

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

**Upwell Neighbourhood Plan – Decision on examiner's  
recommendations**

**October 2020**

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



## **Borough Council Decision on the Examiner's recommendation for the Upwell Neighbourhood Plan**

### **Neighbourhood Planning (General) (Amendment) Regulations 2012**

Name of neighbourhood area	Upwell Neighbourhood Area
Parish Council	Upwell Parish Council
Submission	18 <sup>th</sup> November 2019 - 13 <sup>th</sup> January 2020
Examination	February-June 2020
Inspector Report Received	29/06/2020

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

#### **2. Background**

- 2.1 The Neighbourhood Area of Upwell was designated on 02/12/2015. The Neighbourhood Area corresponds with Parish boundaries for Upwell Parish Council. The Upwell Neighbourhood Plan has been prepared by Upwell Parish Council. Work on the production of the plan has undertaken by members of the Parish Council and the local community, since 2015.

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 18<sup>th</sup> November 2019 - 13<sup>th</sup> January 2020. As part of this the plan was publicised for an eight-week period due to falling over the Christmas period and representation invited.

2.3 In January 2020 Louise Brooke-Smith was appointed by the Borough Council with consent of the Parish Council, to undertake the examination of the Upwell Neighbourhood Plan. The examination began at latter end of February 2020/start of March 2020 and this stage took place until June 2020. This culminated in the Examiner's Report being issued on 26/06/2020.

*A significant reason for the extended delay and conduction of the examination into the decision statement was down to Covid-19 related issues and commitments over the months*

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 and Upwell Parish 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 As set out in section 3, it has been decided by the Borough Council and Parish Council to split up the modifications made within the examiner's report. This has been separated into appropriate columns. As stated by the examiner in the final examination report (2020) and left apparent in the table: Areas that need modification are expressed in **bold (black) in column 2.**

### 3. Recommendations by the Examiner

**Table 1: Specific Modification for the Neighbourhood Plan (NP) to be compliant with the basic conditions**

Section	Specific Modification for the NP to be compliant with the basic conditions as stated in the final Upwell NP Examination Report June 2020	Who will make these changes? LPA or QB	Do you agree with the modification ?	What needs to be done to meet the specific modification?	Amendments and new changes made to the proposed Upwell neighbourhood plan. <i>Large passages of text highlighted in yellow are new added sections in the appropriate place within the NP</i>
1	<p>Amendment of end date of NDP, unless justification is provided to support the current proposal and as stated also in 5.2.9 of the examiner’s report</p> <p><b>Accordingly, I recommend that the date of the NDP concern 2015 to 2026 and modification of relevant reference through the NDP be made.</b></p>	LPA	Yes, for all set out below	Amend the date throughout	Change the date throughout to be 2015 to 2036
2	<p>Under 4.5.6 of the examiner’s report (SEA point) –</p> <p><b>The reference to ‘not’ in the opening text should be amended to ‘none’ to provide clarity.</b></p>	QB	Yes, for all set out below	This has been done and is within the supporting documents	This is in the introduction to the SEA addendum. Page 6 Appendix A line 1. The word ‘not’ was changed to ‘none’.
3	Under 5.1.5 of the report-	LPA			The below has been added under section 4.

	<p>The NDP does however refer to a number of aspirational activities, classed as Community Actions. I have commented elsewhere on these but confirm that these have not been assessed as formal policies.</p> <p><b>I suggest that improved explanation / annotation to indicate that these are aspirational matters, should be included whenever they arise in the document.</b></p> <p>Specific annotation through the NDP that every Community Action is not presented as formal NDP policies</p>		<p>Yes, for all set out below</p>	<p>Explanation at the beginning of the NP as to what boxes refer to be community actions</p> <p>Explain that the community actions will be set as the colour light green to make this clear and policies will be set out in light orange throughout, so this follows a clear and consistent layout.</p>	<p>As stated in the above table in the objective box this neighbourhood plan has a list of 'community actions' and 'formal policies' which are there to meet and deliver the aims and objectives for Upwell. For clarity throughout the neighbourhood plan the community actions boxes are set out in the colour light green to make this clearer to differentiate to the formal neighbourhood plan policies. The formal policies are set in a light orange throughout to provide a consistent and clear layout for readers.</p> <p>community actions are not strictly planning related but are considered important enough to be in this development plan since we feel as a local community and as a parish council this is something we will lead on. The community actions cannot be used to determined planning applications but can be used by the parish council and the community to direct local actions and energies.</p> <p>formal policies in this neighbourhood plan which will be used to determine planning applications alongside the local plan and national planning framework are ones which details missing policy elements in the local plan which are important to the Upwell Parish.</p>
<p>4</p>	<p>5.2.11 of the examiner's report –</p> <p>While the list of 10 objectives reflects the issues raised through the community consultations, I consider it is necessary to very clearly set out the difference between policies</p>	<p>LPA</p>	<p>Yes, for all set out below</p>	<p>New piece of text following the objectives table and make all the necessary changes under this part.</p>	<p>This can be shown in the above row.</p>

	<p>and community actions. The latter, as explained elsewhere in this report, do not constitute formal policies, subject to this examination. Moreover, they are aspirational and in places relate to operational matters.</p> <p>5.2.12 of the examiner's report –</p> <p>I note that the third paragraph of Section 5 highlights this but I consider this reference is better placed in Section 4 and it made clear that community actions have been included within the NDP for information only and have not been subject to examination. My concern is that as written they may inadvertently influence decisions when they are clearly not planning policies which will constitute the Development Plan for the area.</p> <p>5.2.13 of the examiner's report - Hence, I recommend that this matter be clarified by clearer referencing within Section 4 of the NDP and <b>for the avoidance of any confusion on the part of the reader, they should be clearly annotated as such through the NDP.</b></p>				
5	<p><b>List of Figures could follow the Contents page.</b></p>	QB	Yes, for all set out below	Add all the figures and maps that are present within the NP and make sure they are numbered/formatted and set out after the content page to make the layout clearer.	This has been completed.

