Parish. It therefore meets the basic conditions and no modifications are suggested.

8 Policy HNTS 6: Drove Orchards

Policy HNTS 6: Drove Orchards

The last zone is Drove Orchards. This area is clearly defined and shown on the Plan Zones map. Drove Orchards is an area to the north of the A149 which comprises a farm shop, two restaurants and a variety of other shops as well as toilets and a car park and a camping area beyond the northern boundary of the defined zone.

Policy HNTS 6 supports new development if it is directly related to the agricultural use of the site or for tourism related uses which are compatible with the site’s location in the AONB and North Norfolk Coast. It has five criteria. I consider that with the exception of the first criterion, all are clearly worded and appropriate.

The first criterion is the need for any new development to be located in the countryside within the AONB rather than in a settlement or town centre and that the cumulative impact of any retail development is not harmful to established shopping centres. There are no shopping centres within the Plan area and therefore this element of the criterion is arguably difficult to apply and implement. It should therefore be removed.

With this modification, the policy will meet the basic conditions. It will particularly reflect CS Policies CS01, CS06 and is a local expression of Policy CS10 and will help to achieve sustainable development on this sensitively located site.

- **Delete criterion (i) from the policy**

³⁵ NPPF para 83

³⁶ Ibid para 172

- **Delete the second bullet point under paragraph 8.2.6 on page B-24 of the Plan**
- **Consequential amendments will be required**

9 Policy HNTS 7: Natural Capital and Ecosystem Services

Policy HNTS 7: Natural Capital and Ecosystem Services

Policy HNTS 7 is a criteria based policy which seeks to ensure that any development protects and enhances the Parish’s natural assets recognising that these drive the services needed for a sustainable local economy. In effect it seeks an environmental ‘net gain’ from any new development.

The statutory purpose of an AONB is to preserve and enhance natural beauty. The approach taken by this policy aligns with this whilst adding a local layer of detail as to the characteristics of the area particularly valued by the local community whilst recognising that the natural assets of the area are the driver for the local economy. It is a local expression of CS Policy CS12.

I note the approach taken by the policy is supported by the Environment Agency.

On a minor matter of presentation, the policy does not have a criterion (vi) and so the second part of the policy should be renumbered to avoid any confusion. With this modification, the policy meets the basic conditions.

- **Change the existing criteria (vii) to (xii) to (vi) to (xi) in the second part of the policy**

10 Policy HNTS 8: Sustainable Travel and Tourism

Policy HNTS 8: Sustainable Travel and Tourism

This policy supports new or improved footpaths and cycleways to help with the network of paths which currently exist providing that any impact is acceptable. The policy highlights a number of routes it is particularly keen to encourage including to reduce visitor pressure from the Protected Sites Zone.

The second element of the policy supports small-scale, low key recreational facilities such as visitor boards, bird hides and cycle stands along these routes.

A final element of the policy supports car parking where this would increase access for people with disabilities.

This will promote walking and cycling, encourage a shift away from the pressure points identified in the Plan and improve access to the area and its facilities for everyone. Support for associated facilities will further promote these modes of travel.

The clearly worded policy meets the basic conditions. The NPPF supports sustainable rural tourism that respects the character of the countryside.³⁷ It is a local expression of CS Policies CS10 and CS13 in particular as well as SADMP Policy DM 3 which lend support to appropriate smaller scale tourism opportunities and will help to achieve sustainable development. No modifications to it are recommended.

11 Policy HNTS 9: Touring and Permanent Holiday Accommodation

Policy HNTS 9: Touring and Permanent Holiday Accommodation

The area has a variety of holiday accommodation ranging from yurts to mobile caravan sites to camping. The Plan recognises the value of such activity to the local economy. However, much of the existing accommodation is located in areas at risk from tidal flooding and these areas are likely to become larger in the future. Given that existing sites will wish to update facilities and become more resilient, this policy seeks to provide a balance between such facilities and their impact on the AONB. It is sufficiently flexible for existing businesses.

In addition, it seeks to limit new holiday development explaining there is already an imbalance between holiday accommodations and principal residences. Research carried out as part of the work on the Plan found that there are some 140 or so caravans/mobile homes across five sites in the Plan area and around 40 houses advertised as holiday lets. This was in evidence from my visit. This increases the population of this small village by some 350% in peak times.

