

TILNEY ALL SAINTS NEIGHBOURHOOD PLAN 2016 - 2036

The Report of the Independent Examiner to the Borough Council of King's Lynn & West Norfolk on the Tilney All Saints Neighbourhood Plan

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20th April 2021**

Summary

I was appointed by the Borough Council of King's Lynn & West Norfolk, in agreement with the Tilney All Saints Parish Council, in January 2021 to undertake the Independent Examination of the Tilney All Saints Neighbourhood Plan.

The Examination has been undertaken by written representations.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Tilney All Saints Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, local character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Borough Council of King's Lynn & West Norfolk Core Strategy.

Subject to a series of recommended modifications set out in this Report I have concluded that the Tilney All Saints Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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Introduction

This report sets out the findings of the Independent Examination of the Tilney All Saints Neighbourhood Plan 2016 - 2036. The Plan was submitted to The Borough Council of King's Lynn & West Norfolk by Tilney All Saints Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

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 incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2018, updated in February 2019, and it is against the content of this NPPF that the Plan will be examined.

This report assesses whether the Tilney All Saints Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Tilney All Saints Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Tilney All Saints Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by The Borough Council of King's Lynn & West Norfolk, in agreement with Tilney All Saints Parish Council, to conduct the Examination of the Tilney All Saints Neighbourhood Plan and to report my findings. I am independent of both the Borough Council of King's Lynn & West Norfolk and Tilney All Saints Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector body as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Tilney All Saints Neighbourhood Plan is submitted to a referendum; or
- the Tilney All Saints Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Tilney All Saints Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

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. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (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);
- the Neighbourhood 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.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this Examination I have considered the following documents:

- Tilney All Saints Neighbourhood Plan 2016 - 2036 as submitted
- Tilney All Saints Neighbourhood Plan Basic Conditions Statement (October 2020)
- Tilney All Saints Neighbourhood Plan Consultation Statement (October 2020)
- Borough Council of Kings Lynn and West Norfolk screening report for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment for the emerging Tilney All Saints Neighbourhood Development Plan (March 2019)
- Content at: <https://tilneyallsaintspc.wixsite.com/taspc/neighbourhood-plan>
- Content at: www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/859/tilney_all_saints_neighbourhood_plan
- Representations made to the Regulation 16 public consultation on the Tilney All Saints Neighbourhood Plan
- The Borough Council of King's Lynn & West Norfolk Core Strategy adopted in July 2011
- The Borough Council of King's Lynn & West Norfolk Site Allocations and Development Strategy adopted in September 2016
- National Planning Policy Framework (NPPF) (2019)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

It would be normal practice as part of an Examination to visit the Neighbourhood Area to see and assess the Plan details on the ground. However, in view of the Government pandemic guidelines to limit travel to that which is essential, I had to reach a view on the necessity of such a visit. The use of Google maps/Street View is rarely a satisfactory substitute for exploring the locality in person. However, I noted that the Plan does not allocate land for development and in only two Policies is land use designated – as Strategic Gap and Local Green Space, both of which seek to sustain existing uses. On balance therefore, I concluded that the benefits of concluding the Examination without further delay outweighed the benefits that might arise from a visit.

The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Tilney All Saints Neighbourhood Plan could be examined without the need for a public hearing and I advised The Borough Council of King's Lynn & West Norfolk accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is being shown on the Borough Council of King's Lynn & West Norfolk Neighbourhood Planning website for the Tilney All Saints Neighbourhood Plan.

Tilney All Saints Neighbourhood Area

A map showing the boundary of the Tilney All Saints Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Tilney All Saints Parish Council, the Borough Council of King's Lynn & West Norfolk approved the designation of the Neighbourhood Area on 14th June 2016. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].” (Reference ID: 41-047-20140306)

The submitted Consultation Statement confirms that “A significant amount of work went locally into engaging with the community early in development of the plan, so that it could be informed by views of local people. Consultation events took place at key points in the development process, and where decisions needed to be taken, for example, on local green spaces. A range of events and methods were used and at every opportunity the results were analysed and shared with local people.”

I note that as early as May 2016 a Working Group for the Neighbourhood Plan was established with membership including local residents and Parish Councillors. During 2016 two significant public consultation events were held, one as part of a Village Picnic and the other, a more formal event, was publicised in the local press, posters on village noticeboards, advertised on the Parish Council website and on a flyer distributed to all households with invitations sent directly to local businesses & landowners. These events were followed by the creation of website and Facebook pages to keep the community up-to-date with progress. Feedback from the community on the importance of retaining Tilney's heritage led to the Working Group carrying out a Character Appraisal. General feedback was used to inform a residents' survey.

In February 2019 there was an 'Issues and Options' consultation involving an event at the Village Hall and a survey which was distributed to all households but also available online. 63 people responded to the survey (a 25% rate of return) and the responses were analysed to inform a public consultation draft of the Neighbourhood Plan which was then the subject of a Regulation 14 consultation in July/August 2019.