<p>6</p>	<p><b><u>Economy &amp; Tourism</u></b></p> <p>Section 5.3.1 of the examiner’s report.</p> <p><b>ET1- the reference to ‘development’ in the second paragraph is ambiguous and needs to be defined. It is unclear whether this relates to the provision of new communication infrastructure, residential and/or commercial development. I suggest this should be explicit.</b></p> <p><b>- The list of mitigation actions should be clarified either within the text of the policy or in the accompanying text to explain the context for identifying ‘unacceptable adverse impacts’. How and who will measure these?</b></p> <p><b>- The reference in (f) and impact on protected species is covered under extant environmental legislation and hence is superfluous and can be omitted.</b></p> <p><b>Subject to these modifications, policy ET1 is considered compliant.</b></p>	<p>QB</p>	<p>Yes, for all set out below</p>	<p>Address all comments made for ET1.</p> <p>These suggestions were made.</p>	<p>"New residential and commercial development where relevant will need to demonstrate how it will contribute to the achievement of fast broadband connections in the area."</p> <p>In the supporting text the following could be added, "Developers must ensure broadband infrastructure is provided for new developments. To do this, they should register new sites with broadband infrastructure providers, and preferably ensure provision of Fibre to the Premises (FTTP)."</p> <p>Response to (-) the mitigation action, “unacceptable adverse impacts” is a matter of planning judgement, as it always will be for any area of planning. However, given that it will always be a judgement, this criterion could simply be deleted as it will happen anyway</p> <p>Clause (f) has been removed from policy ET1.</p> <p><b>Planning Policy ET1: Communications</b></p> <p>The provision of essential infrastructure for telecommunications will be supported where it is of an appropriate scale and design and would not cause undue visual intrusion.</p> <p><del>New development where relevant will need to demonstrate how it will contribute to the achievement of fast broadband connections in the area.</del></p> <p>New residential and commercial development where relevant will need to demonstrate how it will contribute to the achievement of fast broadband connections in the area.</p> <p>In order to ensure the potential impacts of communications proposals are adequately mitigated, any proposals for the</p>
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					<p>erection above ground of telecommunications masts, equipment and associated development will be expected to show that:</p> <ul style="list-style-type: none"> <li>a. Opportunities for undergrounding are fully explored;</li> <li>b. There are no unacceptable adverse impacts on the character of the locality, the wider landscape and the amenity of residents;</li> <li>c. Full consideration is given to the opportunities for sharing a site, mast or facility with telecommunications infrastructure already in the area, and demonstrate that the least environmentally intrusive option has been selected;</li> <li>d. The proposal is in conformity with the latest guidelines on radiation protection;</li> <li>e. Where relevant, full consideration is given to the impact of masts on skyline views and sense of openness; and</li> <li>f. <del>It would not adversely affect any protected species or habitats.</del></li> </ul>
7	<p><b>Section 5.3.2-5.3.4</b> of the examiner’s report</p> <p><b>ET2 – (b) duplicates extant statutory environmental regulations which take precedence and hence could be omitted. Accordingly, I conclude that with the removal of (b) Policy ET2 presents policy that is compliant, even if does not provides explicit guidance for new development.</b></p>	LPA	Yes, for all set out below	<p>Remove (b) from ET2</p> <p>This has been done.</p>	<p><b>Planning Policy ET2: Economic Development</b></p> <p><del>It will not have an unacceptable impact on flood risk from all sources, and navigation of the waterways;</del></p>
8	<p><b>Section 5.3.5</b> of the examiner’s report</p> <p><b>Community Action 2: Tourism Assets</b> is aspirational and, as noted above, is not a</p>	LPA	Yes, for all set out below	<p>This will be done;</p> <p>Policy text boxes should be a light orange and</p>	<p>This has been done and changed throughout.</p>



