

Borough Council of King's Lynn & West Norfolk:

**Brancaster Neighbourhood Plan Review– Decision on
examiner's recommendations**

February 2021

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



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

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Brancaster Neighbourhood Area
Parish Council	Brancaster Parish Council
Submission	28 September -23 November 2020
Examination	November/January 2020/2021
Inspector Report Received	15/01/2021

1. Introduction

1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority 's responsibilities under Neighbourhood planning.

1.2 The Neighbourhood Planning Act 2017 (Schedule A2) identifies the circumstances that can arise as qualifying bodies seek to review made neighbourhood plans. This new Schedule to the Planning and Compulsory Purchase Act 2004 Section 38A (11A) introduces a process for the modification of neighbourhood areas where a neighbourhood development order or plan has already been made in relation to that area.

1.3 The Brancaster Neighbourhood Plan passed its referendum with an 82% vote in favour on a turnout of 33% on 19 November 2015; the plan was then adopted officially on 30th November 2015. Brancaster neighbourhood plan and the qualifying body has undertaken a review with support from residents to propose amendments to the several existing policies.

1.4 When updating a neighbourhood plan there are three types of modification which can be made which will then determine the process the neighbourhood plan will follow. The modifications are:

- 1) Minor (non-material) modifications to a neighbourhood plan or order are those 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.
- 2) Material modifications which do not change the nature of the plan or order 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.

- 3) 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.

1.5 Assessment and consideration of the three types of modification have been taken within the neighbourhood plan review by the qualifying body, within a separate statement of modifications for consideration of material updates by the Borough Council of King's Lynn & West Norfolk and considered by the examiner within their report.

1.6 The assessments confirmed that the Brancaster Neighbourhood Plan Review falls within the secondary category of modification; whereby the material modifications do not change the nature of the plan to a major or significant extent where it would require a referendum. As stated clearly in the Brancaster Neighbourhood Plan Review (page 65), the modifications in the plan has not changed the strategy or most of the text of the adopted neighbourhood plan (2015) but rather seeks to "refocus, clarify, redefine and update" policies in regard to their experience and updated legislation including reference to the NPPF (2019).

1.7 This Decision Statement confirms that the modifications proposed by the examiner's report on the whole have been accepted. Accordingly, the draft Brancaster Neighbourhood Plan Review has been amended taking into account these modifications, and the Borough Council has reached the decision that the Brancaster Neighbourhood Development Plan Review should be brought into force immediately by the Borough Council (as the local planning authority for the area) to replace the current 'made' plan.

2. Background

2.1 The Neighbourhood Area of Brancaster was designated on 05/06/2013. The Neighbourhood Area corresponds with Parish boundaries for Brancaster Parish Council. The Brancaster Neighbourhood Plan has been prepared by Brancaster Parish Council with the help of a neighbourhood plan working group. Work on the production of the reviewed plan has undertaken by members of the Parish Council, Neighbourhood Plan Working Group, and the local community, since 2018.

2.2 The Plan Review was submitted to the Borough Council of King's Lynn and West Norfolk and the consultation under Regulation 16 took place between 28th September – 23rd November 2020. As part of this the plan it was publicised for an eight-week period due to Covid-19 to allow further extension for representation invited.

2.3 In October 2020 Andrew Ashcroft was appointed by the Borough Council with consent of the Parish Council, to undertake the examination of the Brancaster Neighbourhood Plan Review. The examination took place over November/January 2020. This culminated in the Examiner's Report being issued on 15/01/2021.

2.4 The Examiner's Report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions as set out in legislation, and has reached the decision that the review of the plan would not require a referendum.

2.5 Having carefully considered each of the recommendations made within the Examiner's Report and the reasons for them, the Borough Council and Brancaster Parish Council (in accordance with the 2004 Act Schedule A2 paragraph 14) has decided to make the modifications to the draft plan referred to in Section 3 below to ensure that the draft plan meets the basic conditions set out in legislation.