The opening of the Regulation 14 consultation was accompanied by a press release which resulted in an article being published in the Lynn News. An advert was also placed on the local community Next Door forum, which many residents of the village are signed up to. A flyer was sent to every household and business. This informed people of the drop-in events, how they could access the draft plan, make representations and the timeframe for doing so. The flyer included a survey form and link to the online survey. During the consultation period the Neighbourhood Plan was available for download along with all the supporting documents on the website. Hard copies of the plan were available to view at Tilney All Saints Village

Hall on consultation days or from the Working Group and several people did request, and look at, hard copies of the plan at home. Two drop-in sessions took place offering people the opportunity to discuss the draft plan with members of the Working Group; people were encouraged to complete a response form at the event. An email was sent directly to each of the statutory consultees. Throughout the consultation it was possible for people to make representations by:

- Completing an online survey
- Filling in a hard copy of the survey
- Providing feedback via letter or electronically to the Working Group.

Responses at the end of the consultation period there were 36 completed forms, three of these were completed by local businesses, the rest from individual residents. The Consultation Statement shows how these comments influenced the redrafting of the Plan prior to submission.

Accordingly, overall, I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by The Borough Council of King's Lynn & West Norfolk from Monday 2nd November to Monday 28th December 2020. I have been passed the representations – 7 in total – which were generated by the consultation and which are included alongside the submitted Plan on the Borough Council of King's Lynn & West Norfolk Neighbourhood Planning website. I have not mentioned every representation individually within the Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

Tilney All Saints Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2036. I can see that a sustained effort has been put into developing a Plan around a vision for Tilney All Saints:

“Tilney All Saints aims to continue to be a small rural parish, encompassing a closely supportive community with a strong parish identity. It has a peaceful historic nature, and over the years the landscape, setting and character of the village have been enhanced. The village continues as a thriving, desirable, attractive and viable residential area and the facilities in the parish have gradually improved to meet the needs of old and new residents. Communications and connectivity have been maintained or even improved by better local bus services, the preservation of footpaths and cycle routes and the provision of universal, good quality broadband and other utilities. The many heritage assets and important open green spaces have been protected, and local wildlife supported, including any protected species, and the parish has worked towards becoming carbon neutral.”

The Plan document is well presented with a combination of text, images and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of "direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (Planning Practice Guidance Reference ID: 41-001-20140306).

Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to have regard to Local Plan strategic policies. Having considered all the evidence and representations submitted 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 works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Tilney All Saints distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with the community. All such difficult tasks were approached with transparency, with input as required and support from the Borough Council of King's Lynn & West Norfolk.

However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17). The significance of this expectation was not always fully appreciated by the Qualifying Body who seemed to envisage some post-planning application interpretation of policy. I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet 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 Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship

between the policy content of the Plan and its higher tier equivalents. I note that the Local Plan is the Borough Council of King's Lynn & West Norfolk Local Plan comprised of the Core Strategy adopted in July 2011 and the Site Allocations and Development Strategy adopted in September 2016. As the Neighbourhood Plan does not allocate land for development and is supportive of Tilney All Saints' rural features, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2016 – 2036 on the front cover. The Qualifying Body has explained that the dates were chosen to coincide with the start of work on the Plan and the end date of the Local Authority Core Strategy. However, since the Neighbourhood Plan was not submitted until 2020 and does not rely on a specific set of time-related data, it would be misleading to suggest that 2016 has any relevance to the Plan content. Accordingly, I recommend that the Plan period is updated to 2020 – 2036. The cover reference to "Consultation Document" can now be removed.

Document Control

Now that the Plan is going forward to referendum, after which it will become part of the Development Plan, the administrative content has served its purpose and should be removed.

Contents & Policy Index

The Contents and Index lists will need to be reviewed once the text has been amended to accommodate the recommendations from this Report.

Related Documents

I note that references for "Related Documents" are included here but there is no footnote indicating where the documents that are particular to the Plan (eg the Character Appraisal) can be accessed. The Marine Management Organisation has requested the addition of a reference to the East Inshore and East Offshore Marine Plans.

Recommendation 1:

1.1 On the front cover and any later references amend the Plan period from "2016 – 2036" to '2020 – 2036'.

1.2 Remove the heading "Document Control" and the related admin content of 0.i, 0.ii, 0.v and 0.vi and renumber the remaining content appropriately.

1.3 Review the "Contents" and "Policy Index" pages once the Plan text has been amended to accommodate the recommendations from this Report.

1.4 Amend the "Related Documents" content to add a source reference(s) for the first five documents that are particular to the Neighbourhood Plan; add a reference to the [East Inshore and East Offshore Marine Plans](#).

1.0 Introduction

I agree with the local authority that this section “Provides a very useful appreciation of the area and how this has evolved over time”. However, there are a couple of points to be addressed for clarity. As I will note later under Section 2, the map at Appendix A needs to identify the Neighbourhood Area and therefore, to avoid confusion, the reference to Appendix A in the opening sentence of Section 1 should be omitted. The Qualifying Body has advised that the new development referenced in the ninth paragraph has now been constructed and so that paragraph should be updated.

Recommendation 2:

Under the heading “1 Introduction”:

2.1 Delete “(see Appendix A)” from the first sentence.

2.2 In the ninth paragraph replace the second and third sentences with: ‘On a population pro-rotta basis Tilney All Saints received an allocation of 5 new dwellings on a site (see Appendix D, G97.1 ref No. 329 of the Local Development Framework) on the corner of School Road and Lynn Road and these have now been constructed.’