The policy is robustly worded resisting any new development per se as well as seeking the relinquishment of any existing use rights. In regard to this latter point, it would be difficult to extinguish existing use rights particularly without a mechanism for future development or remedial work. This aspect of the policy is not specifically explained or justified in the supporting text. I also note that CS Policy CS10 in supporting new tourism accommodation seeks a mechanism to permanently retain tourism related uses. The deletion of this element of Policy HNTS 9 would also be consistent with this approach. A modification is therefore made to remove this element.

³⁷ NPPF para 83

I note the BCKLWN considers this to be an appropriate policy approach given the status of Holme, the imbalance between holiday and other accommodation in the area and the nature of the local environment.

This policy has attracted objection. However, CS Policy CS06 indicates priority will be given to existing businesses within centres and villages, but includes a criterion that would negate this which relates to an overriding environmental objection. Outside the villages, the countryside will be protected for its intrinsic character and beauty. CS Policy CS07 balances the sensitive nature of the coast with the need for economic and social development. CS Policy CS10 supports the principle of tourism opportunities, but only where these are in sustainable locations and not detrimental to the natural environment. SADMP Policy DM 11 is clear that new sites and extensions to existing sites will not normally be permitted in the AONB or will usually be refused in the SSSI.

In this case then, sufficient justification has been put forward to support the stance of the policy and it generally conforms with the CS and SADMP and CS Policy CS10 and SADMP Policy DM 11 in particular.

With the modification recommended, it will meet the basic conditions.

In order to ensure there is clarity that the policy does not apply to permanent dwellings used or let for holiday accommodation, a sentence to this effect should be added to the supporting text.

- **Delete the last sentence of the policy which reads: “Where the active operation of a site ceases any existing use rights will be relinquished.”**
- **Add a sentence at the end of paragraph 11.1.3 on page B-32 of the Plan that reads: “It excludes permanent dwellings used or let for holiday accommodation.”**

12 Policy HNTS 10: Overall Form and Pattern of Settlement

Policy HNTS 10: Overall Form and Pattern of Settlement

Limited infill is supported by this policy. This is in line with the area’s location within an AONB. Any new development should respect the grid pattern of the village as well as the features which contribute to the distinctive character and appearance of this settlement.

The policy is clearly worded. The NPPF emphasises that good design is a key aspect of sustainable development and that policies should set out expectations about what will

be acceptable.³⁸ The supporting evidence explains how Holme has evolved and what its defining characteristics are.

It takes account of national policy and guidance by setting out expectations, is in general conformity with the CS, in particular a local expression of CS Policies CS06 and CS13 and SADMP Policies DM 3 and DM 15, and will help to achieve sustainable development.

The policy meets the basic conditions and no modifications are recommended.

13 Policy HNTS 11: Street Scene, Character and Residential Environment

Policy HNTS 11: Street Scene, Character and Residential Environment

This criteria based policy covers the detailed aspects of the area's local character and distinctiveness that any new development should respect. It also seeks to ensure that the living conditions of neighbours are not harmed from new development.

The policy includes a plot coverage figure which is borne out by evidence collected as part of the work on the Plan.

The policy takes account of the NPPF's stance on well-designed places by setting out how new development should add to the quality of the area, be visually acceptable, respect local character including the surrounding setting and help to maintain the very strong sense of place Holme has.³⁹

It is a local expression of CS Policies CS06 and CS13 and SADMP Policies DM 3 and DM 15 in particular and will help to achieve sustainable development.

However, the meaning of the last criterion of the policy is not clear to me. Therefore a modification is made to delete this element.

Finally, the supporting text refers to a Building Style Sheet included with the Plan. This appears to be Part D.v. The Building Styles Sheet is a helpful indication of design features. However, there is no mention of the Building Style Sheet within the policy itself and Part D.v is not titled as the Building Styles Sheet. Therefore a modification is recommended which will align the supporting text with Part D.v which should be treated as an appendix to the Plan.