2.6 As set out in section 3, it has been decided by the Borough Council and Parish Council to split up the modifications made within the examiner's report. This has been separated into appropriate columns. As stated by the examiner in the final examination report (2021) and left apparent in the table: Areas that need modification are expressed in **bold (black) in column 2.**

3. Recommendations by the Examiner

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

Section of the examiner's report	Specific Modification or general comments for the NP to be compliant with the basic conditions as stated in the final Brancaster NP Examination Report January 2021	Who will make these changes? LPA or QB	Do you agree with the modification	What needs to be done to meet the specific modification	Amendments and new changes made to the proposed Brancaster neighbourhood plan.
7.10	<p>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.</p> <p>At the end of paragraph 1.2 add: 'The neighbourhood area is shown on Map The Plan period is 2018 to 2036'</p> <p>On the Map on page 2 replace the existing title with 'Map 1: Brancaster Neighbourhood Area'</p>	LPA/QB	Yes we agree with all modifications	Map/Text changes	<p>Map has been changed & key added.</p> <p>Textual amendment:</p> <p>1.2 The whole of the Plan area is part of the North Norfolk Coast AONB, which enjoys equal status in landscape protection terms as our National Parks. They also border the North Norfolk Heritage Coast, which has multiple national and international nature conservation designation. The neighbourhood area is shown on Map 1- The Plan period is 2018 to 2036.</p>
7.13	<p>Policy 1: Appropriate Housing</p> <p>Replace the policy with:</p>	QB	Yes	Textual changes	<p>Amendment:</p> <p><u>POLICY 1: APPROPRIATE HOUSING.</u></p>

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	<p>'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.</p> <p>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.</p> <p>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.</p>				<p>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.</p> <p>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.</p> <p>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.</p> <p>Development proposals should take account of the key features of views of, and within, the Area of</p>

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	<p>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'</p> <p><i>Insert a new paragraph 4.1.4 to read:</i></p> <p><i>'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'</i></p> <p><i>Include a new Appendix 5 (as provided by BPC in its response to the clarification note)</i></p>				<p>Outstanding Natural Beauty, the Brancaster Conversation Area and of listed buildings through careful design and sensitive layouts</p> <p>Supporting text amendment:</p> <p>The parish has had a number of significant housing developments in recent years and with respect to the impact of further development on the character and AONB setting including views, the policy of appropriate housing (and other policies) is strengthened by the provision in the NPPF (section15) including limitations on major developments.</p> <p>4.1.4 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.</p>

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					Appendix 5 has been added
7.16	<p>Policy 2: Design, Style and Materials</p> <p>I recommend a very detailed modification to an architectural term used in the policy. Otherwise, it meets the basic conditions.</p> <p>Replace 'coins' with 'quoins'</p>	QB	Yes	Textual change	<p>Amendment:</p> <p><u>POLICY 2: DESIGN, STYLE AND MATERIALS</u></p> <p>Any new development should be designed to a high quality that reflects and respects the character and appearance of the villages. Within the AONB and Conservation Area, sensitive design which reinforces local distinctiveness will be particularly required.</p> <p>Traditional and locally sourced materials of low ecological impact should be used. Such materials include chalk, flint, brick ends (clunch), red pantiles and brick quoins, red or grey (Holkham) brick, slate roof tiles or dark pantiles. Modern design, style and materials must blend with adjacent buildings.</p> <p>Sustainable Drainage Systems must form an integral part of new development proposals on all scales to mitigate flooding risks.</p>
7.19	Policy 4: Parking Provision	QB	Yes	Textual Change	<u>POLICY 4: PARKING PROVISION</u>

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	<p>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'</p> <p><i>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'</i></p>				<p>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.</p> <p>Communal parking areas serving a maximum of 5 houses and providing car parking to the standard above may be acceptable in suitable locations.</p> <p>Front gardens and external space should be designed to soften the appearance of cars and boats parked at the front of the houses or in the street scene.</p> <p>Satisfactory visitor and delivery parking through the provision of sufficient on street parking road width to allow for on street parking or the creation of parking areas must be provided.</p>

