

Thornham Neighbourhood Development Plan

Report of Examination

Report to Borough of Kings Lynn and West Norfolk

by the Independent Examiner:

John Parmiter FRICS MRTPI



4 November 2020

Contents	page
Summary	3
1. Introduction	4
2. The Neighbourhood Plan - preparation and public consultation	7
3. The Neighbourhood Plan in its planning context	8
4. Overview	13
5. Design policy	13
6. Housing	14
7. Policies for business, employment and tourism	19
8. Community facilities	20
9. Important views and Local Green Space	20
10. Policies for heritage assets	23
11. Renewable energy	24
12. Footpaths	24
13. Referendum Area	24
14. Conclusions and recommendations	24

Summary

1. From my examination of the submitted Thornham Neighbourhood Development Plan, the supporting documents, and taking into account all the representations made, I have concluded that, subject to the modifications set out in this report, I **recommend** that the Neighbourhood Plan should proceed to a referendum.
2. I have concluded that the plan does meet the Basic Conditions, which are:
 - a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
 - b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
 - c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
 - d. the making of the neighbourhood plan contributes to the achievement of sustainable development.
 - e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
 - f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
 - g. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
3. I have concluded that the neighbourhood plan meets the legal requirements in that:
 - It has been prepared and submitted for examination by a qualifying body;
 - It has been prepared for an area properly designated;
 - It does not cover more than one neighbourhood plan area;
 - It does not relate to “excluded development”;
 - It specifies the period to which it has effect – to 2036; and
 - The policies relate to the development and use of land for a designated neighbourhood area.
4. I conclude the Referendum Area should be the same as the Designated Area.

1. Introduction

1.1 I am appointed by the Borough Council of King's Lynn and West Norfolk (BCKLWN), with the support of Thornham Parish Council (TPC, the Qualifying Body), to undertake an independent examination of the Thornham Development Neighbourhood Plan (TNDP), as submitted for examination.

1.2 I am an independent planning and development professional of 40 years standing and a member of NPIERS' Panel of Independent Examiners. I am independent of any local connections and have no conflicts of interests.

The Scope of the Examination

1.3 It is the role of the Independent Examiner to consider whether making the plan meets the Basic Conditions. These are:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.

b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

d. the making of the neighbourhood plan contributes to the achievement of sustainable development.

e. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

f. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.

g. prescribed conditions are met in relation to plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

1.4 Regulations also require that the Neighbourhood Plan should not be likely to have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

1.5 In examining the Plan I am also required to establish if the plan complies with certain legal requirements; in summary they are whether it:

- Has been prepared and submitted for examination by a qualifying body;

- Has been prepared for an area that has been properly designated;
- Meets the requirements that they must not include excluded development;
- Relates to one Neighbourhood Area; and
- Relates to the development and use of land.

1.6 Finally, as independent Examiner, I must make one of the following recommendations in relation to the Plan proceeding to a Referendum:

- a) that it should proceed to Referendum on the basis that it meets all legal requirements; or
- b) that, once modified to meet all relevant legal requirements, it should proceed to Referendum; or
- c) that it should not proceed to Referendum on the basis that it does not meet the relevant legal requirements.

1.7 Second, if recommending that the Plan should go forward to Referendum, I am also then required to consider whether or not the Referendum Area should extend beyond the Neighbourhood Designated Area to which the Plan relates.

The Examination process

1.8 I was formally appointed to examine the Neighbourhood Development Plan in September 2020. The default position is that neighbourhood plan examinations are conducted by written representations. I have completed the examination from the submitted material. I conducted an unaccompanied site visit in October.

The Examination documents

1.9 In addition to the legal and national policy framework and guidance (principally The Town and Country Planning Acts, Localism Act, Planning and Compulsory Purchase Act, Neighbourhood Planning Act and Regulations, the National Planning Policy Framework, Written Ministerial Statements and the Planning Practice Guidance) together with the development plan, the relevant documents that were furnished to me and were identified on the Borough Council's website.

1.10 The submitted TNDP and its supporting documentation:

- Thornham Neighbourhood Plan Submission Version, together with seven appendices:
 - Thornham demographic data
 - Thornham planning permissions and map
 - AONB key qualities of natural beauty of the Norfolk coast
 - Important and iconic views
 - Local Green Spaces
 - Thornham Conservation Area character statement and map

- Important unlisted heritage assets
 - Basic Conditions Statement
 - Consultation Statement
 - BCKLWN Screening Report SEA HRA for the emerging Thornham NDP
- Together with:
- 12 responses received under Regulation 16 (referred to later).

The Qualifying Body and the Designated Area

- 1.11 Thornham Parish Council is the Qualifying Body for the Designated Area, which is the same as the civil parish; the Parish was designated as a neighbourhood area on 17 March 2017. In practical terms, the Parish Council set up a Working Group to work with the local community to develop the draft plan.