	planning policy and subject to examination, and should be annotated as such.			community actions to light green	
9	<p><b><u>Leisure &amp; Recreation</u></b></p> <p>5.3.7 of the examiner's report - <b>It would assist if cross reference is made to the evidence relied upon for this section of the NDP to substantiate some of the text, eg 'health deprivation being in the bottom 30% nationally'</b></p>	QB/LPA	Yes, for all set out below	<p>Address the comment made in this section.</p> <p>Added this in with more text and have helped add extra detail to the evidence base.</p>	<p>Parish has low levels of active transport (walking and cycling), which could have health implications for residents in the longer-term. <b>As stated in section 3, There is a low use of sustainable transport modes for travelling to work in particular.</b></p> <p><b>The low levels of active transport could have health implications. Health deprivation is modestly poor (with the Upwell central village area being in the top 30% most deprived and the remainder of the parish being in the top 20% most deprived with regards to Health Deprivation and Disability). Further information on this is present in the evidence base under the demographic section.</b></p>
10	<p><b>Section 5.3.7 of the examiner's report –</b></p> <p><b>LR1- Policy LR1: Leisure, Recreation and a Marina</b> refers in the concluding paragraph to a <i>'business plan'</i>. <b>This would be better expressed as a 'viability case'. The policy would be clearer by including an OS base map at an appropriate scale to indicate the location of Dovecoat Farm.</b></p> <p><b>With these modifications, I find Policy LR1 is compliant.</b></p>	LPA	Yes, for all set out below	<p>Create a map and change wording to suggested text</p> <p>Amended policy text and added map</p>	<p>The relevant part of policy LR1 has been amended</p> <p>" If open-market housing is proposed as part of a <b>viability case</b> <del>business plan</del> to make the mixed-use development viable, this will need to be supported using an accepted method for determining viability and this method must be agreed with local planning authority. Any new housing will need to be integrated with existing housing towards the road, be kept out of any areas of flood risk, and have suitable and safe access to School Road/ Dovecote Road. "</p> <p>Map added below as figure 3 for Dovecoat Farm</p>

11	<p><b>Section 5.3.8 of the report-</b></p> <p><b>LR2: Open and Recreational Space</b> addresses the intent of supporting the improvement of extant facilities. I appreciate that it has been amended to take into account comments from the LPA but, as written, I consider it adds little to national statute or the Local Plan and the accompanying text is confusing. However, it does provide guidance to any decision maker reader that new development should liaise with the Parish Council in terms of identifying priorities within the NDP area.</p> <p><b>It would be important to make reference in the supporting text that contributions would need reflect the Community Infrastructure Levy Regulations and the guidance within the NPPF. With this modification, I find Policy LR2 acceptable and hence compliant.</b></p>	LPA	Yes, for all set out below	Add wording suggested in the supporting text.	<p>It is important to note that contributions would need to reflect the Community Infrastructure Levy Regulations and the guidance within the National Planning Policy Framework (NPPF). Off-site contributions will need to be secured through a planning obligation. This does not mean that new development will always not need to provide open space on site, only that contributions instead to support existing provision will be acceptable if such facilities are nearby and well-related and in need of improving.</p>
12	<p><b>Under 5.3.10</b> of the examiner’s report</p> <p><b>Intro Section 5.4-</b></p> <p><b>The introductory paragraph for section 5.4 of the NDP refers to the Borough Council’s Strategic Flood Risk Assessment. It would assist if the date of this document is included in the text.</b></p>	QB/LPA	Yes, for all set out below	<p>Address all points proposed under this section.</p> <p>Wording added and LPA have chosen a map</p>	<p>This neighbourhood plan has made use of flood mapping information provided by the Environment Agency, as well as the Level 1 Strategic Flood Risk Assessment published by the Borough Council in 2018.</p> <p>Figure 4- Assists Ouse Washes additional information</p> <p>New figure 5 map for agricultural land classifications in Upwell</p>

	<p>Reference is made to the Ouse Washes and again, additional information in terms of an annotated map, would assist any reader.</p> <p>This could be incorporated into the map indicating the Agricultural Land Classifications. This map should be cross referenced into the opening text for section 5.4.</p> <p>It would also assist if it were referenced eg Figure 3 and added to a list of figures at the start of the document.</p> <p>I consider that these modifications would remove potential confusion.</p>			<p>and added some text.</p> <p>Moved the map up and added a figure and reference in the text.</p>	
13	<p><b>5.3.13 of the report- Policy EN2: Agricultural Land</b></p> <p>reflects the national approach to using Grade1 classified land for development purposes and advises that a sequential review is undertaken to justify any development proposal.</p> <p>However, the reference to ‘overriding community benefits’ is vague. It would assist the reader and decision maker to clarify in the supporting text what could constitute such benefits. I further suggest that the reference to ‘surveyors’ is changed to ‘professionals’ in the last sentence.</p>	QB	Yes, for all set out below	<p>What are the community benefits? Give examples of this to clarify the reference to overriding community benefits.</p> <p>Address all comments made within EN2</p> <p>This has been done.</p>	<p>Under Policy EN2 wording has been added:</p> <p>In reference to criterion a, in deciding on what might constitute ‘overriding community benefits’, consideration should be given to:</p> <ul style="list-style-type: none"> <li>• The delivery of schemes comprising the provision of new affordable housing.</li> <li>• A new primary school or extension;</li> <li>• Marina;</li> <li>• The enhancement of designated Local Green Spaces;</li> <li>• Residential care home;</li> <li>• Start-up business;</li> <li>• The provision of items listed in <i>Community Action 4: Community Infrastructure Levy</i></li> </ul> <p>Also surveyors has been changed to professionals in the last sentence of the supporting text for EN2</p>

