

# **Brancaster Neighbourhood Development Plan Review 2018- 2036**

**A report to the Borough Council of King's Lynn and  
West Norfolk on the Brancaster Neighbourhood  
Development Plan Review**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by the Borough Council of King's Lynn and West Norfolk in October 2020 to carry out the independent examination of the Brancaster Neighbourhood Development Plan Review.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 1 December 2020.
- 3 The Plan proposes a series of modifications to the policies in the 'made' Plan. It continues to seek to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive character.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Brancaster Neighbourhood Development Plan Review meets all the necessary legal requirements and should be made by the Borough Council.

**Andrew Ashcroft**  
**Independent Examiner**  
**15 January 2021**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Brancaster Neighbourhood Development Plan Review 2018-2036 (the 'Plan').
- 1.2 The Plan has been submitted to the Borough Council of King's Lynn and West Norfolk (KLWNBC) by Brancaster Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in both 2018 and 2019.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative Plan, or a potentially more sustainable Plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. The submitted Plan has been prepared in order to update and refresh the 'made' Plan through a formal review process.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by KLWNBC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both KLWNBC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 The examination process for the review of a 'made' neighbourhood plan is set out in Section 3 of this report.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements subject to recommended modifications included in this report.

### 3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the KLWNBC SEA/HRA screening report.
- the representations made to the Plan.
- the Parish Council's responses to my Clarification Note.
- the Borough Council's assessment of the nature of the review of the various policies.
- the Core Strategy 2011.
- the Site Allocation and Development Management Policies Plan 2016
- the National Planning Policy Framework.
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 1 December 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised KLWNBC of this decision once I had received the responses to the questions in the clarification note.

3.4 The Neighbourhood Planning Act 2017 identifies the circumstances that might arise as qualifying bodies seek to review made neighbourhood plans. It introduces a proportionate process for the modification of neighbourhood areas where a neighbourhood development order or plan has already been made in relation to that area.

3.5 There are three types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves and as follows:

- minor (non-material) modifications to a neighbourhood plan or order which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum; or
- material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of

the independent examiner, are not so significant or substantial as to change the nature of the plan; or

- material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

3.6 BPC has considered this issue. It takes the view that the proposed changes to the 'made' Plan fall into the second category.

3.7 KLWNBC has also undertaken a separate assessment of the issue. It takes the same view as BPC on the scale and nature of the modifications to the policies in the 'made' Plan.

3.8 I have considered these assessments very carefully. I have concluded that the review of the Plan includes material modifications which do not change the nature of the plan or order and which would require examination but not a referendum. I have reached this decision for the following reasons:

- the policies largely repeat those in the 'made' Plan; and
- the modifications in the Review bring the Plan up to date to reflect changes in national and local planning policy.

3.9 In these circumstances I will examine the Plan against Schedule A2 of the Planning and Compulsory Purchase Act 2004. The regulations identify that this report must recommend one of three outcomes:

- that the local planning authority should make the draft plan; or
- that the local planning authority should make the draft plan with the modifications specified in the report; or
- that the local planning authority should not make the draft plan.

3.10 Section 7 of this report assesses each policy in turn and identifies any modifications required to ensure that the policy meets the basic conditions. My recommendation is then set out in Section 8.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the extended consultation process that took place on the pre-submission version of the Plan from March to June 2020.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. Details are provided about the engagement with the statutory bodies and the public consultation events in the area. Specific events and engagement techniques highlighted include:
- the public meeting (February 2018);
  - the various meetings with KLWNBC;
  - the use of the BPC website;
  - the use of posters on notice boards; and
  - the use of the online Nextdoor and Brancaster Community Assistance webpage
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular.
- 4.5 The Statement also sets out details of the responses received to the consultation process on the pre-submission version of the Plan. It also sets out how the Plan responded to those representations. The exercise has been undertaken in a very thorough fashion.
- 4.6 From all the evidence available to me as part of the examination, I conclude that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. The consultation process undertaken is proportionate to the nature of the review of the Plan. KLWNBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

- 4.7 Consultation on the submitted plan was undertaken by the Borough Council for an eight-week period that ended on 23 November 2020. This exercise generated comments from a range of statutory and local organisations. They are listed below:

- Fleur Homes
- Environment Agency
- Natural England
- Borough Council of Kings Lynn and West Norfolk
- National Grid
- Norfolk County Council
- Norfolk Coast Partnership AONB
- RSPB East of England
- Highways England
- Anglian Water
- Severn Trent
- Historic England
- National Grid

4.8 Representations were also received from two local residents.

4.9 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer specifically to the representation concerned in this report.



## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area is the parish of Brancaster. In 2011 it had a population of 797 persons living in 844 households. It was originally designated as a neighbourhood area on 5 June 2013.
- 5.2 The neighbourhood area sits in attractive open countryside on the West Norfolk Coast. It is irregular in shape. It includes the villages of Brancaster, Brancaster Staithe and Burnham Deepdale. It is located to the immediate north-west of Burnham Market.
- 5.3 The three settlements are attractively arranged along the A149 coast road. In their different ways the three communities are set back from the coast and adjoin the Brancaster Harbour and Mow Creek to the north. The neighbourhood area is wholly within the North Norfolk Area of Outstanding Natural Beauty (AONB).

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the adopted King's Lynn and West Norfolk Core Strategy 2011 and adopted King's Lynn and West Norfolk Sites Allocations and Development Management Policies Plan 2016. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period.
- 5.5 Policies CS02 and CS06 of the Core Strategy provides a focus for new development in the neighbourhood area. Brancaster with Brancaster Staithe and Burnham Deepdale is identified as a Key Rural Service Centre (CS02) where limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Limits of the Key Rural Service Centres in accordance with Policy CS06 (Development in rural areas).
- 5.6 The Sites Allocations and Development Management Policies Plan (SADMP) 2016 gives effect to and complements the Core Strategy. As its name suggest it allocates land to meet the development requirements identified in the Core Strategy. In this context it identifies two housing sites in the neighbourhood area. In addition, it includes a series of development management policies. The following policies in the SADMP are particularly relevant to the submitted Plan:

- DM2 Development boundaries
- DM5 Enlargement or replacement of dwellings in the countryside
- DM9 Community Facilities
- DM11 Touring and Permanent Holiday Sites
- DM15 Environment, Design and Amenity
- DM22 Protection of Local Open Space
- G13.1 Brancaster – Land to the east of Mill Road
- G13.2 Brancaster Staithe and Burnham Deepdale – Land off The Close

- 5.7 The Borough Council has embarked on the preparation of a new Local Plan. The intended programme has been affected by the current Covid:19 pandemic. On this basis it is not at a sufficiently-advanced stage to play any significant role in the examination of the submitted neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

*Unaccompanied Visit to the neighbourhood area*

- 5.9 I visited the neighbourhood area on 1 December 2020. It looked very attractive in cold and sunny conditions. I observed the social distancing measures that were in place at that time.
- 5.10 I drove into the neighbourhood area from Docking to the south. This helped me to understand its connection with its agricultural hinterland and the significance of the North Norfolk AONB.
- 5.11 I looked initially at Brancaster. I parked by the Church and walked to the beach. I saw the attractive maritime landscape and the way in which the Golf Course had been sensitively incorporated into the landscape.
- 5.12 I then looked around the village. I saw several impressive vernacular buildings in London Street. I found my way to the Village Hall and the Village Shop. I enjoyed an excellent cup of coffee and a chocolate brownie after my earlier exertions. I then walked up to the site of the Branodunum Fort and walked around the network of footpaths.
- 5.13 I then drove to Brancaster Staithe. I looked at the range of retail and commercial premises. I walked along Harbour Way and saw the range of maritime facilities.
- 5.14 I then walked to Burnham Deepdale. I saw the prominence of St Mary's Church and the range of shops on the opposite side of the road.
- 5.15 Throughout the visit I looked in general terms at the character and appearance of the various settlements. I saw the way in which there was a strong and consistent use of vernacular materials.
- 5.16 I left the neighbourhood area along the A149 and headed towards Hunstanton. This highlighted the relationship between the neighbourhood area and other coastal communities in this part of the county.