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

- **Delete criterion (xi) from the policy**

³⁸ NPPF paras 124, 125

³⁹ Ibid para 127

- **Title Part D.v “Building Styles Sheet”**
- **Add the Building Styles Sheet as an appendix to the Plan**

14 Policy HNTS 12: Conservation Area

Policy HNTS 12: Conservation Area

The NPPF recognises that heritage assets are an irreplaceable resource; they should be conserved in a manner appropriate to their significance. It continues that great weight should be given to the conservation of a designated heritage asset.⁴⁰

In relation to non-designated heritage assets, the NPPF indicates that significance should be taken into account and that a “balanced judgement” will be needed having regard to the scale of any harm or loss and the significance of such heritage assets.⁴¹

The policy takes account of national policy and guidance, is in general conformity with CS Policy CS12 and SADMP Policy DM 15 in particular and will help to achieve sustainable development. It is clearly worded and no modifications are recommended.

A map of the Conservation Area is shown on page B-41 of the Plan. I noticed some differences between it and the equivalent map in the Conservation Area Draft Character Statement of 1992 which is the most up to date document in relation to the Conservation Area. In response to a query on this matter, the Parish Council propose to make the map in the Plan consistent with that in the Character Statement, but with the inclusion of the War Memorial and update the supporting text and Heritage Report as well as adding a disclaimer on seeking the most up to date information. This is a sensible way forward and a modification is made in the interests of ensuring the Plan provides a practical framework for decision making.

- **Ensure that the Conservation Map on page B-41 is correct and consistent with the Character Statement or latest available information including the inclusion of the War Memorial**
- **Add a sentence to the revised map on page B-41 which reads: “*This information is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or the BCKLWN or other reliable sources of information.*”**
- **Consequential amendments to the supporting text may be required**

⁴⁰ NPPF para 184

⁴¹ Ibid para 197

15 Policy HNTS 13: Heritage Assets

Policy HNTS 13: Heritage Assets

The Plan explains that there are a number of features of historic importance including archaeology. The policy seeks to ensure that any development respects these assets appropriately and takes any opportunity to link the assets with the recreational potential of the AONB.

A Heritage and Archaeology Map is included in the Plan which shows these features.

The policy is clearly worded. It takes account of the NPPF's stance on the conservation and enhancement of the historic environment, adds detail to the CS and CS Policies CS07 and CS12 and SADMP Policy DM 15 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

16 Policy HNTS 14: New Homes

Policy HNTS 14: New Homes

New housing is permitted by this policy within the Development Envelope subject to an internal floor area specification and definition of infilling. The policy also has two other elements about plot coverage and infrastructure to enable telecommunications. In relation to these latter requirements, the plot coverage ratio is consistent with Policy HNTS 11 and the rationale for this figure is justified in the supporting text. There is support in national policy and guidance for improved telecommunications.

The floor area specification is explained by a community preference for smaller and more affordable homes. A survey of village properties found a range of 80 – 120 metres gross internal floor area. The policy increases this to 150 to help with flexibility.

In relation to the infill issue, I have made some comments about the definition of infill in relation to Policy HNTS 2. Accordingly, a modification is made in the interests of internal consistency.

Taking a step back, Holme is classed as a 'smaller village and hamlet' in the CS's settlement hierarchy and is wholly within the AONB where development is limited. Nevertheless the community has identified a desire for more housing. This is on the basis that there has been a decline in the resident population, the high proportion of holiday accommodation, a mismatch between housing size and household size and an imbalance in housing supply. I consider that the policy has sufficient safeguards,

alongside other policies of the development plan, to ensure that any new development coming forward as a result of this policy will be limited and of an appropriate nature to help achieve sustainable development. It seeks to address local need.

The policy is in general conformity with the CS, in particular CS Policies CS01, CS02, CS08 and CS09 and SADMP Policies DM 2, DM 3 and DM 15. It will help to achieve sustainable development.

With this modification, it will meet the basic conditions.

- **Add at the end of the first sentence of the policy “*...facing the existing road network.*”**

17 Policy HNTS 15: Site Allocation at Eastgate Barn

Policy HNTS 15: Site Allocation at Eastgate Barn

This site is a small site with a barn on it.

The policy allocates the site for five small market homes. It sets out a number of other criteria which deal with landscaping, access, design, bedrooms and so on which are appropriate given the site’s size and location.

The Plan explains that a site selection and assessment process was followed. It is clear that the local community is keen to encourage smaller housing into the village to help sustain its future.