	<b>With these modifications, I find Policy EN2 compliant.</b>				
14	<p><b>Section 5.5- Housing of the NP</b></p> <p>5.3.14 of the report states- I note that the calculation of housing need by the Borough Council has changed during the NDP preparation and the suggested need for the combined settlements of and Outwell and Upwell (as Key Rural Service Centres) has reduced.</p> <p>Footnote 2 is therefore helpful, but the text within the first paragraph of Section 5.5 is confusing as written.</p> <p><b>This should be redrafted to reflect updated circumstances.</b></p>	QB/LPA	Yes, for all set out below	Footnote 2 now 4 has stayed within the text. New wording has been proposed and added. Including new tables from the evidence base and also to support text for extra clarification.	<p>There has been an increasing housing need in the parish, partly because of an increasing population and partly because of changes to households with more people living on their own. Over and above existing allocations and permissions, the borough council initially advised that 67 additional dwellings would be needed in the Key Rural Service Centre of Upwell/ Outwell up to 2036. As Outwell is accommodating more than 50% of the need up to 2026, and to set out a positive approach, the Upwell Parish Neighbourhood Plan decided to allocate for more than 50% of those 67 additional dwellings<sup>1</sup>. The Neighbourhood Plan will therefore plan to deliver at least 47 new dwellings; the borough council has been supportive of this approach.</p> <p><b>Policy A1 in this neighbourhood plan</b>- reflects the same site allocation as G104.3, however, the allocation size has extended in the neighbourhood plan to cater for at least 20 dwellings instead of at least 5 dwellings which is present in the adopted SADMP 2016. Policy A2, A3, A4 and A5 in this neighbourhood plan are allocations made which add up to 27 new dwellings. Therefore, the total net new dwellings in the Neighbourhood Plan is 47.</p> <p>New table added</p> <p>The table above shows the numbers for the allocations made in this Neighbourhood Plan and also the local plan for King’s Lynn and West Norfolk. The table shows that the Neighbourhood Plan has made five allocations (A1 to A5) adding up to at least 47 dwellings.</p>

<sup>1</sup> Shortly before submission of the plan, the borough council gave notice that its housing need was less than originally thought and that the local plan and its allocations could meet the housing need to 2036. Although this suggested that neighbourhood plans would therefore have a housing need of 0 and would not need to make site allocations, any site allocations as part of a neighbourhood plan would still be encouraged and would not be seen as inconsistent with the local plan.

					<p>It also shows the allocations which are present in the Local Plan and adopted Sites Allocations and Development Management Policies (SADMP, 2016) which are being taken forward in the new Local Plan Review. The table shows that in the adopted Local Plan four allocations (G104.1 to G104.4) are made for Upwell adding up to at least 30 dwellings.</p> <p>New figure 6 and figure 7 of LPA and NP allocations</p>
15	<p>Under Section 5.3.17 of the report- The reference to affordable housing provision is potentially misleading. Para 63 of the NPPF states that 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). (This would be paragraph 5 of the NP)</p> <p><b>To avoid confusion;</b></p> <ul style="list-style-type: none"> <li>- the NDP text should explain that 10 dwelling or above constitute a major development</li> <li>- the use of 'cannot' be replaced with 'should not'</li> <li>- the reference to the Local Plan Policy CS09 and 0.165 should be accurately rewritten to avoid ambiguity as <i>'The thresholds over which affordable housing provision will be</i></li> </ul>	QB	Yes, for all set out below	Make suggested amendments.	<p>Amendments have been made:</p> <p>In para 4 under the new table in 5.5 wording has been added:</p> <p>Nationally, affordable housing cannot be sought for developments of fewer than 10 dwellings, with a few exceptions, one of these being in designated rural areas. West Norfolk is a designated rural area and so Upwell Parish is too. Therefore, policies can set a lower threshold, whereby contributions should not be sought on developments of 5 or fewer dwellings but can be sought on development of 6 to 9 dwellings. The thresholds over which affordable housing provision will be sought in rural areas are for sites of 0.165 of ha, or 5 or more dwellings.</p>

	<i>sought in rural areas are for sites of 0.165 of ha or 5 or more dwellings.'</i>				
16	<p><b>Policy H1: Scale and Location</b></p> <p>Section 5.3.18 of the report- I understand from the supporting documents before me that this policy refers to additional housing allocations over and above extant allocations confirmed in adopted SADMP. However, I do not consider this is clear in the text of the policy or supporting paragraphs. Furthermore;</p> <p><b>- The tense of this policy is confusing and should be amended to be in the present as opposed to the future.</b></p> <p><b>- The reference to 2038 should be amended to accord with the emerging Local Plan, as noted previously.</b></p> <p><b>-The reference to 'allocations' is confusing. Allocations are being presented within the NDP and it is assumed that residential development will emerge on these sites. In places, however, the words 'allocation' and 'development' may have been transposed.</b></p> <p><b>- The phrase 'estate type' development is vague and need explaining.</b></p> <p><b>- Given the progress of the NDP, the word 'potential' should be omitted from the third</b></p>	QB	Yes, for all set out below	<p>Clarification: Write the policy in the knowledge that the allocations have already been made. Tense needs to be changed, as suggested by the examiner.</p> <p>Consider and change all points suggested.</p> <p>Amended tense has been done.</p> <p>Reference to 2038 has been changed</p> <p>The added definition of estate type has been added to the supporting text</p> <p>LPA deleted the word 'potential'</p>	<p>Amendments to the policy H1 have been made.</p> <p><b>Amendment to policy in reference to amending text to present tense, changing 2038 to 2036</b></p> <p>As part of this Neighbourhood Plan, sufficient land is allocated to meet the housing requirement of at least 47 additional dwellings over the plan period to 2036. Consideration is given to additional allocations during the plan period if any of the adopted allocations do not come forward as expected or there is a significant change in the housing requirement. For this reason, the plan is subject to reviews.</p> <p>Allocations are made against the policies of this plan, and in particular the aim will be to ensure that developments are, where possible, be made using the following preferences:</p> <ol style="list-style-type: none"> <li>a. Previously developed land; or</li> <li>b. Land not in agricultural use.</li> </ol> <p>Windfall sites within the settlement boundaries are acceptable if they are consistent with the development plan taken as a whole. Where this is infill frontage development within an otherwise continuously built-up frontage, this must broadly be in keeping with neighbouring existing development.</p> <p>Any single allocated site must provide for only a modest scale development of up to 25 units. Any single infill site must provide for only a small scale of development of up to 5 units.</p>