The Neighbourhood Plan Area

- 1.12 The plan area is comprised of the village of Thornham, which straddles the A149, the main coast road along the north Norfolk coast, together with its parish hinterland to the south, and north into the salt marshes bordering the North Sea and with a population of about 500 (2011). It is one of several such villages along the coast road, lying 20 miles from King's Lynn.
- 1.13 Thornham has a much older age profile than the Borough and over half the homes were not in permanent occupation in 2011 – second homes and holiday lets (compared to 1 in 7 for the Borough). There is also a higher proportion of detached houses than the Borough; also a higher proportion of one-person households, typically by those over 65. There are very few children (only 7% of households) compared with 23% on the Borough and 33% nationally. There is evidence of significant under-occupation of local homes.
- 1.14 The TNDP states that the village is defined by the extensive views both into and away from the village; and the extensive use of local materials, notable clunch (chalk), brick and red pantiles. Virtually the whole plan area is within an AONB; while the marshy areas north of the village share three common boundaries – North Norfolk Ramsar Site, Special Area of Conservation and the Norfolk Coast and Wash SSSI. That area is also part of the Holme Dunes Nature Reserve and Titchwell RSPB Reserve. This most northern part is within Flood Zone 3; the risks are from tidal surges.
- 1.15 Historically, the village thrived on the wool trade and was a port; the railways changed the village's self-sufficiency and a number of facilities closed so that there is no school and only one shop; the bus service is hourly. The attractions of the north coast led to a relatively recent revitalisation of the north coast villages, with a consequent rise in house prices and non-permanent homes; visitors have helped to support the three pubs and the provision of a large village hall.

2. Neighbourhood Plan preparation and public consultation

The Neighbourhood Development Plan

- 2.1 The document is very well presented and easy to follow, comprising seven sections all numbered, as are all paragraphs and mapping (though the map numbers do not always match the text, which will require correction). There are three introductory sections to the plan: 1, Introduction; 2, Preparation; and 3, Portrait of Thornham. Sections 4-6 are contextual: Section 4 summaries the consultation findings; section 5 is the strategic planning context; and section 6 sets out the plan's Vision and Objectives¹.
- 2.2 Section 7 is the final section, containing the plan's eight policy topics: design, housing, business/employment & tourism, community facilities, important views and Local Green Spaces, heritage assets, renewable and footpaths. There are no annexes of community aspirations. There are seven appendices.

Strategic Environmental Assessment and Appropriate Assessment

- 2.3 Regulation 15 of the Neighbourhood Planning Regulations requires that the submission of a Neighbourhood Plan must include an environmental report where it is determined that the proposals are likely to have an significant environmental effects. In May 2019 the Borough Council prepared a preliminary screening report to determine whether SEA HRA were necessary. The statutory bodies were consulted and in July 2019 published their conclusions that neither SEA nor HRA were required.

Human Rights and European Obligations

- 2.4 I have no reason to believe that making the plan would breach or is incompatible with the European Convention on Human Rights or other EU obligations.

Plan period

- 2.5 The neighbourhood plan clearly states, on the cover, at para 6.1 and elsewhere, that it covers the period to 2036², which is co-terminus with the end date of the emerging Local Plan. The start date is 2020, which is not the same as the emerging Local Plan (which is 2016), though this does not negate compliance.

Excluded development

- 2.6 A neighbourhood plan cannot include polices for excluded development, such as minerals and waste. I have concluded that the plan does not do so.

¹ Norfolk Constabulary recommend that the objectives include "to create and maintain a safe

² The Basic Conditions Statement erroneously has 2026 on the cover

Non-Land Use Policies

- 2.7 A neighbourhood plan cannot include policies that are not concerned with the use or development of land. The plan does not include any.

Public consultation and responses to the submitted plan (Regulation 16)

- 2.8 The process of consultation involved three main opportunities for the local community to engage: a questionnaire in November 2017 on key issues; a drop-in session in February 2018; and a further drop-in session in February 2019. Section 4 of the TNDP summarises the main findings. The Regulation 14 plan was subject public consultation in September/October 2019. Support for the draft policies was generally strong with a number of specific issues identified, including: there should be more emphasis on new housing meeting the needs of the aging population; parking is an issue, especially during holiday periods; some felt tourism should get more encouragement; and that the plan should support additions and improvements to village facilities.
- 2.9 The Consultation Statement sets out clearly and fully the steps taken, including the way feedback and comments were processed, on how the issues were identified and how the initial plan was drafted leading up to the Regulation 14 formal consultation. The statement summarises meetings with stakeholders and how the representations and comments were gathered, analysed and responded to in terms of drafting changes.
- 2.10 Consultation on the Regulation 16 submission version of the plan ended on 14th September 2020. A total of twelve parties responded: one local resident (with three main points); the Borough Council; The County Council (as Local Lead Flood Authority); Anglian Water; Water Management Alliance; Marine Management Organisation; Norfolk Coastal Partnership; and Norfolk Constabulary. The statutory undertakers, including Natural England, National Grid and Historic England, and neighbouring South Holland DC had no (or no substantive) comments to make.