2.0 Neighbourhood Planning

2.1 Process

The map at Appendix A is required to identify the “Neighbourhood Area” not the “Neighbourhood Plan Area” and so that is what the text should show. I will address the Appendices later in this Report. At the suggestion of the Qualifying Body, an explanatory note is to be added here relating to how the Plan policies should be read.

Recommendation 3:

Under the heading “2.0 Neighbourhood Planning” and sub-heading “2.1 Process”:

3.1 In the first and third paragraphs replace “Neighbourhood Plan Area” with ‘Neighbourhood Area’.

3.2 Add at the end of the third paragraph: ‘Policies in the Neighbourhood Plan should not be viewed in isolation but have been developed to work holistically.’

3.0 Vision and Objectives

3.1 Vision

It is, in some parts, difficult to distinguish whether the Vision statement is a factual one about present day Tilney All Saints or an ambition for the future. The Qualifying Body has agreed that some changes would make the intent of a forward-looking statement clearer.

Recommendation 4:

Under the heading “3.0 Vision and Objectives” and sub-heading “3.1 Vision” reword the content after the second sentence as follows:

‘The village will continue as a thriving, desirable, attractive and viable residential area and the facilities in the Parish will have gradually improved to meet the needs of old and new residents. Communications and connectivity will have been maintained or even improved by better local bus services, the preservation of footpaths and cycle routes and the provision of universal, good quality broadband and other utilities. The many heritage assets and important open green spaces will have been protected, and local wildlife supported, including any protected species, and the Parish will have worked towards becoming carbon neutral.’

4.0 Housing

4.1 Development

I note that the Borough Council of King's Lynn and West Norfolk's (BCKLWN) Core Strategy Policy CS12 provides for "settlement gaps" to be acknowledged as significant features of "local distinctiveness" which is to be protected, conserved and, where possible, enhanced. Further the BCKLWN Site Allocations and Development Management Policies Plan (SADMP) subsequently applies the concept of the "strategic gap" to ensure separation between communities. It is therefore legitimate for the Neighbourhood Plan to seek to apply that concept at the parish scale.

However, I noted to the Qualifying Body that the area of the Strategic Gap proposed by Policy 1.1 is also the subject of Local Green Space proposals (Policy 3.3) and since these policy approaches were designed to achieve similar but not exactly similar objectives, there was an internal policy conflict within the Plan. The Qualifying Body agreed with my initial assessment that Policy 1.1 was more in keeping with their policy objective than the coincident parts of Policy 3.3. Accordingly, Policy 1.1 can proceed on the basis that the overlapping parts of Policy 3.3 will be removed.

In relation to the wording of Policy 1.1 two matters arise:

- i. The boundary of the "Gap" would be better defined (map-wise) and understood if combined with the Development Boundaries (with their designation source provided) as presently shown in Appendix D; I will address the Appendices later in this Report.
- ii. Anglian Water has commented: "We welcome this amended wording which is consistent with our previous representations. But for clarity it is suggested that the wording is amended as follows: 'a) it is consistent with policies for development in the countryside *including* essential infrastructure provided by utility companies'".

Recommendation 5:

Under the sub-heading "4.1 Development":

5.1 Amend the wording of Policy 1.1 to:

5.1.1 Replace the reference to "Appendix E" with 'Appendix D'.

5.1.2 In element (a) replace "and might include" with 'including'.

5.2 In the paragraph immediately following the Policy:

5.2.1 In the first sentence delete "elsewhere and".

5.2.2 In the second sentence replace "Appendix E" with 'Appendix D'.

As amended Policy 1.1 meets the Basic Conditions.

4.2 Housing Mix & Type

I note that a context for Policy 1.2 is provided by BCKLWN Core Strategy Policy CS09. Although the analysis of the local housing trends from census data is interesting it does not amount to an assessment of local housing requirements upon which a level of detail such as "minimum of 20%" can be justified. The Policy itself expects the housing mix to "reflect local need using the best available evidence" and this will undoubtedly vary over the Plan period to 2036. Accordingly, and because only small-scale development is supported through Core Strategy Policy CS09, the Policy needs to be framed more flexibly to allow schemes to achieve viability across variably configured sites.

I noted an internal conflict between Policy 1.3 – which suggests that individual developments should not exceed 5 dwellings to be acceptable – and Policy 1.2 – which says that it only applies to developments of 5 dwellings "or more". In becoming more flexible I consider that a dwelling range for Policy 1.2 can be dispensed with.

Not least because their requirements and application will change over time, it is not the role of a Neighbourhood Plan to enforce national space standards for housing.

Recommendation 6:

Under the sub-heading “4.2 Housing Mix & Type” and within Policy 1.2:

6.1 Reword the first paragraph as follows:

‘Housing proposals should provide an appropriate mix of housing types, tenures and sizes, and these should demonstrably reflect local need using the best available evidence. This applies to open-market and affordable housing combined, and can include homes designed to Lifetime Homes Standard. To achieve a more diverse housing stock, proposals should include dwellings of two bedrooms or fewer, including dwellings suitable for or easily adaptable for older or less mobile residents.’

6.2 In the second paragraph delete “the required proportion of” and “to that level”, and replace “requirements” with ‘expectations’.

6.3 In the first sentence of the paragraph immediately following the Policy replace “will be” with ‘is’.

As amended Policy 1.2 meets the Basic Conditions.