	<p>sentence of the supporting text following the policy.</p> <p>Further to the above modifications, Policy H1 is compliant</p>				<p>There is a presumption against larger developments, especially estate type development.</p> <p>Permission for development outside of allocations and the settlement boundaries are only granted if:</p> <ol style="list-style-type: none"> <li>a. A specific policy in the Neighbourhood Plan or Local Plan allows for the proposed development outside of the settlement boundaries; or</li> <li>b. The proposal otherwise demonstrates overriding community benefits.</li> </ol> <p>clarification to the wording in Policy H1 'estate-type development' is defined in this Neighbourhood Plan as: "<i>an area containing a large number of houses, built close together at the same time to a standard scale and design, tending towards being uniform in appearance</i>".</p> <p>Wording was changed and 'potential' was removed from para 2 under policy H1</p>
17	<p><b>Policy H2: Housing Mix (Under Section 5.3.19- 5.3.24)</b></p> <p>5.3.19 <b>Policy H2: Housing Mix</b> refers in the first section to a provision of 20% of sites comprising over 5 units to be suitable for particular occupiers and to have at least 20% of units of '2 bedrooms or fewer'. It is unclear from the evidence base presented how these figures have been confirmed.</p>	QB	Yes, for all set out below	<p>Clarify and justify the evidence base that is needed and has been set out by the examiner in this section for Policy H2, as highlighted in</p>	<p>A lot of amendments took place in this section for further clarification with the evidence base and tables.</p> <p>5.3.19- Added supporting text and tables provide evidence for reference to the 20% figure underneath Policy H2</p> <p>5.3.20- There has been changes to Policy H2 clause b to reflect comments made by examiner-</p>

	<p>It would be important to include cross reference to the evidence base for these prescriptive figures, within the supporting text.</p> <p>5.3.20 In the section addressing affordable housing provision lying beyond a settlement boundary, reference is made in (b) to schemes in excess of 10 units being supported if within 50m of the boundary. I fully appreciate the need for occupiers to be within an appropriate distance from sustainable transport services but, again, I am unable to find the justification for this specific distance in the evidence base.</p> <p>5.3.21 Similarly while the intent of (e) is understood, it is important to have clarification of what constitutes 'local need' and 'affordable cost'. This clarification should be within the supporting text.</p> <p>5.3.22 The final element of Policy H2 refers to treatment of separate proposals on contiguous sites. There is no clarification in the policy or supporting text as to whether this applies regardless of schemes being pursued at the same time or over a period a time. To avoid ambiguity this needs to be clarified.</p> <p>5.3.23 The supporting text should include reference to the evidence base where necessary, as noted above. It should also include the addition of 'or other similar</p>			<p>red text take careful consideration of these points.</p> <p>LPA added wording/tables which were sent over by the QB to the evidence base and added changes to the supporting text with a reference to the evidence base.</p>	<p>Proposals comprising affordable housing development that are outside the settlement boundaries may be permitted where:</p> <p>Clause b- For schemes of 10 or more dwellings the site is adjacent to the settlement boundary, or for schemes of fewer than 10 dwellings the site adjoins an existing group of dwellings;</p> <p><b>5.3.21 – Amendment:</b>  <b>In reference to clause e of H2, local need is defined by the sequential approach used by the borough council. Affordable cost refers to the rent or sale being below the market rate. Housing charity Shelter defines affordable housing as costing no more than 35% of net household income after tax and benefits.</b></p> <p><b>5.3.22 Amendment:</b> <b>As stated in the last part of Policy H2, the treatment of separate proposals on contiguous sites, certainly covers schemes being pursued at the same time. It should also cover schemes separated by time.</b></p> <p>5.3.23- reference to the evidence base has been added to the supporting text with tables also.</p>
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	incentives' following 'the national Right To Buy scheme'.				
	<b>Further to modifications to address the above, I find Policy H2 compliant.</b>				
18	<p><b>Section 5.3.24 of the report- Policy H3: Design</b></p> <p><b>Design</b> is understandable and the reference to 50% of plot coverage to include outbuildings provides some clarity – but only if sites are developed comprehensively. If ancillary buildings are added at later date, there could be confusion as these could be pursued under extant Permitted Development regulations. This would conflict with the policy as written. If the reference to a specific plot coverage is to remain, and the ability to apply PD rights is to be removed, then an Article 4 Directive would need to be agreed with and applied by the LPA.</p> <p>5.3.25 While this is an option, it would be clearer to combine (a) and (b) and advise that <i>'New residential development plots should not be over-developed and should ensure that the building footprint, including any outbuildings, provides for sufficient amenity space'</i></p> <p><b>Further to modifications to address the above, I find Policy H3 compliant.</b></p>	QB	Yes, for all set out below	Done	<p><b>Planning Policy H3: Design</b></p> <p>All development will be designed to a high quality, reinforcing and complementing local distinctiveness and character, as captured at <b>Appendix A</b> (and any conservation area character statement where relevant). Design which fails to have regard to local context and does not preserve, complement or enhance the character and quality of its immediate area and the wider parish will not be acceptable. Proposals should therefore be of an appropriate density, height, variety, scale and layout. This is not intended to discourage innovation, which will be welcomed.</p> <p>Development along Welle Creek must be sympathetic in scale and design to the existing river frontage and its eclectic style and feeling of openness, avoiding design homogeneity, and must make a positive contribution to the public realm.</p> <p><b>New residential development plots should not be over-developed and should ensure that the building footprint, including any outbuildings, provides for sufficient amenity space</b></p>
19	Policy H4 Move text to supporting section-	QB	Yes, for all set out below	Done	<p><b>Wording moved:</b></p> <p><b>Additionally, to the requirements set out in Policy H4, in recognition that on-street parking could occur, streets should</b></p>