I note that CS Policy CS09 restricts new housing allocations to small scale infilling, affordable housing or exceptions housing to meet the identified needs of local communities and that these will be identified through the SADMP as well as taking the considerations of CS Policy CS06 into account. It continues that housing proposals should take account of need identified including with regard to size, type and tenure. SADMP Policy DM 3 supports the sensitive infilling of gaps subject to other criteria. The proposed site is not an infill site. It also supports, exceptionally, the development of small groups of dwellings where the development is of a particularly high quality and would provide significant benefits to the local community.

I consider given the nature of the site and its location, that, in principle, this represents limited development of a scale appropriate to the village and its setting within the AONB that generally conforms to the relevant CS and SADMP policies provided any development would be of a high quality and where there are significant benefits to the community.

A representation on behalf of the landowner supports the allocation under this policy, but objects to other elements of the Plan and particularly Policy HNTS 18 which would apply to the development of this site. I recognise that viability is an important consideration, but in this instance given the policy background set out above, I consider it would be for the landowner to decide whether the site is developable on the basis of the policies in the development plan and other material considerations.

Norfolk County Council as Highways Authority object to the site allocation. Clearly this is an important consideration in relation to any scheme put forward and its determination. Often matters of this nature can be satisfactorily resolved at the planning application stage. If this is not the case, the allocation in itself would not affect the ability of any decision taker to refuse permission for an unacceptable scheme.

These two issues (viability and highways considerations) throw some doubt on whether the Plan's ambitions in relation to this site are achievable. However, the Plan is not dependent on this site allocation in respect of its housing strategy or in relation to whether it meets the basic conditions or not. Therefore, on balance, I consider the policy can be retained in the Plan. I further note the BCKLWN supports this allocation.

The policy is clearly worded. It meets the basic conditions. It is therefore not necessary to recommend any modifications.

18 Policy HNTS 16: Replacement Dwellings

Policy HNTS 16: Replacement Dwellings

Replacement dwellings are permitted by this policy subject to a size increase limitation of 40%. It is therefore arguably more restrictive or at least more prescriptive than SADMP Policy DM 5 in relation to the size of replacement dwellings in the countryside. However, the Plan explains that smaller houses have often been replaced by large houses which in turn are then not affordable to local families, or those seeking to remain in the community and downsize. The policy seeks to redress this issue through its locally developed size specification.

The Norfolk Coast Partnership considers the policy should be explicit in relation to the AONB and I agree. A modification is therefore made to ensure that the AONB is referred to.

The policy also requires any replacement dwellings to be "principal homes" in accordance with Policy HNTS 18. I do not consider this is to be a reasonable requirement for one to one replacements. This element of the policy is then recommended for deletion as it is difficult to envisage a situation where an existing unencumbered dwelling could not be replaced unless it became a principal residence. I consider this to be unreasonable and unduly restrictive as sometimes properties need

to be replaced due to construction related issues for example. It would however be appropriate to ensure any new dwellings which represented a net gain on any site would be subject to any such restriction.

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

- **Add the words “*provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB and*” after “Proposals for replacement dwellings will be permitted...” in the first sentence of the policy**
- **Delete the sentence “Replacement dwellings must be Principal Homes in accordance with Policy HNTS 18.” from the third paragraph of the policy and replace with “*Any replacement dwellings which represent a net gain in the total number of units on a site will be subject to occupancy restrictions.*”**

19 Policy HNTS 17: Extensions, Annexes and Outbuildings

Policy HNTS 17: Extensions, Annexes and Outbuildings

Given that the reduction in the number of smaller properties has been identified as an issue in the housing stock, this policy limits extensions, annexes and outbuildings to 40% of the gross internal floor area of the original dwelling.

It seeks to ensure that any annexes are functionally dependent on the main dwelling. Outbuildings should be incidental to the use of the host dwelling.

It then seeks to ensure that telecommunications infrastructure is in place. Given the incidence of home working in the Parish, this is a sensible approach to achieving sustainable development.

Finally, the policy indicates that consideration will be given to the removal of permitted development rights and conditions placed on annexes and outbuildings preventing their use as holiday accommodation. Usually, the removal of permitted development rights or imposition of restrictive conditions is to be done sparingly. However, given the local circumstances and nature of the area, and given the policy has flexibility in relation to these matters, a judgment on this can be made on a case by case basis at the planning application stage.