4.3 Design

National (NPPF section 12) and local (Core Strategy Policy CS08) policy actively supports good design for new development. It is therefore appropriate for a Neighbourhood Plan to provide local detail – NPPF paragraph 125 notes that “Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” To this end I suggested to the Qualifying Body that the “Character Appraisal” carried out as part of the Plan preparations should become part of the Plan, perhaps as an Appendix; however, the Qualifying Body preferred to leave the Appraisal as a reference document.

As noted earlier, Plan policies must meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). In a number of respects the wording of Policy 1.3 falls short of the clarity required for ease of application. In response to my queries the Qualifying Body responded that the Parish Council would act as “guardians” of the character of the Parish but this can only be achieved through clarity in the Policy since their role in the determination of planning applications remains as a consultee. Accordingly, a number of amendments or deletions have been agreed with the Qualifying Body as necessary to improve readability.

Recommendation 7:

Under the sub-heading “4.3 Design” and within Policy 1.3:

7.1 In the second paragraph reword the first and second sentences as: ‘Proposals for linear infill development will be supported in principle. To sustain the rural and open amenity of Tilney All Saints, linear infill development of up to five dwellings will be supported’; delete the third sentence.

7.2 In the third paragraph:

7.2.1 In the third sentence replace “permitted” with ‘supported’.

7.2.2 Replace element (a) with: ‘The grain of the existing settlements is respected with design repetition rarely exceeding 3 consecutive dwellings’.

7.2.3 Add a new element (d) as follows and renumber subsequent elements accordingly: 'Traditional building materials common in the Parish, as set out in the Character Appraisal, are used, although the innovative application of energy efficiency measures will be supported.'

7.2.4 In element (d) delete "that can be accessed without going through the house".

7.2.5 In element (f) replace "are soft, preferably using" with 'use'.

7.2.6 Delete the fourth paragraph as it has been incorporated within paragraph three.

As amended Policy 1.3 meets the Basic Conditions.

4.4 Light Pollution

I can appreciate that Policy 1.4 is relevant in a rural location, and the NPPF (paragraph 180(c)) addresses the issue. The BCKLWN SADMP Policy DM 15 on Environment, Design and Amenity also acknowledges that "light pollution" is a matter to be addressed in new development. The Policy must however have regard for the fact that the installation of street lighting by a local authority is permitted development (part 12 of the General Permitted Development Order 1995) and most domestic security lighting will also be permitted development. There are therefore limits within which the Policy must operate.

Referencing out of date documents such as the 2003 "NCC Environmental Lighting Zones Policy" does not provide evidence appropriate to a Plan becoming part of the Development Plan. Whilst the Government Planning Guidance on Light Pollution (www.gov.uk/guidance/light-pollution) generally prefers the term "dark landscape" to "dark sky", it does provide evidence and a current and appropriate reference.

Recommendation 8:

Under the sub-heading "4.4 Light Pollution":

8.1 Reword the first sentence of the first paragraph as: "Dark Skies' or 'Dark Landscapes' are recognised as contributing to rural tranquillity, as referenced in the Planning Guidance on Light Pollution (www.gov.uk/guidance/light-pollution)."

8.2 Reword Policy 1.4 as follows:

'To maintain the 'dark skies' and the rural amenity in Tilney All Saints, development proposals requiring a planning consent should not normally make provision for external lighting unless there are evidenced issues of highway or community safety or security; in such cases appropriate mitigation measures are required.'

8.3 In the paragraph that follows the Policy, replace the second sentence with: 'Where lighting is proposed that requires a planning consent, a Lighting Assessment will be expected to accompany the application.'

As amended Policy 1.4 meets the Basic Conditions.

4.5 Affordable Housing

The BCKLWN Core Strategy at paragraph 6.5.2, in line with NPPF expectations (paragraph 77), acknowledges that "Rural exception sites can be used to enable the Council to deliver affordable housing in rural communities on sites not otherwise available for residential development". However, Policy 1.5, in line with the definition of rural exception sites in the NPPF Glossary, needs to ensure that the housing provided via this route is retained as affordable in perpetuity.

From an exchange of comments with the Qualifying Body I am aware that the data sources quoted in the pre-ambule are not the most up to date, and for the benefit of a Plan submitted in 2020 these references should be updated. Also, Policy 1.5 includes the first reference to “development boundaries” within the Plan and although a map in an Appendix defines these, the concept and its source should be explained briefly.

Recommendation 9:

Under the sub-heading “4.5 Affordable Housing”:

9.1 In the first and second paragraphs update the references, and data if required) to the “Local Housing Profile” and “Housing Register”.

9.2 Within the third paragraph, and also the second paragraph of Policy 1.5, replace “local plan” with ‘Local Plan’.

9.3 Add to the third paragraph: ‘Exception Sites may be outside of the ‘development boundaries’ for Tilney All Saints and Tilney High End; these boundaries are shown at Appendix D and are derived from the Policies Map of the BCKLWN SADMP.’

9.4 Within Policy 1.5:

9.4.1 In the first sentence of the second paragraph replace “comprising” with ‘comprised’.

9.4.2 In the third sentence of the second paragraph replace “have reasonable sustainable access to village services” with ‘well related to the development boundary of Tilney All Saints or Tilney High End’.

9.4.3 Add after the third sentence of the second paragraph: ‘Affordable houses are to be retained as such in perpetuity.’