3. The Neighbourhood Plan in its planning context

i. National policies and advice

- 3.1 The neighbourhood plan must have regard to national policies and advice, contained in Ministerial Statements and guidance issued by the Secretary of State, and contribute to the achievement of sustainable development. Paragraph 16 of the National Planning Policy Framework (the Framework) sets the scene:

“Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;*
- b) be prepared positively, in a way that is aspirational but deliverable;*

- c) *be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *be accessible through the use of digital tools to assist public involvement and policy presentation; and*
- f) *serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)."*

3.2 The Framework then explains, at para 29, in relation to neighbourhood planning that:

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in strategic policies for the area, or undermine those strategic policies."

3.3 In relation to achieving appropriate densities, the Framework includes the following, at para 122:

"Planning policies and decisions should support development that makes efficient use of land, taking into account:

- c) *the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;"*

3.4 Planning Policy Guidance includes a range of guidance relevant to this plan; for example:

"Plans should be prepared positively, in a way that is aspirational but deliverable. Strategic policies in the local plan or spatial development strategy should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy. Further guidance on viability is available." (Paragraph: 005 Reference ID: 41-005-20190509. Revision date: 09 05 2019)

3.5 The plan must give sufficient clarity to enable a policy to do the development management job it is intended to do; or to have due regard to Guidance. For example, the Guidance explains that:

"A policy in a neighbourhood plan should be clear and unambiguous. It should

be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.” (ref 41-041-20140306).

- 3.6 There has to be appropriate evidence to support particular policies, notwithstanding it may express a strong and well-intentioned aspiration or concern of the local community. The Guidance at ref 41-040-20160211 states:

“While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

A local planning authority should share relevant evidence, including that gathered to support its own plan making, with a qualifying body

Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making”.

- 3.7 The Guidance further explains what a neighbourhood plan should address:

“A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and should shape and direct development that is outside of those strategic policies (as outlined in paragraph 13 of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine.

A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for

example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan. (Paragraph: 004 Reference ID: 41-004-20190509. Revision date: 09 05 2019).

3.8 Also, in relation to Infrastructure considerations:

“A qualifying body may wish to consider what infrastructure needs to be provided in their neighbourhood area from the earliest stages of plan-making (as set out in paragraph 102 of the National Planning Policy Framework) alongside development such as homes, shops or offices. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way.

The following may be important considerations for a qualifying body to consider when addressing infrastructure in a neighbourhood plan:

- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way*
- how any additional infrastructure requirements might be delivered*
- what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery*
- what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices*

Qualifying bodies should engage infrastructure providers (eg utility companies, transport infrastructure providers and local health commissioners) in this process, advised by the local planning authority. (Paragraph: 045 Reference ID: 41-045-2019050. Revision date: 09 05 2019)

And: “What should a qualifying body do if it identifies a need for new or enhanced infrastructure?”

A qualifying body should set out and explain in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan”. (Paragraph: 046 Reference ID: 41-046-20140306)

3.9 The Basic Conditions Statement (BCS) sets out satisfactorily how the policies in the Neighbourhood Plan comply with the Basic Conditions and legal requirements. It explains, mostly in tabular form, how the plan has regard to national policies and how it contributes to sustainable development, and contributes to economic and social sustainability and how the plan contributes to the environment.

ii. Development Plan context

3.10 The neighbourhood development plan must be in general conformity with the strategic policies of the development plan for the area. The development plan is made up of:

- The King's Lynn and West Norfolk Borough Council Core Strategy (CS, adopted 2011, with a timeframe to 2026); and
- The King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies (SADMP, adopted 2016, with the same timeframe).

3.11 Policy CS01 (Spatial Strategy) focuses growth on the larger settlements. The village is classified as a Rural Village in the Settlement Hierarchy (CS02). Para 6.1.3 explains that the Rural Villages have a limited but locally important role meeting the needs of the immediate village. Sustaining the existing services is a key priority. These settlements may see some limited growth, which will help support surrounding rural areas (e.g. some small-scale infilling or affordable housing). In Policy CS09 (Housing Distribution), the section on Rural Villages explains:

“Provision will be made for at least 1,280 new dwellings in total (with allocations for at least 215 new homes) in the rural villages. New housing allocations will be restricted solely to the provision of small scale infilling or affordable housing allocations or potential exceptions housing to meet the identified needs of the local community, and will be identified through the Site Allocations DPD.”

3.12 The SADMP make a minor change to Policy CS06; and sets out, in Policy DM2, the Development Boundaries of each settlement, while stating the very limited types of development that will be supported beyond the boundaries. Thornham is described in section G.95, explaining its environmental constraints and why there are no allocations for development in the village. The Inset Map G95 identifies the village's development boundaries.

iii. Emerging Local Plan

3.13 The Local Plan review will replace the two development plan documents and take the timeframe to 2036. The draft Local Plan was published for an 8 week consultation period during March/April 2019. It is now being reviewed in the light of the representations and further consultation is expected to take place towards the end of this year or early next year.

3.14 The emerging plan's objectives for the rural areas include that: *“Beyond the villages, the locally distinct countryside has been protected in its many attributes and continues to provide for the social and economic needs of those who live there.”* The spatial strategy focuses development in a Strategic Growth Corridor way from the TNDP area; growth in the rural and coastal areas will focus on higher order villages in the hierarchy.