In line with a modification made to the previous policy, I consider it would be useful for the AONB to be explicitly referred to in the policy.

Whilst the supporting text explains the rationale for the policy it does not offer any definition of what the original dwelling might constitute. However, Part C, Glossary,

does define this. A cross reference to the glossary and inclusion of the definition alongside the policy would therefore be useful in the interests of clarity in the supporting text. The definition used is one that is widely accepted in planning.

With these modifications, the policy is a local expression of SADMP Policies DM 5 and DM 7. I consider the threshold included in the policy not to be unduly onerous or restrictive for this type of policy given the issues identified and the characteristics of the local area.

- **Add the words *“provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB and”* after *“Development proposals for extensions to existing dwellings, and the provision of annexes and outbuildings will be permitted...”* in the first sentence of the policy**
- **Add a new paragraph to the supporting text for this policy that reads: *“Original dwelling is defined in the glossary for the purposes of this policy. The definition reads *“A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.”*”***
- **Consequential amendments may be required**

20 Policy HNTS 18: Principal Residences

Policy HNTS 18: Principal Residences

The Plan explains there is a high proportion of second homes, holiday accommodation or empty properties within the Parish. To help address this situation which has an adverse impact on the resident community and to help redress the supply of smaller stock, Policy HNTS 18 seeks to limit new and replacement market dwellings to “principal residences”.

This fundamental policy in the Plan seeks to promote a viable and thriving resident community, but it is recognised that such a policy may depress building activity and opportunities for tourism related income from holiday lets.⁴² I consider that sufficiently robust evidence has been put forward to support the principle of the policy, but I have two concerns with the approach.

The first is to include replacement dwellings within this policy. I have already explained in relation to Policy HNTS 16 that I consider this to be unreasonable and unduly restrictive. For the avoidance of doubt, I consider that if an existing property is replaced

⁴² Basic Conditions Statement page 11

by two or more properties, then the additional properties should be subject to this requirement.

The second concern is with how principal residence is defined. The policy specifies that this is occupied full time as the primary residence. However, there will be instances where an occupier spends part of the year away for work and so on. I then favour a different definition which I consider to be more specific and clearer to implement and monitor. This will also align with the definition of “Principal residence or home” in the Glossary of Terms.

I note that the BCKLWN supports the policy.

There is a minor correction; the reference in paragraph 20.2.7 to Policy HNTS 13 should be to Policy HNTS 14.

Otherwise and with these modifications, the policy will meet the basic conditions.

- **Delete “...and replacement...” from the first sentence of the policy and replace with “...(including any net new additional dwellings on a site which have replaced a single property)...”**
- **Delete references to replacement homes from paragraph 20.2.3 on page B-55 of the Plan [which refers incorrectly to Policy HNTS 14]**
- **Replace the words “....will be occupied full-time as the primary residence...” in the first sentence of the policy with “...will be the occupants’ sole or main residence where the resident spends the majority of their time when not working away from home or living abroad...”**
- **Correct the reference in paragraph 20.2.7 to Policy HNTS 13 to HNTS 14**

21 Policy HNTS 19: Local Green Space

Policy HNTS 19: Local Green Space

Four Local Green Spaces are designated by this policy. They are all shown on the Village Inset Map.

The NPPF explains that LGSs are areas of particular importance to local communities.⁴³ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

⁴³ NPPF paras 99, 100 and 101

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF makes it clear that LGSs should be capable of enduring beyond the Plan period. Further guidance about LGSs is given in PPG.

I saw the proposed areas during my visit.

The Green is a relatively narrow strip of grass adjacent to Beach Road. It has a number of trees and a seat. It falls partly within the Conservation Area.

The Triangle is a small area with a seat and is a tranquil and pleasant area for reflection.

The Orchard Land is a pleasant area with seating and trees. It is used as a community space.

Park Piece is an open area with footpaths across it. It was well used at the time of my visit for recreational purposes. It falls within the Conservation Area.

The four spaces connect to provide a circular walk.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily as all are in close proximity to the community served, hold a particular local significance and are demonstrably special, are local in character and are not extensive tracts of land.