9.4.4 In the fourth sentence of the second paragraph replace “priority” with ‘first’.

9.4.5 Move the third paragraph to be a continuation of the first paragraph (since both relate to non-Exception Sites).

As amended Policy 1.5 meets the Basic Conditions.

5.0 Environment

Within the opening parts of this section of the Plan, the preamble/introductory text has been altered to a post-Policy text, which is not always helpful to the understanding of the context for the Policy; accordingly, I recommend that the format used for the other Plan sections is maintained for Section 5.

5.1 Heritage Assets

The NPPF supports specific attention to heritage assets (section 16) as does the BCKLWN Core Strategy for the local context (Policy CS08). Policy 2.1, whilst acknowledging the listed heritage assets of the Neighbourhood Area, in effect identifies for the first time a number of non-designated heritage assets for recognition. National policy within the NPPF specifically expects that heritage assets should be “conserved in a manner appropriate to their significance” (para 184). However, the non-heritage assets are only identified on a map within Appendix C without any brief detail that would establish their significance. The Qualifying Body has advised me that the supporting text provides that detail but, in that location, it is incomplete and does not facilitate read-across to the map. I will make my recommendation regarding this detail when I address the Appendices, but I need to note it here so that the Policy wording reflects the matter of “significance”.

The local authority has commented that the expectation of a formal Heritage Statement for non-designated assets may be onerous. I believe that it would be sufficient for applicants to be required to state how they have identified and addressed impacts on the significance of the heritage asset and its setting. The County Council has also recommended additional wording for the supporting text which was agreed by the Qualifying Body.

Recommendation 10:

Under the sub-heading “5.1 Heritage Assets”:

10.1 Move the first post-Policy paragraph to provide a preamble to Policy 2.1; within that paragraph alter the referencing of “Appendix C” to ‘Appendices B & C’.

10.2 Reword Policy 2.1 as follows:

‘Development proposals that will impact on the following including their settings:

- a) designated heritage assets, as shown in Appendices B & C, or*
- b) non-designated heritage assets as now identified in Appendix C; or*
- c) archaeological remains ((including areas with potential for finds),*

should ensure that they are conserved in a manner appropriate to their significance.

To achieve this, proposals must identify and address any adverse impacts the development may have, including on views to and from the asset, and any appropriate mitigation measures.’

10.3 Add an additional paragraph to the post-Policy text as follows:

‘Developers with concerns about how their development may affect the historic environment should contact Norfolk County Council Environment Service historic environment strategy and advice team directly for pre-application advice to identify archaeological implications. The historic environment strategy and advice team will continue to examine all planning applications and make recommendations to the local planning authority on archaeological mitigation if required.’

As reworded Policy 2.1 meets the Basic Conditions.

5.2 Flood Risk and Drainage

The NPPF (para 16) says that Plans should avoid “unnecessary duplication of policies that apply to a particular area”. It seems that Policy 2.2 represents one such unnecessary duplication as nothing particular to Tilney All Saints is addressed. Further, a land use Neighbourhood Plan cannot alter national administrative procedures for when a formal Flood Risk Assessment will be required (as set down in the NPPF footnote page 47).

I note that in the event of windfall development, the BCKLWN Strategic Flood Risk Assessment (SFRA) 2019 includes a specific Appendix which provides detailed guidance for developers on how to apply the Sequential and Exception Test at a Planning Application stage. Should additional sites be allocated through the Local Plan review the BCKLWN SADMP Policy DM 21 (or a reviewed version of this) will apply setting down developer requirements. Accordingly, there is no value in the Neighbourhood Plan seeking to repeat these requirements with added potential for confusion from omitted or reworded content.

The supporting text says that “The Neighbourhood Plan seeks to contribute towards strategic multi-agency efforts to reduce the risk of flooding from all sources in the Plan area” and the Qualifying Body has explained that the “contribution” here is from “local knowledge that would be channelled through the Parish Council”. But the multi-agency work is not affected, positively or negatively, by the Neighbourhood Plan content.

My conclusion is that Policy 2.2 should be limited to registering the need for prospective developments to assess and address flooding and surface water issues but it should not attempt to duplicate or precis or be selective from procedural guidance which is more

appropriately addressed at a Borough-wide level. I will comment later on the content within Appendices.

Recommendation 11:

Under the sub-heading “5.2 Flood Risk and Drainage”:

11.1 Move the first post-Policy paragraph to provide a preamble to Policy 2.2.

11.2 Reword Policy 2.2 as follows:

‘Development proposals must be designed so as to manage flood risk effectively and not increase, and wherever possible reduce, the overall level of flood risk both to the site and elsewhere. Proposals designed specifically to improve surface water drainage, such as works to reinstate an effective drainage scheme, are encouraged.’

11.3 Delete the second post-Policy paragraph.

11.4 Amend the opening sentence of the third post-Policy paragraph to read:

‘With regard to surface water flooding the expectation of the lead Local Flood Authority is that development will:’

11.5 Delete the final sentence of the last paragraph.

As reworded Policy 2.2 meets the Basic Conditions.