3.15 Thornham is defined as a Rural Village in Policy SP02 (Settlement Hierarchy), which *“...have a limited but locally important role meeting the needs of the immediate village. Sustaining the existing services is a key priority. These settlements may see some limited growth, which will help support surrounding rural areas (e.g. some small-scale infilling or affordable housing)”*.

- 3.16 Policy LP04 is virtually identical to SAMD Policy DM2, in relation to Development Boundaries, and the treatment of identified exceptional development outside of those boundaries. It adds a cross-reference to Policy LP26: Residential development adjacent to existing settlements. The supporting text explains (4.4.11) that: *“Neighbourhood plans could potentially define different development boundaries to those included in this Plan, so long as these meet national requirements including general conformity with strategic policies.”* This emerging policy, which is not considered strategic, states that it will not apply to areas with a Neighbourhood Plan, unless the Neighbourhood Plan specifically states that it will apply.
- 3.17 Thornham is specifically covered in section 14.20. It repeats much of the commentary in the SADMP, explaining why there are no allocations in the village. The development boundaries are taken forward unchanged.

4. Overview

- 4.1 The neighbourhood plan has been prepared in the context of the development plan, while taking account of the evidence for, and the policies within, the emerging Local Plan. Consequently it adopts the same Development Boundary and does not allocate any sites for new development. It does, however, accommodate the potential for growth through limited infill and small-scale development, noting that in recent years the village has seen an average of 3 homes (net) per year, some 40 new homes built in the period 2011-20; while some consents remain to be implemented.
- 4.2 The plan’s objectives seek to meet the needs of an aging population and for relatively low-cost and affordable housing. It seeks to protect the character of the village, the areas of high/international environmental importance, the local heritage and open spaces, while safeguarding sustainable tourism and ensuring the infrastructure serves those living and working there.
- 4.3 Overall, the plan takes a reasonable approach to positive planning, supporting and promoting sustainable development and to achieving close alignment with the emerging Local Plan.

5. Design policy

- 5.1 There is one policy dealing with the design of all new development. The village derives its character from its location between the coast and chalk uplands, its vernacular architecture, the scale of buildings in the village and from the use of local materials. The policy seeks to secure high quality design in all new developments that respect these characteristics. The policy is supported by the Borough Council, the local planning authority (LPA).

Policy D1 Design principles for new development

- 5.2 The policy supports high quality development that meet all six criteria, a) to f). The LPA support the policy, as do the North Norfolk Coastal Partnership AONB). The police wish to see an additional criterion: “All new developments

should conform to the Secured by Design principles”.

5.3 To be a clearly expressed policy, to meet the Basic Conditions, I **recommend** the following minor textual modifications:

- In the second sentence, the final semi-colon to be replaced by a colon
- Add to the end of criterion (d) – “; and”
- Delete the words “Schemes should” in (e); and add “; and” at the end
- Add new criterion (f): “conform to Secured by Design principles”
- In the final criterion – now (g), the final semi-colon to be replaced by a full stop.

6. Housing

6.1 There are five housing policies, covering the topics the location of new housing, housing beyond the development boundary, the size of new housing, replacement dwellings and residential extensions.

Policy H1 – Housing development within the development boundary

6.2 The focus of the policy is to support infill housing developments within the village development boundary that meet the 5 criteria listed; there is a final caveat that, where the criteria are not met, support will only be given if the public benefits clearly outweigh the harm.

6.3 The boundary is shown on Map 8 (erroneously referred to as Map 7 in the supporting text (7.2.2 – which also incorrectly refers to page 18 instead of p.19 - and in the policy); I **recommend** these errors are corrected. The map is primarily designed to illustrate the number of recent permissions for housing in the village but it is the only place where the development boundary is shown. I therefore **recommend** that Map 8 is re-titled: “Development Boundary”; and that a key is added to note the planning permissions granted in the relevant period, assumed to be 2011-2020.

6.4 The LPA had no substantial comments. The criteria are mostly design points. As the intention is for all criteria to apply to housing developments, I **recommend**, for clarity, that the word “and” be added at the end of criterion (a).

Policy H2: Housing development outside of the development boundary

6.5 The policy seeks to control certain types of developments beyond the development boundary. The essence of the policy is to support exception sites by guiding the acceptability of affordable housing that could meet the needs of younger and older households, especially those with a local connection. The supporting text explains the rationale for this approach. The policy can be summed up as - new housing development needs to be small in scale, incremental, designed to meet the needs of people of all ages, and, where possible, affordable to permanent residents; in this way the policy will help to maintain and enhance the vitality of the community.