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					<p>When garages are provided, they must be built to reflect the architectural style of the property and should not obscure or dominate the principal elevation. Garages should be of sufficient size to allow easy access to and house average modern cars.</p> <p>Communal parking provision for apartments shall be acceptable and provided on the same basis as above.</p> <p>Supporting text:</p> <p>4.4.3. Seasonal increases in tourism leads to severe congestion along the A149, Broad Lane and Mill Hill, around the Sailing Club and the Deepdale shopping facility in particular, reducing the roads to single tracks with traffic attempting to flow in two directions. More stringent parking provision in housing developments including communal parking facilities, would mitigate these excessive traffic jams and consequent safety risks as inevitable further development is approved. It is not expected that communal parking facilities will be large and they may</p>

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					<p>be superfluous if developments clearly provide in excess of the required parking allocated to an individual house.</p> <p>4.4.4. The Parish Council encourages development proposals to incorporate electric vehicle charging facilities. This approach will ensure that the works are future-proofed.</p>
7.22	<p>Policy 5: Replacement and Extended dwellings</p> <p>In the first sentence replace 'must' with 'should'</p> <p>In the third sentence replace:</p> <ul style="list-style-type: none"> • 'acceptable' with 'supported' • '50%' with '50% of the site concerned' <p>In the fifth sentence replace 'These requirements.....relaxed' with 'except' and then incorporate the (submitted) fifth sentence into the fourth sentence.</p> <p>In the sixth sentence replace 'acceptable' with 'supported'</p>	QB	Yes	Textual Change	<p>Amendment:</p> <p><u>POLICY 5: REPLACEMENT AND EXTENDED DWELLINGS</u></p> <p>Replacement dwellings or existing dwellings involving extensions or annexes should normally (see 4.5.2) occupy no more than 50% of the plot when completed. Where the replaced dwelling occupied greater than 50% of the plot, the replacement dwelling should occupy a smaller proportion than its predecessor.</p> <p>An increase in number of dwellings above those replaced will only be acceptable where the resulting plot coverage does not exceed 50% of the site concerned . No footprint of a dwelling in these circumstances shall be greater than the replaced building, except where the setting of a listed building, or the character and appearance of the</p>

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					<p>conservation area, would be better conserved by greater plot coverage.</p> <p>An increase in height over the replaced building will only be supported where this is compatible with the appearance of adjacent buildings and the amenity of their occupiers.</p>
7.25	<p>Policy 6: Affordable/Shared ownership homes</p> <p>In the first part of the policy replace 'is encouraged' with 'will be supported'</p> <p>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:</p> <ul style="list-style-type: none"> the proposals deliver affordable housing in line with development plan policies and national policy; 	QB	Yes	Textual Change	<p>Amendment:</p> <p><u>POLICY 6: AFFORDABLE/SHARED OWNERSHIP HOMES</u></p> <p>Provision of affordable housing/First Homes/shared ownership will be supported where this is commensurate with the scale and nature of need for such housing locally.</p> <p>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:</p>

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	<ul style="list-style-type: none"> • 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. <p>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'</p>				<ul style="list-style-type: none"> • 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. <p>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</p>
7.27	<p>Policy 7: Development of Shops, Workshops and Business Units</p> <p>Replace 'should be encouraged' with 'will be supported'</p>	QB	Yes	Textual Change	<p>Amendment:</p> <p>POLICY 7: DEVELOPMENT OF SHOPS, WORKSHOPS AND BUSINESS UNITS</p> <p>The development of shops, workshops and business units will be supported in appropriate locations</p>

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	<p>Replace the comma after the brackets with a full stop.</p> <p>Replace 'as should...in the villages' with 'The development and growth of existing businesses in the villages will also be supported'</p>				<p>(as defined by the Borough Council's Local Plan and by other development plan policies). The development and growth of existing businesses in the villages will also be supported.</p> <p>Added to the supported text:</p> <p>4.7.3 Policies 6 and 7 in particular will support the three objectives of supporting business, strengthening the opportunities for affordable housing in future and promoting the sustainability of the local rural community and its future development by providing opportunities for permanent residents.</p>
7.28	<p>Policy 8: Protection of Heritage Sites and Views</p> <p>In the third sentence replace 'must' with 'should'</p>	QB	Yes	Textual Change	<p>Amendment:</p> <p><u>POLICY 8: PROTECTION OF HERITAGE ASSETS AND VIEWS</u></p> <p>The siting of new buildings shall have due regard for, and respect the setting of, designated heritage assets.</p> <p>Any listed buildings should be appropriately conserved to maintain the buildings, its features and setting. The significant views of St Mary's,</p>