5.3 Natural Environment & Landscape

The NPPF (para 170) confirms that plans and planning decisions should “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland” and (footnote on page 49) acknowledges that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”. Likewise, BCKLWN Core Strategy Policy CS01 commits to “protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity through a Green Infrastructure Management Plan, and Biodiversity Action Plans.” Also, a “Key Sustainability Issue” identified at paragraph 3.2 is “Loss of high quality agricultural land”. These assure a significant degree of protection for the character of the Parish.

Since, at its opening, Policy 2.3 says “The Neighbourhood Plan seeks to protect the current farming integrity of Tilney All Saints” there is no obvious justification for the protection exceptions that are then introduced, neither of which have support in the NPPF or the Core Strategy. I queried with the Qualifying Body the basis of the ‘3 year not in active farming use’ clause, since lack of use would not change the agricultural classification of the land; the Qualifying Body accepted that this element of the Policy should be deleted. Similarly, ‘a plot too small to be in viable agricultural use’ would not alter the classification of the land (as well as being silent on the metric of “too small”). Accordingly, Policy 2.3, and the supporting text where appropriate, needs to be simplified.

With Policy 2.4, for clarity, two amendments have been agreed with the Qualifying Body.

Recommendation 12:

Under the sub-heading “5.3 Natural Environment & Landscape”:

12.1 In the first sentence of the second paragraph replace “entire” with ‘vast majority’ (I will address the matter of Appendix H later in this Report).

12.2 Reword Policy 2.3 as follows:

'To protect the farming integrity of Tilney All Saints, development proposals on Grade 1 Agricultural Land should normally be limited to those that will contribute towards an agricultural benefit, such as provision of necessary agricultural dwellings for essential rural workers or other types of development within the countryside that may be acceptable within the NPPF.'

12.3 Delete the post-Policy paragraph.

12.4 Within Policy 2.4:

12.4.1 Amend the first sentence to read: *'Where appropriate, development proposals are encouraged to deliver enhancement of ecological networks, especially where they improve habitat connectivity within the Neighbourhood Area.'*

12.4.2 Replace the last two sentences with one, as follows: *'Net gains in biodiversity should be achieved such as through the creation of high-quality habitats, improved connectivity to other habitats, and the inclusion of design features that enable animals, especially species in decline, to move between habitats unhindered.'*

As amended Policies 2.3 and 2.4 meet the Basic Conditions.

6.0 Community Assets and Local Green Space

6.1 Community Assets

The NPPF at paragraph 92 provides a framework for planning "positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments". The BCKLWN Core Strategy Policy CS13 aims to protect and promote existing cultural assets, in the widest sense, as well as facilitating new cultural facilities where appropriate. Policies 3.1 and 3.2 add appropriate local detail.

6.1.1 Tilney All Saints Primary School

In relation to Policy 3.1 I received assurance from the Qualifying Body that the site of the School had sufficient capacity to accommodate the envisaged expansion; the matter of capacity should therefore be noted in the pre-amble. I also raised a concern that, as worded, the Policy requires that "the development is sympathetically designed and appropriate to the needs of the school" if additional work space areas are being provided but not if it is "a permanent extra classroom"; the Qualifying Body confirmed that a rewording would be appropriate.

6.1.2 Tilney All Saints Village Hall

As also noted in relation to the School, I noted to the Qualifying Body that no evidence is provided to suggest that there is sufficient flexibility within the Hall site to accommodate additional buildings and therefore give some assurance that this Policy would be deliverable. The Qualifying Body provided confirmation and the matter of capacity should therefore be noted in the pre-amble.

Recommendation 13:

Under the sub-heading "6.1 Community Assets":

13.1 Add to the pre-amble paragraph under the sub-heading "6.1.1 Tilney All Saints Primary School" as follows: *'The site has sufficient capacity to accommodate further buildings to accommodate expansion and/or improvements.'*

13.2 Reword Policy 3.1 as follows:

‘Development at Tilney All Saints Primary School of a permanent extra classroom and/or additional work space areas will be supported provided the development is sympathetically designed and appropriate to the needs of the School.’

13.3 Delete the first sentence of the second paragraph post-Policy 3.2 and amend the second to read: ‘The site of the present village hall has the capacity to accommodate extension or redevelopment in ways that are suitable to a rural location.’

Policy 3.1 as reworded and Policy 3.2 meet the Basic Conditions.

6.2 Local Green Space

The NPPF provides for the declaration of Local Green Spaces subject to specific criteria set out at paragraphs 99 and 100. Although I was not initially provided with sufficient evidence to determine whether the Local Green Space designation was being applied appropriately, my main concern was the overlap between the areas proposed for designation and Policy 1.1 which defines a “Strategic Gap”. I noted to the Qualifying Body some significant incompatibilities between these Policies. Having considered my concerns the Qualifying Body decided that the three proposed Local Green Spaces that covered the same area as the Strategic Gap – plus another related space, part of the Golf Course – should be removed from the proposed designation as Local Green Spaces; this cleared the way for Policy 1.1 to proceed, as earlier noted. In relation to the remaining three spaces proposed for designation, I am now satisfied, on the basis of the additional information provided and the better mapping provided by BCKLWN, that the Local Green Space designation is appropriate. Accordingly, some amendments to the text and Policy 3.3 are required; the Qualifying Body has also agreed that Policies 3.4, 3.5 & 3.6 are no longer appropriate and should be deleted.