	<p>5.3.29 of the report- I suggest that the text following the table of bedrooms / min parking spaces is removed from the formal policy and is presented as supporting text and supplemented with clarification as to impact on the public highway and need to liaise with the Highway Authority.</p> <p><b>Further to these modifications I find Policy H4 compliant</b></p>				<p>be designed to safely accommodate unallocated on-street parking. The level of provision should be such that indiscriminate parking and the obstruction of footways and carriageways is avoided and this should be determined on a site by site basis. Flexibility can be considered in the interests of good design such that proposals will provide for sufficient off-road car parking unless by doing so it would fail to preserve, complement or enhance the character of the immediate area.</p>
20	<p><b><u>Physical Infrastructure</u></b></p> <p><b>Under section 5.3.32 of the report- P2 to move text to supporting section and clarify position with Education Department</b></p> <p><b>Policy P2: Primary School</b> reflects comments through the consultations process, but <b>I have not been presented with evidence of dialogue with and support from the County Education Authority.</b></p> <p><b>For this policy to be deliverable, it would be important to refer to this in supporting text.</b></p> <p><b>Furthermore, the reference to pre-school provision in the last paragraph is operational and also should be expressed in supporting text.</b></p> <p><b>With these modifications, Policy P2 is compliant.</b></p>	QB	Yes, for all set out below	<p>Address the points set out by the examiner for Policy P2.</p> <p>Reference to the pre-school can be removed. This is now up and running.</p>	<p>Amendment to the policy:</p> <p><b>Planning Policy P2: Primary school</b></p> <p>The Neighbourhood Plan would support a proposal for a new primary school that:</p> <ol style="list-style-type: none"> <li>Provides for the required and forecast capacity;</li> <li>Is on the existing site or a site that is just as accessible by sustainable transport modes, if not more so, as the existing site;</li> <li>Provides for the management of car parking and drop-off, consistent with a travel plan, that minimises the impact on the highway such as traffic flow and safety; and</li> <li>Includes plans for the reuse and preservation of the existing older school buildings as an important, albeit undesignated, heritage asset.</li> </ol> <p><del>The Neighbourhood Plan would also support proposals for pre-school provision.</del></p> <p>Amendment to supporting text The County Education Authority have viewed the Plan and not raised objection to Policy P2.</p>

					The education department advised that they are aware of the limitations of the existing building and while funding is currently not available for new or expanded schools without significant housing growth it is not possible to predict what will happen over the life of the plan.
21	<p><b>Section 5.3.33-34 of the report- Policy P3</b></p> <p><b>To avoid the reference to ‘developments’ being a catch-all, it should also be expressed in terms of ‘proposals that generate pedestrian footfall’.</b></p> <p><b>Subject to this minor modification, Policy P3 is compliant.</b></p>	LPA	Yes, for all set out below	<p>Use revised wordings within this section for Policy P3</p> <p>Done</p>	<p><b>Planning Policy P3: Walking</b></p> <p>In order to promote safe and convenient walking within the Parish, <b>new proposals that generate pedestrian footfall developments</b> in or adjacent to the settlement boundaries will be expected to improve and extend footpaths and footways, where existing provision is not acceptable. Footways must be sufficiently wide so as to provide safe, convenient and equitable access.</p>
22	<p><b>Additional clarification as to Allocation Sites in supporting text (A1,A3,A4,A5)</b></p> <p>5.3.38- Section 6 provides details of sites that have been assessed through the NDP process and considered appropriate to identify for new housing development. It is understood from other documents before me that these allocations are in addition to land already identified within the SADMP.</p> <p>However, the reference used is to the ‘2016 local plan’ which is misleading. Furthermore, I consider these sites should be presented in the NDP immediately following the supporting text for Policy H1. This would be</p>	LPA	Yes, for all set out below	LPA will make the changes suggested.	<p>Added reference and have moved allocations under H1.</p> <p>A call for sites was carried out and a number of sites put forward by local landowners or developers. These were assessed against a standard set of criteria, such as flood risk, highway access etc as well as against the policies in this Neighbourhood Plan. The sites in this section are those that were assessed as being the most consistent with the policies, most deliverable and having the fewest constraints, as well as having the most public support in the earlier consultation. It is therefore considered that the sites are developable, consistent with the NPPF, as they are in a suitable location for housing development with a reasonable prospect that they will be available and could be viably developed. For the avoidance of doubt, <b>the allocations within this neighbourhood plan are intended to be in addition to any site allocations adopted in the Site Allocations and Development Management Policies Plan in 2016; which</b></p>