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Brancaster Neighbourhood Plan Review:
- a plan led system – in this case the relationship between the neighbourhood plan and the adopted Core Strategy and the SADMP;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;
  - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
  - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area giving appropriate weight to design issues and its location in the North Norfolk AONB. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted review of the Plan has been designed to continue to achieve sustainable development in the neighbourhood area. It has a particular focus on design and environmental issues and in supporting the development of homes to meet local housing needs.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in King's Lynn and West Norfolk Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modification in this report I am

satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*European Legislation and Habitat Regulations*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement KLWNBC published a screening report in March 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the following protected sites:
- The Wash and North Norfolk Coast SAC;
  - The Wash SPA;
  - The Wash Ramsar site;
  - The North Norfolk Coast SSSI;
  - The North Norfolk Coast AONB; and
  - The North Norfolk Heritage Coast
- 6.17 The screening report concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.18 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.19 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.20 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not they are proposed to be modified from the made Plan or where I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### General Comments

- 7.8 The review of the Plan has been prepared in a very effective fashion. The Plan is helpfully supported by figures and maps. The distinction between its supporting text and its policies is very clear. The Plan includes a series of very helpful maps - Map 1 (the Neighbourhood Area), Maps 2/3 (the development boundaries) and Map 4 (the Brancaster Conservation Area).
- 7.9 The Plan also includes a very helpful comparison between the policies in the 'made' Plan and those proposed in the review of the Plan. This analysis has been very helpful for examination purposes.
- 7.10 The front cover identifies the Plan period. However, the Plan period is not directly referenced in the Plan itself. I recommend a modification to remedy this matter. I also recommend that a key is added to the map of the neighbourhood area.

*At the end of paragraph 1.2 add: 'The neighbourhood area is shown on Map 1. The Plan period is 2018 to 2036'*

*On the Map on page 2 replace the existing title with 'Map 1: Brancaster Neighbourhood Area'*

## Policy 1: Appropriate Housing

- 7.11 This policy is largely a replacement for the equivalent policy in the made Plan. In this wider context it adds further detail into the policy on the scale and nature of new housing which would be supported. Subject to detailed modifications I am satisfied that the approach taken is appropriate and meets the basic conditions. Whilst the modifications appear at first sight as a rewriting of the policy the approach remains largely unchanged. Nevertheless, the different elements of the policy would have the clarity required by the NPPF. In addition, the recommended division of the policy into separate components will provide clarity for the operation of the development management process throughout the Plan period.
- 7.12 The third part of the policy makes a very absolute statement on a restriction to two storey dwellings. This is more rigid than the approach in the 'made' Plan. In this context I recommend a modification which would allow a degree of flexibility for taller dwellings where they could be satisfactorily incorporated in their immediate environment through design and layout arrangements. This approach would have regard to paragraphs 117 and 122 (on the effective and efficient use of land) and paragraphs 130 and 131 (on design and innovation) in the NPPF.
- 7.13 The policy also includes an element on the First Homes Policy. In its response to the clarification note BPC advised that 'First Homes' is an emerging policy approach being promoted by MHCLG and which would provide appropriate housing. It also advised that it is likely that the introduction of such a policy approach will be within the Plan period. In these circumstances I recommend that the First Homes Policy is deleted from the policy and is addressed in the supporting text. BPC has helpfully provided a proposed appendix to the Plan on this matter. I recommend accordingly.

### **Replace the policy with:**

**'Residential development including new houses, replacement dwellings, conversions to homes or extensions to existing properties should be of a type and size that positively contributes to meeting the latest assessment of housing needs in general, and for smaller properties in particular. This includes providing starter homes or smaller family homes (up to three bedrooms) and dwellings to meet the needs of older people.**

**Larger dwellings of five bedrooms or more will only be supported in exceptional circumstances where the approach meets the needs of a local resident family.**

**New buildings should be of a scale which is in keeping with the character of their immediate context. New dwellings should be two storeys in height unless it can be demonstrated that their bulk, mass, design and layout can be satisfactorily incorporated within the immediate locality.**

**Development proposals should take account of the key features of views of, and within, the Area of Outstanding Natural Beauty, the Brancaster Conversation Area and of listed buildings through careful design and sensitive layouts'**

*Insert a new paragraph 4.1.4 to read:*

*‘Policy 1 has been designed to take account of current Government policy for starter homes. However, First Homes is an emerging new policy approach being promoted by MHCLG and which would provide appropriate housing. It is anticipated that its introduction will be within the Plan period and as such it may be relevant at some point in the future. Details about the First Homes approach are included in Appendix 5 of this Plan’*

*Include a new Appendix 5 (as provided by BPC in its response to the clarification note)*

#### Policy 2: Design, Style and Materials

- 7.14 This policy is a replacement for the equivalent policy in the made Plan
- 7.15 Its focus remains unchanged. However, the proposed policy has clearer language, makes appropriate reference to the conservation area, the North Norfolk AONB and the use of vernacular materials. In this context the reviewed policy has regard to national policy and is in general conformity with the strategic policies in the development plan.
- 7.16 I recommend a very detailed modification to an architectural term used in the policy. Otherwise, it meets the basic conditions.