In relation to the other elements of Policy 3.3, I commented to the Qualifying Body that the scope of the charging schedule for the Community Infrastructure Levy (CIL) is a matter for the Borough Council (following the required procedures). As is later noted in the Plan, the Parish Council will receive a specific proportion of the CIL monies arising from development within the Parish and it may prioritise the use of this at it wishes. I further noted that the second paragraph of Policy 3.3 appears to have a scope, at least potentially, wider than the designated Local Green Spaces but other ‘open spaces’ are not defined. I will address the content of Appendix I later in this Report.

Recommendation 14:

Under the sub-heading “Local Green Space”:

14.1 In the third paragraph replace the first sentence with: ‘The Neighbourhood Plan designates three Local Green Spaces.’; amend the related map on page 26.

14.2 Reword Policy 3.3 as follows:

‘The following existing open spaces are designated as Local Green Spaces:

- Glebe Estate Playing Field;*
- The Willows; and*
- Medieval Settlement*

These are shown in detail at Appendix H.

Development proposals that harm the reason for their designation or undermine their openness and amenity value will not be acceptable unless in very special circumstances.

All proposals relating to these or new open spaces should be designed to a high standard to fit with the character of the Parish and, where possible, to connect with other amenity land.’

14.3 Move and renumber appropriately the post-Policy content relating to Millennium Green, Allotment Land and the Eagles Golf Centre to sit in support of Policy 1.1.

14.4 Delete Policies 3.4, 3.5 & 3.6 and renumber the remaining content relating to Glebe Estate Playing Field, the Willows and the Medieval Settlement.

As amended Policy 3.3 meets the Basic Conditions.

6.3 Community Infrastructure Levy

It is accepted that “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, [but] actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.” (Planning Policy Guidance Paragraph: 004 Reference ID: 41-004-20170728). However, whilst I note that the Policy under this heading has been identified as “Community Policy 1”, I believe that this falls short of the expectation in the Guidance. Accordingly, the Qualifying Body has agreed that sub-section 6.3 should be moved to a separate section toward the end of the Plan to be titled ‘Community Aspirational Policies’ which will contain “Community Policy 1: Community Infrastructure Levy”.

Recommendation 15:

Move sub-section “6.3 Community Infrastructure Levy” to a new section toward the end of the Plan titled ‘Community Aspirational Policies’ to include “Community Policy 1: Community Infrastructure Levy”.

7.0 Traffic & Transport

Whilst I can see that this topic area has given rise to local concerns, I noted to the Qualifying Body that it is a tricky subject to address separately and appropriately in a land use plan. Traffic generation and related mitigation are already material considerations in the determination of planning applications but such factors must be assessed consistently across all applications. Assertions such as “Tilney All Saints Neighbourhood Plan robustly supports cleaner energy technologies” do not amount to Policy but may tend to disguise the fact that the Plan can only influence matters that involve a planning application. The Plan does not envisage significant development.

Policy 4.1: Sustainable Transport

I commented to the Qualifying Body that only two elements of Policy 4.1 appeared to relate specifically to the Neighbourhood Area and, of these, the expectation of a Travel Plan in relation to a minor extension the School would not be proportionate; the Qualifying Body accepted that this was so. Having regard to the need for Policies to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17) there are amendments needed to the content of Policy 4.1 and, to the extent that Policy 4.3 equates to a land use policy, a merger of Policies 4.1 and 4.3 would be beneficial.

Recommendation 16:

16.1 Reword Policy 4.1, incorporating elements of Policy 4.3 as appropriate, as follows: ‘In order to support more sustainable travel choices development proposals are encouraged, on a scale appropriate to the proposal, to:

- a) Provide the infrastructure for electric vehicle charging and other emerging technologies for transport;*
- b) Demonstrate safe and sustainable transport connectivity, especially walking and/or cycling links to key local services and community facilities, particularly to the primary school, and to bus stops;*
- c) Address and improve walking and cycling connectivity towards neighbouring villages, King’s Lynn, Wisbech and the countryside;*

d) Take all reasonable opportunities to promote the use of public transport, such as improving bus waiting facilities and improvements to bus services.

16.2 Delete Policy 4.3.

As amended Policy 4.1 meets the Basic Conditions.

Policy 4.2: Car Parking

Paragraph 105 of the NPPF makes it clear that a range of factors need to be considered if setting local parking standards for residential development. Whilst I note that there is community support for more off-street parking, no compelling evidence is provided to show that the Norfolk County parking standards are inadequate to assure appropriate accommodation of cars in new developments. Accordingly, Policy 4.2 can only encourage a higher level of provision, and must acknowledge the potential impact of this on development design choices and viability.

Recommendation 17:

Reword Policy 4.2 as follows:

'Residential development proposals are encouraged to include provision for a minimum of one off-road car parking space per bedroom. Where this standard cannot be met because of design or viability constraints, and where there is a potential for on-street parking to occur because of the needs of visitors, streets will need to be designed to safely accommodate some on-street parking, which may include parking facilities such as laybys. Well-designed on street parking schemes on through routes that function as informal traffic calming measures to help slow traffic will be supported.

Proposals by existing householders to create additional off-road car parking spaces, where a planning consent is required, will be supported as long as it is not to the detriment of the environment or flood risk.'

As amended Policy 4.2 meets the Basic Conditions.