	the more logical position for any reader or decision maker.				is part of the current adopted local plan for King's Lynn and West Norfolk (see the table on page 25).
23	<p><b>Policy A1- Low Side</b></p> <p><b>(c) the reference to 30% of new dwelling to be affordable subject to evidence, and 10% to be available for affordable home ownership appears to be arbitrary. I note that the justification is that smaller allocated sites may not contribute sufficient affordable accommodation.</b></p> <p><b>However, to be transparent and avoid confusion with other policies, relevant cross reference to the evidence base would help.</b></p> <p><b>(e) clarification of what constitutes 'sufficient stand-off distances' would be important to include in the supporting text.</b></p> <p><b>i) refers to matters already covered in the Local Plan and hence is superfluous and can be omitted.</b></p> <p><b>Only with the modification suggested, Policies A1 through to A5 are compliant.</b></p>	QB	Yes, for all set out below	Address all the points proposed by the examiner for Policy A1.	<p><b>Below text was added text for clarification under clause (c)</b></p> <p>The allocations (A1 to A5) in total make up 47 dwellings. Ideally, 47 dwellings should result in 9 affordable homes (20%). However, three of these allocations (A2, A4 and A5) make a total of 12 dwellings and are minor developments (5 dwellings or under) that will deliver no affordable houses. This leaves one allocation (A3) delivering 15 dwellings (so 3 affordable dwellings), and Low Side (A1) delivering 20 dwellings (so 4 affordables). This makes 7 affordables rather than 9.</p> <p>To bring it up to the 9 (20% of the 47 dwellings allocated), the Neighbourhood Plan has simply increased the proportion of affordable housing, under criterion c within Policy A1: Low Side, to 30%; which would then deliver 6 affordables, and so 9 in total. The landowner (the Parish Council) supports this policy. Also within criterion c of Policy: A1 Low Side there is the reference that "at least 10% of the new homes are available for affordable home ownership". The 10% of homes to be for affordable home ownership is simply a reflection of this need set out in paragraph 64 of the National Planning Policy Framework (NPPF).</p> <p>This will ensure that the Borough Council meets its affordable housing need of 20% of dwellings outside the sub-regional centre, and so the 30% makes the Neighbourhood Plan in general conformity with that strategic policy in the Local Plan.</p> <p>Clarification to (e)- <b>This really is a matter of planning judgement, so brief explanation has been made in the supporting text.</b></p> <p><b>"What constitutes 'sufficient standoff distances', is really a matter of planning judgement, so a set definition is not given here. It will be a</b></p>

					<p>matter dependent on the planning application coming forward, and such things as the boundary layout it will not be the same in all circumstances.”</p> <p>Previous (i) was deleted - Provide on-site open spaces/ greens as the focus for each new community of a scale consistent with relevant policy in the local plan;</p>
24	<p><b>Policy A3 – St Peter’s Road</b></p> <p>(b) similar to comment for Policy A1 in that there needs to be justification for the 10% figure proposed.</p> <p>Only with the modification suggested, Policies A1 through to A5 are compliant.</p>	QB	Yes, for all set out below	Address the needed changes for this policy.	<p><b>Justification added to supporting text:</b></p> <p>As stated in criterion b of policy A3, the 10% of homes to be for affordable home ownership is simply a reflection of this need set out in para 64 of the National Planning Policy Framework (NPPF).</p>
25	<p><b>Policy A4 – Pinfold Road</b></p> <p>(c) and (d) refer to works to the highway where there will need to be involvement by the Highway Authority. This should be explicit.</p> <p>(g) the reference to ‘modest sized’ is subjective and the intent of this point could be achieved with its omission.</p> <p>Only with the modification suggested, Policies A1 through to A5 are compliant.</p>	QB	Yes, for all set out below	Address points and reference needed.	<p><b>Policy A4 – Pinfold Road</b></p> <p>The site has an area of 0.185 hectares.</p> <p>The development of the site will need to:</p> <ol style="list-style-type: none"> <li>Provide approximately 4 dwellings;</li> <li>Provide further evidence on foul and surface water flood risk and its management;</li> <li>In consultation with the Highways Authority widen the highway along the frontage sufficient to enable two vehicles to pass;</li> <li>Provide access to the highway onto Pinfold Road;</li> <li>Provide suitable boundary landscaping to soften the impact when viewed from the open countryside beyond;</li> </ol>