#### **Replace ‘coins’ with ‘quoins’**

#### Policy 3

- 7.17 This policy is unchanged from the ‘made’ Plan. As such I have no comments to make on its contents.

#### Policy 4: Parking Provision

- 7.18 This policy is a replacement for the equivalent policy in the made Plan. As the Plan describes the intended changes to this policy highlight an area of real concern within the Parish. The changes focus on safety and traffic congestion. In particular it provides more detailed guidance on communal parking arrangements.
- 7.19 I am satisfied that the proposed policy addresses this important issue in a proportionate fashion. I recommend that the first part of the policy is modified to ensure that it has the clarity required by the NPPF. As submitted, it has a complicated format. Otherwise, it meets the basic conditions. I also recommend a modification to paragraph 4.4.3 which comments about electric vehicle charging points. As submitted, it is neither policy nor supporting text in its format. In any event the issue of vehicle charging is one which will be progressively refined over time in the Building Regulations.



**Replace the first part of the policy with:**

**‘Within new developments of two or more dwellings, a minimum of two off-road parking spaces for two-bedroom dwellings and an additional parking space for each additional bedroom in the dwelling should be provided. Communal parking areas serving a maximum of five houses and providing car parking to these standards will be supported where such arrangements would have a positive relationship with the layout and design of the dwellings concerned and to the immediate context of the site concerned’**

*Replace the second paragraph 4.4.3 with:*

*‘The Parish Council encourages development proposals to incorporate electric vehicle charging facilities. This approach will ensure that the works are future-proofed’*

Policy 5: Replacement and Extended dwellings

- 7.20 This policy is a replacement for the equivalent policy in the ‘made’ Plan
- 7.21 Whilst its focus remains largely on replacement dwellings it also proposes commentary on extended dwellings. I looked at the nature and the layout of dwellings in the parish as part of my visit. The traditional core of the village has a complex, distinctive and, in places, a high-density character. Whilst the policy is detailed in its format it addresses specific issues which by definition are not considered in Borough-wide planning policy guidance. In these circumstances I am satisfied that the approach taken is both appropriate and locally-distinctive.
- 7.22 I recommend a series of detailed modifications to the wording used in the policy. Whilst in several places the wording used in the review of the Plan is identical to that in the ‘made’ Plan the revisions to the NPPF require that policies are clearer for development management purposes. These modifications will clarify the effect of the policy - its effect is largely unchanged.

**In the first sentence replace ‘must’ with ‘should’**

**In the third sentence replace:**

- **‘acceptable’ with ‘supported’**
- **‘50%’ with ‘50% of the site concerned’**

**In the fifth sentence replace ‘These requirements.....relaxed’ with ‘except’ and then incorporate the (submitted) fifth sentence into the fourth sentence.**

**In the sixth sentence replace ‘acceptable’ with ‘supported’**

Policy 6: Affordable/Shared ownership homes

- 7.23 This policy is a replacement for the equivalent policy in the made Plan. It also provides further detail on a criteria-based approach towards the development of affordable and shared-ownership dwellings in the parish.
- 7.24 The policy seeks to ‘encourage’ the development of affordable/shared homes. This wording was used in the ‘made’ Plan. I recommend that the policy offers ‘support’ for such dwellings given that the revisions to the NPPF require that policies are clearer for development management purposes. These modifications will clarify the effect of the policy - its effect is largely unchanged.
- 7.25 The new elements of the policy provide a distinctive addition to that already included in the development plan. I recommend detailed modifications to their format and wording to ensure that they have the clarity for development management purposes. Otherwise, they meet the basic conditions.