- 6.6 Policy H2 is effectively in three parts, the second two being linked:
- The first part is a simple statement that new development outside the boundary will only be permitted in accordance with national and local policy.
 - The second is concerned with supporting small scale developments which provide affordable housing, including 25% market housing where necessary, subject to seven criteria;
 - The third part is designed to ensure that such homes go to those with a local connection; six priorities, in a cascade, are listed.
- 6.7 The policy attracted some comments: The Borough Council was concerned about the way this policy might clash with emerging local plan policy; they referred to new Policy LP28³. I also note that emerging Policy LP04 concerns development boundaries (and consequently the types of development beyond those boundaries). I did not identify a clash. They also doubted if a limit of 15 counted as small. A local resident was concerned that as the village is so dependent on hospitality positions, which are filled by migrant workers, this could set a precedent for temporary workers on a large scale. I don't believe this is what the policy would mean; so I do not share this concern. The North Norfolk Coastal Partnership supported the policy but sought the safeguard of including an assessment such as a LVIA. I support this last recommendation, as it provides a means of technical assessment in a highly sensitive environment.
- 6.8 The first part is effectively a stand-alone policy statement and gives best expression to the title of the policy. It is also one that duplicates national and local policy and as such it is not really necessary. But it does provide the context for the rest of the policy, which is all about rural exception sites. A policy title that reflected that topic would make the plan much clearer. The principle of exception sites is embedded in national policy – see Framework para 77 and the Glossary.
- 6.9 The TNDP sets up the case for rural exception sites on a conditional basis. Para 7.2.7 explains: “*If there is an identified need...*” and “*The need would have to be demonstrated....*”. In para 7.2.8 it explains that : “*The form of dwellings would be determined by the needs assessment*”. There is no current general assessment but the anticipation is “... *that there is a particular need for housing which would enable those who work in the village in the services which support the local economy to work [live?] in the village and for housing to accommodate the needs of the large and increasing proportion of elderly people*”.
- 6.10 One aspects of the policy that raises issues in relation to the Basic Conditions is the limit on the scale of development to 15 dwellings. The supporting text explains that it may not be guaranteed at below 10 – classed as a minor

³ Policy LP26 in the Consultation Draft; LP28 is in an unpublished draft.

development and the threshold for affordable housing. Yet, at 15 homes it is also said to avoid harmful impacts on the AONB. There is clearly a tension here. In any event, the plan and its supporting documentation do not provide robust or proportionate evidence for this limit, to support what the policy states as “small scale”.

- 6.11 The policy also requires the affordable housing to be provided in perpetuity, which cannot be guaranteed under housing legislation; and the proportion of market housing at “*up to 25% of the dwellings*” is a judgment, not based on evidence, though an other ratio may also deliver the objective of such sites fulfilling “...*their primary purpose of providing affordable housing.*” The Framework has the same objective but avoids any specific limit.
- 6.12 The areas beyond the development boundary are highly sensitive environmentally, as Maps 2 – 7 demonstrate. Policy CS07 – a strategic policy - resists new and replacement dwellings in the AONB, subject to the Shoreline Management Plan. This policy is made more explicit in the emerging local plan – and where the prohibition also applies to settlements with a made neighbourhood plan. However, it does not mean that all housing should be resisted, where the interests of the AONB and other environmental designations are protected.
- 6.13 The second part requires the allocation of new homes on exception sites to be allocated to those with local connections. The plan area has a very high proportion of non-permanent residents, the data on which is set out earlier in the supporting text of the TNDP. There is therefore an understandable desire to make provision for more locally-related households, which the supporting text notes at para 7.2.7, that: “*On exception site developments such as this it is possible to ensure that people with a local connection will receive priority in the allocation of the dwellings.*” This is done through a cascade mechanism. In all cases the application has to be supported by a demonstrable local need.
- 6.14 Overall, I consider the policy meets the Basic Conditions, subject to modifications to meet the points raised above. I therefore **recommend** that Policy H2 be modified as follows:
- It be re-titled: “Rural exception sites”;
 - The second, third and fourth sentences be deleted and replaced by: “Small-scale developments that provide affordable social rented and/or shared-ownership housing, and which include a proportion of market homes where essential to the delivery of affordable units without grant funding, will be supported where the development meets all the following criteria”: [continue with a-g]; and
 - Add criterion (h): “The development is supported by a Landscape and Visual Impact Assessment”.

Policy H3: Size of dwellings

- 6.15 The plan explains (7.2.11) that there is a substantial mismatch between the size of homes in the village and the size of households. The supporting text to the policy explains why, giving a range of statistical analysis; it concludes (para 7.2.18) that: *“The evidence therefore clearly indicates a strong case for any new housing development to consist primarily of 2-3 bedroom dwellings and for new housing to take particular account of the need for housing suitable for the elderly and younger people of working age ...”*; it goes on to list five aims.
- 6.16 The policy seeks to encourage 1,2 and 3 bedroom homes in the form of semi-detached houses, terraced houses and bungalows – and possibly flats or maisonettes providing relatively affordable and small scale housing suitable for the elderly and the young working population, to reflect the identified wish and need, all subject to the most up to date evidence of housing need. The reference to “relatively affordable” is too vague, though a local resident did consider that a workable affordability test was required.
- 6.17 The Borough Council was critical of the drafting, suggesting it be broken up to be clearer and easier to read; they also questioned what the policy meant by “relatively affordable” housing. I agree. I also consider the inclusion of an “identified wish” as inappropriate. Overall, I consider that the policy is too rambling to be a clear development management tool, to meet the Basic Conditions. I **recommend** that it be drafted in simpler terms, to reflect the evidence and to flow from the supporting text, as follows:

“New housing developments that consist primarily of 2-3 bedroom dwellings and that take particular account of the need for housing the elderly and younger people of working age will be supported.”