I have considered whether there would be any additional benefit gained by designating those two areas which fall partly or wholly within the Conservation Area.⁴⁴ I consider that different types of designation are intended to achieve different purposes and that there would be additional local benefit.

The NPPF explains that policies for managing development within a LGS should be consistent with those for Green Belts. In turn the NPPF explains⁴⁵ that inappropriate development is harmful and should not be approved except in very special circumstances. It goes on to indicate what inappropriate development is and exceptions to that. The policy recognises this, but also sets out what may be acceptable. Given the nature and primary purposes for the designation of these particular areas, I consider this to be appropriate.

The policy meets the basic conditions including being in general conformity with SADMP Policy DM 22. No modifications are suggested.

⁴⁴ PPG para 011 ref id 37-0120140306

⁴⁵ NPPF paras 143 - 147

22 Policy HNTS 20: AONB Landscape Quality

Policy HNTS 20: AONB Landscape Quality

This policy covers three main issues; views, peace and tranquility and dark night skies. It recognises the NPPF's stance on AONBs and the great weight that should be given to the conservation and enhancement of the landscape and scenic beauty in such areas. It particularly highlights these three issues as being special qualities the local community values.

The NPPF highlights the importance of tranquil areas and the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.⁴⁶

With one modification, the policy will meet the basic conditions. The modification is to remove reference to the Development Envelope as the whole of the Plan area falls within the AONB and it is not appropriate to seek to differentiate between land which has the same status and designation in this way.

In addition, the Parish Council has suggested additions to the evidence and policy framework element based on a representation from the Norfolk Coast Partnership. I agree this would be useful in the interests of completeness.

- **Delete the words "...outside the Holme development envelope..." from the first sentence under the subheading "Views of the landscape and scenic beauty"**
- **Add to paragraph 22.3 on page B-64 of the Plan:**

"NCP Integrated Landscape Character Assessment

<http://www.norfolkcoastaonb.org.uk/partnership/integrated-landscape-character/370>

Institute of Lighting Professionals - <http://www.britastro.org/dark-skies/pdfs/ile.pdf>

23 Policy HNTS 21: Advertising and Signage

Policy HNTS 21: Advertising and Signage

Recognising the effect that signage and advertisements can have, Policy HNTS 21 sets out a criteria based policy aimed at ensuring the impact is acceptable.

⁴⁶ NPPF para 180

The policy is clearly worded. It takes account of the NPPF which recognises that the quality and character of places can be adversely affected when advertisements are poorly sited and of inappropriate design.⁴⁷ It will help to achieve sustainable development whilst not overly stifling the ability of businesses and other commercial enterprises to advertise their services. It meets the basic conditions and no modifications are therefore suggested.

24 Policy HNTS 22: Biodiversity

Policy HNTS 22: Biodiversity

Improving biodiversity forms part of the environmental objective referred to in the NPPF⁴⁸ which in turn is one of the three interdependent elements of sustainable development. The NPPF is clear that planning policies should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.⁴⁹

This policy seeks new development to take a positive approach to conserving and enhancing biodiversity to help address the local community's concern about decline.

The policy is clearly written. It could arguably be more robust in explicitly referring to net gain and so a modification is made to address this. With this modification, it will meet the basic conditions; in particular it will take account of national policy and guidance, be a local expression of CS Policies CS06 and CS12 and will help to achieve sustainable development.

- **Change the word “improving” in criterion (v) to “creating net gains”**

25 Policy HNTS 23: Pollution

Policy HNTS 23: Pollution

The NPPF is clear that planning policies should prevent existing and new development from contributing to or being put at risk from, soil, air, water or noise pollution.⁵⁰ Policy HNTS 23 seeks to ensure that new development does not cause pollution to the natural environment or to the community. It includes the submission of a construction management plan where appropriate and encourages best practice to be followed.

⁴⁷ NPPF para 132

⁴⁸ Ibid para 8

⁴⁹ Ibid para 170

⁵⁰ Ibid

The policy is clearly written and takes account of the stance in the NPPF, is a local expression of SADMP Policy DM 15 in particular and will help to achieve sustainable development. I consider that it is sufficiently clear to be applied successfully.

I note the Environment Agency supports the policy.

The policy meets the basic conditions and no modifications are recommended.