**In the first part of the policy replace ‘is encouraged’ with ‘will be supported’**

**Replace the second, third and fourth parts of the policy with:**

**‘Proposals for housing and mixed-use developments other than replacement dwellings that result in a net increase of five or more units will be supported subject to the following criteria:**

- **the proposals deliver affordable housing in line with development plan policies and national policy;**
- **affordable dwellings will be provided on the same site as any open market housing which is necessary to provide cross subsidy; and**
- **the type and size mix of affordable dwellings should reflect identified local needs as set out in development plan policies and in other available evidence.**

**Affordable dwellings should not be readily differentiated from open market dwellings within the site concerned by virtue of their design, quality, location or distribution.**

**The development of affordable self-build dwellings will be supported’**

Policy 7: Development of Shops, Workshops and Business Units

- 7.26 This policy is a replacement for the equivalent policy in the made Plan. The review simply makes reference to the Local Plan as part of the wider development plan.
- 7.27 This policy seeks to ‘encourage’ the development of shops, workshops and business services. This wording was used in the ‘made’ Plan. I recommend that the policy offers ‘support’ for such facilities given that the revisions to the NPPF require that policies are

clearer for development management purposes. These modifications will clarify the effect of the policy - its effect is largely unchanged.

**Replace 'should be encouraged' with 'will be supported'**

**Replace the comma after the brackets with a full stop.**

**Replace 'as should...in the villages' with 'The development and growth of existing businesses in the villages will also be supported'**

Policy 8: Protection of Heritage Sites and Views

- 7.28 This policy is a replacement for the equivalent policy in the made Plan. It remains largely unchanged other than to highlight the significance of the two churches in the neighbourhood area. I recommend a detailed modification to the wording used in the policy. Otherwise, it meets the basic conditions.

**In the third sentence replace 'must' with 'should'**

Policy 9: Rural Exception Sites

- 7.29 This is a new policy. There is no equivalent policy in the 'made' Plan.
- 7.30 I sought clarification from BPC on the extent that the proposed policy added any local value to the approach already included in the development plan. Based on its response I am satisfied that the policy does add an element of local value. In addition, it reflects a matter which is particularly important in the neighbourhood area.
- 7.31 I recommend modifications to the wording of the first and the fourth paragraphs of the policy. They bring the clarity to the policy required by the NPPF.

**Replace the first part of the policy with:**

**'The development of un-allocated sites outside identified Development Boundaries will only be supported where they comply with the following criteria:**

- **they are affordable housing-led schemes; and**
- **they incorporate viability appraisals appropriate to their scale and location'**

**Replace the fourth part of the policy with:**

**'The development of unallocated sites should provide a safe highways access which takes account of the seasonal increase in vehicular traffic. New access arrangements should be constructed of permeable material'**

Policy 10: Protection and Enhancement of the Natural Environment and Landscape

- 7.32 This policy is a replacement for the equivalent policy in the made Plan. The review of the Plan has added reference to the designation of Barrow Common as a listed Dark Skies Discovery Site.
- 7.33 The review of the general part of the policy meets the basic conditions. I recommend a detailed modification to the element on Barrow Common so that it has the clarity required by the NPPF.

**Replace the third part of the policy with:**

**‘Development proposals should take account of Barrow Common’s identification as a Dark Skies Discovery Site’**

Other Matters - General

- 7.34 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for KLWNBC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.
- 7.35 There are also elements of the Plan where the text format and size need to be amended either generally or as specifically identified in BPC’s response to the clarification note. This can be undertaken as the two councils see fit. Such changes will bring an appropriate consistency in the approach taken in the Plan. There are two paragraphs 4.4.3 in the Plan. This could be addressed in wider format changes.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

*Format changes to the Plan to achieve consistency of approach.*

Other Matters – Specific

- 7.36 There are three paragraphs in the Plan where the reference to the North Norfolk AONB is incorrect. I recommend accordingly.

*In paragraphs 2.5, 3.6 and 4.10.1 replace ‘ANOB’ with ‘AONB’*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Review of the 'made' Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It has been carefully prepared to refresh the Plan and to address changes in national planning policy which have arisen since the initial plan was 'made'.

### *Conclusion*

- 8.2 Following my independent examination of the Plan I have concluded that the Brancaster Neighbourhood Development Plan Review meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 The recommended modifications refine the wording of the policies concerned. Nevertheless, the submitted review of the Plan remains fundamentally unchanged in its role and purpose.
- 8.4 I recommend that the Borough Council of King's Lynn and West Norfolk should make the draft plan with the modifications specified in this report.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The Borough Council managed the process in a very efficient way and the Parish Council's response to the clarification note was both thorough and helpful.

**Andrew Ashcroft**  
**Independent Examiner**  
**15 January 2021**