					<p>f) Be of a design that is sympathetic with the conservation area and the immediate area on Pinfold Road; and</p> <p>g) Provide housing of a scale and massing that is in keeping with the housing in the immediate area.</p>
26	<p><b>Policy A5 -Adjacent to Three Holes Village Hall</b></p> <p><b>(b) to avoid confusion, this should simply refer to vehicular access to properties within the site preferably being to and from Squires Drove.</b></p> <p><b>However, the supporting text explains that this would involve third party land. This could be potentially ultra vires if appropriate agreement is withheld. I have not noted any specific comment from the Charity involved and hence this allocation for new development might not be deliverable. Clarification should be given as to whether the Charity are supportive of the allocation. If this cannot be obtained, then the ability to access the site directly onto the A1101 should not be restricted.</b></p> <p><b>Only with the modification suggested, Policies A1 through to A5 are compliant.</b></p>	QB	Yes, for all set out below	Clarification is needed and address all points presented within this section	<p><b>Policy A5 – Adjacent to Three Holes Village Hall</b></p> <p>The site area is 0.88 hectares.</p> <p>The development of the site will need to:</p> <p>a) Provide approximately 5 dwellings. This should be along the front of the site;</p> <p>b) Vehicular access to properties within the site preferably being to and from Squires Drove;</p> <p>c) Provide car parking for the village hall for at least 10 vehicles on the northern part of the site. This can be part of the open space requirement;</p> <p>d) Provide suitable boundary landscaping to soften the impact when viewed from the open countryside beyond whilst ensuring some views into the countryside/ fenland from Main Road are retained; and</p> <p>e) Provide further evidence on flood risk given the potential fluvial flood risk on adjacent land, as well as provide evidence on foul and any surface water flood risk and its management.</p> <p>Safe highway access is key, and this should be possible via Squire’s Drove, although this will require third-party land (the Three Holes Village Hall and Playing Field charity). Subject to full formal consultation with its beneficiaries, Three Holes Village Hall and Playing Field Committee has expressed its willingness to give access over the charity's land.</p>

27	<p><b><u>Local Green Spaces (LGS) Section 5.3.40-5.3.41</u></b></p> <ul style="list-style-type: none"> <li>• LGS2 and LGS4 clarification of evidence</li> <li>• LGS5 clarification of terminology</li> </ul>		Yes, for all set out below	Broad point made to take on board with comments below making sure clarification and evidence has been provided with the below Local Green Spaces (LGS)	
28	<p><b>LGS2 –Lakesend Playing Field;</b></p> <p><b>although this is an extensive area, the site appears to have been in use for recreational use for some time.</b></p> <p><b>However, the allocation should only comprise the open space, and not the physical building.</b></p> <p><b>The hall should be omitted from the designation.</b></p> <p><b>Furthermore, there is no clarification of ownership or agreement to a formal allocation.</b></p> <p><b>It would be helpful to have clarification on this matter in advance of this site being confirmed as LGS to ensure that continued access can be achieved.</b></p>	QB	Yes, for all set out below	Address and confirm points set out by the examiner	<p>Map has been amended</p> <p>This is the only recreational space in Lakesend and is adjacent to the village hall. It is highly valued locally for its recreational opportunities. <b>There has been consent for over 30 years from the Estate that manages this land for the villagers to use the field for recreation. As long as there is no cost to the Estate the village is free to use it as it sees fit.</b></p>
29	LGS4 – Methodist Church Gardens;	QB		Confirm that the landowner has	

	<p>appears to be an appropriate allocation.</p> <p>However, I have not noted any comment from the Methodist Church who it is assumed, own the land.</p> <p>It would be important to have clarification that there is support from the church/owner in advance of this site being confirmed as LGS to ensure that continued access can be achieved.</p>		Yes, for all set out below	<p>agreed for this LGS to be allocated.</p> <p>Done</p>	<p>LGS4 has been removed from the neighbourhood plan due to clarification and correspondence has confirmed objection to this site being taken forward as an LGS within the neighbourhood plan.</p>
30	<p>LGS5 - Small Lode;</p> <p>this is a long extent of land adjacent the highway and described as a 'soft road'.</p> <p>This is not common terminology but implies potential statutory designation.</p> <p>This should be clarified before formal designation as LGS.</p> <p>I find that the designation of LGS1, LGS3, LGS6 and LGS7 are compliant and should be designated as Local Green Spaces. However, further clarification needs to be given to LGS2, LGS4 and LGS5 prior to designation.</p>	QB	Yes, for all set out below	Address and clarify the terminology stated within LGS5	<p>This was the course of the original lode and is now a Norfolk County Council soft road and open space with mature horse chestnut trees. The reference to "soft road" is a Norfolk County Council Highways description. It refers to a roadway with a grass surface.</p>
31	<ul style="list-style-type: none"> <li>Additional comment on monitoring</li> </ul> <p>Under Section 6.1 of the report- Other than a very broad reference, no specific indications is</p>	QB	Yes, for all set out below		<p>Add additional comment to this section- done added in section 1</p> <p>In April 2015 Upwell Parish Council decided to take advantage of this new right and to produce a Neighbourhood Plan for the Parish of</p>



	<p>given within the NDP as to monitoring or the future review of the Plan.</p> <p>This should be added and preferably relate to a review in 5 years, with an annual monitoring exercise to be undertaken by the Parish Council</p>			<p>Upwell. The neighbourhood area was formally designated by the Borough Council of Kings Lynn and West Norfolk on 2nd December 2015. The timeframe chosen for the plan was 2015 to 2036. Although this goes beyond the plan period of the borough council's local plan, which is 2036, it is unlikely that this will lead to any significant issues in itself. Of course, the policy context might change, whether a future revision to national planning policy or changes to the Borough Council's strategic policies. Monitoring the Neighbourhood Plan is an important role which the Parish Council will undertake because changes may take place in planning legislation, national policy or Local Plan policy which may have implications for the policies in the Neighbourhood Plan. Annual monitoring exercises and typically a 5-year review will be undertaken.</p>
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#### **4. Decision**

4.1 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.

4.2 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 modifications to the draft plan.

4.3 Following the modifications made, the Upwell 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.

4.4 It is recommended that the Upwell Neighbourhood Plan progresses to referendum. 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 (02/12/2015).

Decision made by:

Geoff Hall

Executive Director Environment and Planning

14/10/20