Policy H4: Replacement dwellings

- 6.18 The plan is concerned about two main issues here: the reduction in the stock of smaller dwellings, given that replacements tend to be much larger; and that too many larger dwellings could give rise to an overcrowded or urbanised street scene, which would detract from the character of the village. To avoid this, the policy places a limit of 40% on enlargements, applied to either the footprint or the building’s gross internal floor area. The policy has two criteria; in summary: Demonstrable need by the first occupants; and not being cramped etc. The approach is supported by the Borough Council.
- 6.19 The 40% figure is *“... intended to strike a reasonable balance between the understandable need to provide living space which meets current standards and the need to retain a reasonable stock of smaller dwellings and protect the character of the village.”* Further, that: *“The policy is intended primarily to prevent the replacement of small dwellings by larger ones on a speculative basis.”* This latter point is headed off by the first criterion.
- 6.20 The 40% rule is a judgment rather than a calculation based on any

assessment or local analysis; there are no examples given. The village has a wide variety of house and plot sizes. The application of an arbitrary 40% increase could lead to a variety of outcomes, some with unintended consequences. This could be compounded by its application to either the footprint or floor area. In any event, whatever the precise proportion, it is only one way of achieving one of the plan's objectives "*the need to retain a reasonable stock of smaller dwellings*".

- 6.21 Whether such an approach meets the Basic Conditions is itself a matter of examiner judgment. In the case of a similar policy in the Sedgeford Neighbourhood Plan, the examiner concluded, in relation to the specific characteristics of that area, that: "*On balance, I am satisfied that the application of a 40% indicative extension figure is appropriate for replacement dwellings. It relates well to the distinctive character of the neighbourhood area.*" I am not so convinced in relation to the character of this neighbourhood area.
- 6.22 The first of the two exceptions in the policy is in relation to the nature of the first occupants of the building. This picks up the statement, at the end of para 7.2.26, that: "*The policy is primarily to prevent the replacement of small dwellings by larger ones on a speculative basis.*" The supporting text explains that: "*Exceptions to this policy may be acceptable to meet specific family needs, such as the need for accommodation to meet the needs of an elderly resident, or elderly relative of a resident.*" It is not clear how this policy is to be enforced; is it, for example, to be applied in the manner of an agricultural occupancy condition? Or will the applicant's intentions be simply taken on trust? I can see legal and practical difficulties with this limb.
- 6.23 The second exception relates to the design and physical acceptability of the new home in relation to its plot and neighbours, especially frontage gaps. However, the aims of these aspects of the policy are already effectively covered by earlier policies in the plan, notably DI (design principles), H1 (housing development within the development boundary) and H3 (size of dwellings). In my view this is unnecessary duplication of what are already overlapping policies.
- 6.24 The policy needs to flow more directly from the supporting text, which is primarily about avoiding the loss of smaller houses; the design/physical consequences are covered by other policies. In the light of this, and my comments, I **recommend** the policy be modified as follows to meet the Basic Conditions:

"Within the development boundary the loss of small dwellings will only be supported where the replacement building is designed to be appropriate to the character of its site and surroundings, especially in terms of its proportions on site, the gap between frontages and the criteria in policies D1 and H1."

The supporting text needs to be modified accordingly, referring to 40% as a general guide only.

Policy H5: Residential extensions

6.25 This policy seeks to safeguard the character of the village by avoiding extensions that are out of character or are excessively large. The latter point is controlled by a limit of 40% on the original floorspace, or plot coverage (ignoring outbuildings and garages). The policy is supported by the LPA. However, again, I do not find sufficient robust or proportionate evidence to support the 40% judgment; this elements needs to be removed. But the point is understood.

6.26 I **recommend** the policy be modified by the following minor drafting changes:

- In the third bullet, delete the words after “the original dwelling”; replace with: “taking into account any existing outbuildings and garages”; and
- Delete the fourth bullet.

The supporting text will also need to be modified accordingly.

7. Policies for business, employment and tourism

7.1 There are five polices in this section, which apply to existing and new business, working from home, intensive agricultural units, tourism and related development and nee parking provision.

Policy EMP1: Existing and new businesses

7.2 The policy seeks to support new or existing businesses within or adjacent to the development boundary, in line with CS10, subject to five criteria being met. It is supported by the LPA and a local resident.

Policy EMP2: Working from home

7.3 This policy supports working from home, subject to three criteria; it is supported by the LPA.

Policy EMP3: Intensive agricultural units

7.4 The policy supports intensive livestock or poultry production or intensive packaging facilities subject to three criteria; again, the LPA support the policy.

Policy EMP4: Tourism related development

7.5 This policy seeks to support new or expanded accommodation, facilities or attraction, subject to applications demonstrating compliance with four criteria. The N. Norfolk Coastal Partnership had concerns that the policy might increase caravans, camping and glamping sites. They suggested an approach based on identifying areas where there would be a significant landscape impact and to protect those areas. The LPA, however, supported the policy.