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					<p>Brancaster (Grade I) & St Mary's, Burnham Deepdale (Grade II*) churches should be preserved.</p> <p>Developments will be expected to preserve or enhance the character, appearance and views of the Brancaster Conservation Area with regards to the built/cultural heritage.</p>
7.31	<p>Policy 9: Rural Exception Sites</p> <p>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:</p> <ul style="list-style-type: none"> • they are affordable housing-led schemes; and • they incorporate viability appraisals appropriate to their scale and location' <p>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</p> 	QB	Yes	Textual Change	<p>Amendment:</p> <p>POLICY 9: RURAL EXCEPTION SITES</p> <p>The development of un-allocated sites outside identified Development Boundaries will only be supported where they comply with the following criteria:</p> <ul style="list-style-type: none"> • they are affordable housing-led schemes; and • they incorporate viability appraisals appropriate to their scale and location <p>The number, type, and size of dwellings should reflect identified local needs as evidenced through the Borough's policies.</p> <p>Developments of over 10 buildings must include a</p>

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	<p>traffic. New access arrangements should be constructed of permeable material'</p>				<p>Masterplan setting out the proposed phasing taking into account of the capacity of local infrastructure to meet the residents' needs.</p> <p>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.</p>
7.33	<p>Policy 10: Protection and Enhancement of the Natural Environment and Landscape</p> <p>Replace the third part of the policy with: 'Development proposals should take account of Barrow Common's identification as a Dark Skies Discovery Site'</p>	QB	Yes	Textual Change	<p>Amendment:</p> <p>POLICY 10: PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT AND LANDSCAPE</p> <p>Development will protect, conserve and, where possible, enhance the natural environment, local landscape and wildlife.</p> <p>New development should not adversely affect the statutory purposes of the Area of Outstanding Natural Beauty.</p> <p>Development proposals should take account of Barrow Common's identification as a Dark Skies Discovery Site.</p>

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					<p>Supporting text amendment:</p> <p>4.10.1 The statutory primary purpose of Areas of Outstanding Natural Beauty is conserving and enhancing the natural beauty of the area. All public bodies must have regard to this in carrying any functions which affect such an area. The revised NPPF (2019, Para 172) states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are important considerations (see map 11).</p> <p>New 4.10.2. Biodiversity in the local environment should be protected and this protection should be applied to copses particularly within the Conservation area in Brancaster and generally within the AONB.</p>
7.35/7.36	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.	QB	Yes	Textual Change	<p>Amendment:</p> <p>Formatting and size has been updated.</p> <p>4.4.3 Error has been rectified</p> <p>Modification of general text has been taken on board and changed where appropriate. The AONB errors have been corrected.</p>

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	<p>There are two paragraphs 4.4.3 in the Plan. This could be addressed in wider format changes.</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p> <p>Format changes to the Plan to achieve consistency of approach.</p> <p>There are three paragraphs in the Plan where the reference to the North Norfolk AONB is incorrect. I recommend accordingly.</p> <p>In paragraphs 2.5, 3.6 and 4.10.1 replace 'ANOB' with 'AONB'</p>				

4. Decision Statement

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

4.2 King's Lynn and West Norfolk Borough Council have carefully considered each of the recommendations made in the examiner's report and the reasons for them and have decided to accept all the modifications to the plan review as recommended in 2004 S38A (11A) Schedule A2 Paragraph 14.

4.3 Following the modifications made, the Brancaster Neighbourhood Development Plan Review will meet the basic conditions:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the King's Lynn and West Norfolk Local Plan - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016);
- The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and;
- The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

4.4 It is recommended that the Brancaster Neighbourhood Plan Review is to be brought into legal force with effect from this decision statement being signed. The reason being that the amended (as per recommended by the independent examiner) Brancaster Neighbourhood Plan Review meets the basic conditions and other legal requirements, and follows the modification route category 2 whereby a referendum is not required.

Decision made by:

Geoff Hall
Executive Director Environment and Planning
22/02/2021