26 Policy HNTS 24: Water Resource Management

Policy HNTS 24: Water Resource Management

Water pollution is of particular concern in the Parish. This detailed policy seeks a proactive approach to the management of water resources including wastewater.

The NPPF is clear that policies should prevent new and existing development from contributing to, or being put at risk from, water pollution and that development should help to improve local environmental conditions including water quality.⁵¹ This policy will help to achieve that and I note the supportive comments from the Environment Agency.

It meets the basic conditions and no modifications are recommended.

27 Policy HNTS 25: Traffic and Car Parking

Policy HNTS 25: Traffic and Car Parking

There is a concern about the amount of traffic in the village particularly in peak periods. The roads are narrow and there are few footpaths. Policy HNTS 25 therefore seeks to ensure that new development does not exacerbate the situation by creating an additional demand for on-street parking.

Where new development does generate additional traffic, it should contribute to small scale highways improvements or traffic management measures. If the impact cannot be satisfactorily mitigated, development is resisted.

Finally, proposals for public car parking close to the A149 will be supported if appropriately located.

⁵¹ NPPF para 170

Given the nature of the village, I consider this policy is appropriate with sufficient flexibility. It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

Part C: Glossary of Terms

This is a useful compilation of commonly used and key terminology.

The definition of “infill development” should be changed in line with my recommendations on Policies HNTS 2 and HNTS 14.

There is a typo for “material consideration” which should be corrected in the final version.

- **Change the definition of “infill development” to “*The sensitive infilling of small gaps within an otherwise continuously built up frontage facing the existing road network*”**
- **Correct spelling of “Considerations” to “*Consideration*” in the glossary**

Part D: Maps and Style Guide

This part of the Plan consists of four maps and the “Style Guide”. There is one modification in the interests of clarity to be made on the keys to two of the maps. This modification will also need to be carried through to Part B.

- **Change “Flood Map 2” and “Flood Map 3” on the Plan Zones and the Village Inset Maps to read “*Flood Zone 2*” and “*Flood Zone 3*” respectively**
- **Undertake the same modifications to the Plan Zones and Village Inset Maps on pages B-9 and B-10 respectively**

Parts E and F

These comprise the supporting evidence and background documents as well as the Basic Conditions Statement, the Consultation Statement and the Screening Report in relation to SEA and HRA.

8.0 Conclusions and recommendations

I am satisfied that the Holme-next-the-Sea Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that, subject to the modifications proposed in this report, the Holme-next-the-Sea Neighbourhood Development Plan can proceed to a referendum.

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

I therefore consider that the Holme-next-the-Sea Neighbourhood Development Plan should proceed to a referendum based on the Holme-next-the-Sea Neighbourhood Plan area as approved by the Borough Council of King's Lynn and West Norfolk on 21 April 2016.

Ann Skippers MRTPI
Ann Skippers Planning
27 January 2020

Appendix 1 List of representations received

1. Highways England
2. Mr. Anthony Foster
3. Mrs. Tina Ham
4. Anglian Water (Mr. Nathan Mawana)
5. Natural England
6. Norfolk County Council (Planning & Transportation)
7. Norfolk Coast Partnership (AONB)
8. Mrs. Claudia Starr (Agent Maxey Grounds)
9. Mr. G Renault (Agent Cruso & Wilkin)
10. Mrs. Janet Foster
11. Norfolk Wildlife Trust
12. Historic England
13. Borough Council of King's Lynn & West Norfolk
14. The Abbey Group
15. Environment Agency
16. Lanpro Services
17. Mr. Robert Bowman

Appendix 2 List of key documents specific to this examination

Holme-Next-The-Sea Neighbourhood Plan 2016 – 2036 Submission Version September 2019, Part A Introduction to the Plan and Background to the Parish, Part B The Policies

Basic Conditions Statement September 2019

Consultation Statement Submission Version September 2019

Screening Report of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) June 2019

Socio-Economic Profile of the Neighbourhood Area Evidence Base: Research Report 1 23 September 2016

Questionnaire Survey: Analysis And Overview Of Findings Evidence Base: Research Report 2 9 November 2016

Environment Report: Designated Areas Evidence Base: Research Report 19 March 2017

The Parish Economy Evidence Base: Research Report 14 January (updated 27.04.18)