Policy EMP5: New parking provision

- 7.6 The policy seeks to support additional parking provision close to the A149. The LPA supports the policy as does a local resident who, nevertheless, questions whether the current road network and car parking spaces is sufficient for more housing.
- 7.7 All policies in this section have criteria, each of which need to be met. To ensure that there is no misunderstanding, and to achieve the clarity of operation required by the Framework, I **recommend** that “; and” be added after all the criteria, bar the last one, in Policies EMP1-5.

8.0 Community facilities

- 8.1 The village has good facilities for a settlement of its size; the plan seeks to encourage new facilities and to protect the ones they current have. It does this with a single policy, which is in two parts: the first part supports new facilities, subject to five criteria; the second part seeks to protect a list of eight facilities, subject to two criteria being met.

Policy C1: New and existing community facilities

- 8.2 The policy is in line with CS13, Community and Culture. The LPA consider this section had a clear commentary and policy. I agree. They suggested that a map would be helpful; again I agree – it would help clarify the policy as a development management tool. I **recommend** that the list in the policy be numbered; and that a suitable map be added to identify the location and extent of the facilities listed, suitably cross-referenced to the numbered facilities.

9.0 Important views and Local Green Space

- 9.1 There are three policies in this section, with one dealing with dark skies.

Policy L1: Important views

- 9.2 The supporting text explains that: “*The landscape around Thornham is an essential part of its character*”. It refers to a range of what are considered important local views: 17 are listed on a map, with photographs, in Appendix 4 of the plan. The map is reproduced in the plan as Map 9 (erroneously referred to as Map 8 in the policy). The App.4 document is not a technical piece of work, which is not a complaint; it comprises a set of subjective opinions, which are valid as such, but are not well evidenced.
- 9.3 Consequently, they do not provide the necessary support for a decision-maker to apply the policy predictably and with confidence. In particular, the views do not demonstrate a physical attribute, elevating a view’s importance beyond simply being a nice view of the village, for example. The appendix and supporting text, therefore, does little to indicate why, in landscape and visual appraisal terms, these particular views should be protected.

- 9.4 The Marine Management Organisation (MMO) recommended in relation to views that reference could be made to East Marine Policy SOC - which addresses seascape and landscape - and states that: "Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference [5 criteria listed]." This is a valid recommendation. The N Norfolk Coastal Partnership (AONB) supports the policy but suggests that a reference is also made to the AONB Landscape Character Assessment that expands upon the importance of views in settlements within the AONB. I agree that such a reference would provide the policy with robust and proportionate evidence in its application, to meet the Basic Conditions.
- 9.5 While, the weight to be given to these views should accordingly be downgraded, the work is not without value and there is local support for the general approach, which should not be dismissed. In addition to this, the policy itself should flow from the supporting text, which explains that: *"It is important that any new development in the village takes account of these views."*
- 9.6 The LPA, while supporting the policy, considered the map to be too small and that it would benefit from a key to each view. I agree: I **recommend** that the map be cropped and enlarged, with the list from Appendix 4 added to provide a key. As for the drafting of the policy, to pick up the points above, together with the MMO and NNCP recommendations, I **recommend** that policy be modified as follows:

"All new developments should take account of the AONB Landscape Character Assessment and East Marine Plan Policy SOC3 in relation to their impact on the views identified on Map 9."

Policy L2: Local Green Spaces

- 9.7 The Framework enables neighbourhood plans to designate Local Green Spaces that meet the criteria in paras 100,101:

100. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land.*

101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts

- 9.8 The policy seeks to protect nine spaces, which are listed in the policy, shown on Map 10 (erroneously Map 9 in the policy) and briefly described (not a criticism in itself), with a photo, in Appendix 5. The map is too small for proper

identification of the smaller spaces, which would be better identified on individual site plans within the appendix. The text of the policy also needs to be consistent with para 101 of the Framework, in that exceptions to Green Belt policy are only in “Very Special Circumstances”, not just exceptional.

- 9.9 The supporting text explains: “... *why they are “demonstrably special” as required.*” Of course, the criteria within para 100(b) is wider, in that it is in two parts: one part is “demonstrably special”; the other is that it “holds a particular local significance” (with various examples given). This is not an artificial distinction.
- 9.10 As all the spaces are in close proximity to the village, are local in character and not extensive tracts, I conclude that they all meet criteria (a) and (c). However, the descriptions in Appendix 5 are quite limited and are generally not persuasive as to why the spaces are demonstrably special. As for their “particular local significance” the evidence is either absent or scant. In response to my Draft Report – sent to the LPA and QB for fact-checking – the QB provided further material to support the designations. However, I had ruled at the outset that no further representations could be made, in fairness to all parties. I have therefore not taken this new material into account.
- 9.11 On the basis of the evidence before me – and my observations from the site visit - it is quite difficult to select the sites with the descriptions that fit all the Framework’s criteria. In particular, as the supporting text is only focused on those features that are “demonstrably special”, it is difficult to reach a fair view on which also demonstrate a “particular local significance” in the absence of any specific evidence to support that limb of Framework policy. Notwithstanding this challenge, I have come to the view that the following spaces can be regarded as fulfilling the criteria in the Framework:

2. The churchyard
3. Meadow east of Staithe lane
4. Meadows north of Ship Lane
7. Thornham and Oldfield Green etc
9. Small green at j/o Hall Lane and High Street

- 9.12 In the light of these comments and conclusions, I **recommend** that the policy be modified as follows:

“The green spaces listed below, shown on Map 10 and identified in Appendix 5 are designated as Local Green Spaces, where development will only be permitted in Very Special Circumstances: [add list in para 9.11, above]”

Appendix 5 will therefore also need to be modified, to omit the remaining spaces; and to include OS-based mapping of the sites retained.