Heritage Evidence Base: Research Report 21 May 2018 (updated 21.07.18, 15.08.18)

Future Housing In Holme-Next-The-Sea Evidence Base: Research Report 14 November 2017 (updated 12.01.18, 02.03.18, 29.05.18, 30.08.18, 23.04.19)

Report On Environment, Landscape & Biodiversity Evidence Base: Research Report 20 March 2017 (updated 20.12.17, 14.02.18, 03.06.18, 31.01.19, 09.02.19)

Water Quality Report Evidence Base: Research Report 20 March 2017 (updated 20.12.17, 14.02.18, 03.06.18, 31.01.19, 16.04.19)

Local Green Spaces: Title Maps

Local Development Framework Core Strategy adopted July 2011

Site Allocations and Development Management Policies Plan adopted September 2016

Holme Next The Sea Conservation Area Draft Character Statement revised February 1992

Information on www.regis-solutions.co.uk/hnts

List ends

Appendix 3 Questions of clarification from the examiner

Holme-next-the-Sea Neighbourhood Plan Examination

Questions of clarification from the Independent Examiner to the Parish Council and BCKLWN

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please could BCKLWN briefly confirm the latest position on the review of the Local Plan?
2. Please could BCKLWN provide a list of those individuals and organisations that have made representations at submission stage? [This has already been provided separately thank you]
3. In relation to various locations referred to in the representations, please provide a map showing the location of Ocean Breaks, Inglenook, The Poplars. This map does not need to be anything other than a rough sketch or indication, just so I can check my understanding of the location of these properties/sites is correct.
4. Please advise me of the redacted elements of the representations from Maxey Grounds and Lanpro so I can fully and properly understand the representations.
5. Please confirm that the PC did not wish to make any comments on the representations received at submission stage or send me a copy of those comments. I would however appreciate any comments or suggested amended text in relation to the representation from the Environment Agency in relation to the comments made in respect of Part A.
6. The Plan is in many parts. It would be my intention to recommend that Parts A – D inclusive are regarded as the development plan and the other parts are separated from these four elements and regarded as supporting documentation. Does the PC or LPA have any comments on this?
7. Was it the intention that the proposed site allocation subject of Policy HTNS 15 (Eastgate Farm) be subject to the requirements of Policy HTNS 18 (Principal Residences)?
8. How might I reconcile the objection from Norfolk County Council on highways grounds to the proposed site allocation (Policy HTNS 15)?
9. Does the proposed site allocation (Eastgate Farm/Policy HTNS 15) site fall within a) the Development Envelope and/or b) the Village Boundary and/or c) the Conservation Area?
10. Could BCKLWN please confirm that the "Conservation Area Draft Character Statement" of 1992 is the latest available document in respect of the Conservation Area and send me a copy or a link to it?

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

With many thanks.
Ann Skippers
20 December 2019

Appendix 4 Further questions of clarification from the examiner

Holme-next-the-Sea Neighbourhood Plan Examination

Questions of clarification from the Independent Examiner to the Parish Council and BCKLWN

Some further questions of clarification have arisen.

1. The Conservation Area Map in the Plan shows listed buildings and important unlisted buildings. A comparison with the Map included with the Character Statement 1992 shows some differences. I appreciate that things will have moved on and that changes may be occurred over this time period. However, please will you check the Conservation Area Map included with the Plan and confirm that it shows the listed buildings and important unlisted buildings correctly and reflects the current position in relation to both categories identified or alternatively indicate what changes if any should be made to it?
2. Was it the intention that Policy HTNS 9 applies to holiday cottages i.e. permanent dwellings let out as holiday accommodation as well as caravan, mobile homes, camping sites (of all varieties), cabins and lodges?
3. Is there a potential or actual conflict between Policies HTNS 4 and HTNS 9 for existing camping and caravan sites that fall within the proposed Adaption and Resilience Zone?
4. The definition of "infilling" differs between Policies HNTS 2, Policy HTNS 14 and the Glossary. I consider this may lead to confusion. Please provide a preferred definition which can be used consistently across the policies and Glossary.
5. Should the key on the Plan Zones and Village Inset maps read "Flood Zone 2" / 3 rather than "Flood Map 2" / 3?

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

With many thanks.
Ann Skippers
23 December 2019