Policy L3: Dark skies

- 9.13 The plan explains that: “*The protection of dark skies is a key element of the Vision for the Norfolk Coast Partnership for the AONB.*” The Framework also

picks up how design solutions can “... *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*” The supporting text shows, at Map 11, an extract from the CPRE’s dark Skies Map for the area.

- 9.14 The policy seeks to minimise the impact of light pollution that could be harmful to the dark skies in this part of Norfolk. It is supported by the LPA; and the NNCP are very supportive and suggest replacement text for the policy. However, while that may well be an improvement, the policy does not fail the Basic Conditions as drafted.

10 Policies for heritage assets

- 10.1 There are two policies in this section: one in relation to the Conservation Area; the other concerns unlisted buildings and features of historic interest.

Policy HA1: Development affecting the Conservation Area

- 10.2 The plan explains that the character of the Conservation Area (CA) derives from the interaction of several factors, that include: the linear form of the village, the gentle bends and street scene of the High Street, the variety of scale and form, and their overall coherence to which the palette of materials contribute. The prevalence of clunch with brick details and red pantiles is a unifying feature. The draft CA Character Statement is reproduced at appendix 6; this dates from 1988.
- 10.3 The policy seeks to preserve or enhance the character of the CA. This develops the general themes in the Framework (paras 85ff); and in the development plan - CS12 (Environmental Assets) and SADMP DM15 (Environment, design and amenity). It has three criteria. The policy, however, does duplicate, to an extent, in its opening and criteria (a), the relevant legislation. It does, however, in the second and third criteria identify locally distinctive features that the policy seeks to protect and promote. Also, the reference to the CA Character Statement is problematic, due to its age, in the policy but is a useful reference document.
- 10.4 Therefore, to avoid duplication and to clarify the application of the text of the policy, I **recommend** that the policy be modified as follows:

- “All new developments within, or affecting the setting of, the Thornham Conservation Area, that demonstrate the following will be supported: [list b) and c) as a) and b)]
- Delete criterion (a).

Policy HA2: Unlisted buildings and features of historic interest

- 10.5 The plan area is rich in undesignated heritage assets. The policy seeks to ensure that the effects of development on those identified on Map 13 and listed in the policy (A-N) are taken into account. It adds (0) “all buildings identified in the CA Character Statement and shown on Map 13.” That

document refers to 91 such buildings and features as having been identified but they are not listed; indeed any list may well be out of date. And the reference to these assets being identified on Map 13 is misleading as it only shows those listed as A-N.

10.6 Accordingly, for clarity, to meet the Basic Conditions, I recommend that the policy be modified as follows:

- “All development proposals shall have regard to the undesignated heritage assets listed and identified on Map 13: [add list A-N]”
- Delete all text from O to the end.

11 Renewable energy

Policy EN1: Solar energy farms

11.1 The plan has one policy, which seeks to support solar farms where they will not have adverse effects on the AONB. The LPA had no comments. The NNCP suggested that an LVIA be required; this may well be the best way for a proposal to be “demonstrated”.

12 Footpaths

Policy P1: Pedestrian routes

12.1 The plan explains that Thornham is a popular location for walking. It seeks to promote a footpath between Thornham and Holme-next-the-Sea. The LPA made no comments.

13 Referendum Area

13.1 The Planning Practice Guidance on the Independent Examination explains:

“It may be appropriate to extend the referendum area beyond the neighbourhood area, for example where the scale or nature of the proposals in the draft neighbourhood plan or Order are such that they will have a substantial, direct and demonstrable impact beyond the neighbourhood area.”
Reference: 41-059-20140306

13.2 There are no formal development site allocations in this plan and in my view the nature and scale of what it proposes would not *have a substantial, direct and demonstrable impact beyond the neighbourhood area*. I therefore **recommend** that the Referendum Area be the same as the Designated Area, if the plan goes forward to referendum.

14. Conclusions and recommendations

14.1 Overall, from my examination of the submitted Neighbourhood Plan, together with the supporting documents, including having regard to all the representations made, I have **concluded** that, subject to the modifications

that I am recommending, the plan will meet the Basic Conditions and the legal requirements. I have set out my findings, in the Summary, on page 3.

14.2 In conclusion, I **recommend** that the Thornham Neighbourhood Development Plan should proceed to referendum. I further **recommend** that if the plan does proceed to referendum then the Referendum Area should be the same as the designated neighbourhood area.

14.3 Finally, my thanks to both the Borough Council and the Parish Council for their support in undertaking the examination.

John Parmiter FRICS MRTPI

4 November 2020

Independent Examiner

www.johnparmiter.com