8.0 Employment & Business

8.1 Economic Development

The NPPF section 6 supports a prosperous rural economy. The BCKLWN Core Strategy Policy CS06 likewise supports in rural areas "sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity". In general terms Policy 5.1 encourages more economic activity within the development boundaries but the preamble says: "The Neighbourhood Planning group wishes to encourage *similar* small-scale businesses into the village". The preceding paragraphs however mention a whole range of activities, not all of which may be considered small-scale. It is therefore unclear what the term "small-scale", picked up in the Policy, might mean in the local context. The Qualifying Body responded that "all current businesses in the village are small scale and we wish to keep it that way"; that factor therefore needs to be better reflected in the Policy.

Recommendation 18:

Reword Policy 5.1 as follows:

'New economic development within the development boundary that comprises a micro or small business, at a scale appropriate to the rural setting, is encouraged subject to it being demonstrated that the following have been assessed and appropriately addressed:

- a) Design that is appropriate to the location;*
- b) Any adverse impact on residential amenity;*
- c) Any adverse impact on the transport network;*
- d) Accommodation of all related parking within its site, including for visitors; and*
- e) Any other environmental impacts, including impacts on the historic environment.'*

As amended Policy 5.1 meets the Basic Conditions.

8.2 Broadband

As written Policy 5.2 does not address a matter that would require a planning application. The Qualifying Body has clarified that it would wish new development to incorporate infrastructure for broadband technology. Accordingly, some rewording of the Policy is required.

Recommendation 19:

Reword Policy 5.2 as follows:

'Development proposals should, on a scale appropriate to the proposal, incorporate infrastructure to accommodate the latest generation of broadband connectivity.'

As amended Policy 5.2 meets the Basic Conditions.

8.3 Renewable Energy

The local authority commented on Policy 5.3: "Can this policy be more specific; at the moment it is very broad and says that renewable energy schemes will be supported but in the supporting text they appear to instead be against certain renewable schemes. Can this policy be reworded to reflect your concerns while still having a proactive stance?" I note that the NPPF already says (footnote page 45) "a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing". In response to these issues the Qualifying Body suggested a revision to the pre-amble and Policy upon which the following recommendations are based.

Recommendation 20:

Under the sub-heading "8.3 Renewable Energy":

20.1 Replace the first sentence with: 'Renewable energy in the village context is currently limited to wind turbines, solar panels, air and ground source heating.'

20.2 Reword Policy 5.3 as follows:

'Development proposals for renewable energy, including any emerging technology thereof, are supported provided they are of a size and scale that does not detract from the rural or historic nature of Tilney All Saints.'

As amended Policy 5.3 meets the Basic Conditions.

9.0 Implementation and Monitoring

I note that the final paragraph of this section mentions "As part of the preparation of the Neighbourhood Plan, an Implementation Plan will be developed." I commented to the Qualifying Body that, whilst I can see that this may be appropriate for the Community Policy, it is less obviously applicable to the Neighbourhood Plan where no new land is allocated. The Qualifying Body agreed that "implementation" was not appropriate in the content and their response provides the basis of my recommendations.

Recommendation 21:

At the heading "9.0 Implementation and Monitoring":

21.1 Remove "Implementation and" from the title.

21.2 Reword the final paragraph as follows:

'Tilney All Saints Parish Council will lead the monitoring of the Neighbourhood Plan. This will involve the coordinated input of the community and statutory agencies.'

Appendices

Appendix A - Map of the Parish of Tilney All Saints

As noted earlier, what is required here is a map defining the Neighbourhood Area, which I appreciate is the same as the Parish but in this instance the correct wording is important.

Recommendation 22:

At Appendix A alter the two titles and the key of the map to read: 'Tilney All Saints Neighbourhood Area'.

Appendix B - Schedule Monument

Apart from correcting the heading, the key needs to be brought in line with the Appendix A map.

Recommendation 23:

At Appendix B correct the title to 'Scheduled Monument' and amend the key to show 'Neighbourhood Area' boundary in place of "Parish Boundary".

Appendix C - Designated and Non-Designated Heritage Assets

As noted earlier, the presentation of this Appendix could be improved for referencing purposes.

Recommendation 24:

At Appendix C:

24.1 Provide a numerical cross-reference between the map of the Listed Buildings and the illustrated schedule that follows; amend the map key to show 'Neighbourhood Area' boundary in place of "Parish Boundary".

24.2 For the section on Non-Designated Heritage Assets provide a schedule that lists and provides brief details (one or two sentences) setting down the significance of each asset, each titled to read across to the map; amend the map key to show 'Neighbourhood Area' boundary in place of "Parish Boundary".

Appendix D – Development Boundary

As noted earlier, the bringing together of the content of Appendices D and E (on the base map used for D) would benefit the understanding of Policy 1.1. The source document for the Development Boundaries needs to be stated.

Recommendation 25:

At Appendix D:

25.1 Correct the title to 'Development Boundaries'.

25.2 State on the map the BCKLWN Site Allocations and Development Management Policies Plan source of the defined boundaries and the identified housing allocation.

25.3 Overlay the "Strategic Gap" that is the subject of Appendix E onto the Appendix D map.

25.4 Delete Appendix E and renumber subsequent Appendices accordingly.

Appendix F – Dark Skies

As noted in the recommendation above, Appendix F becomes Appendix E both here and in the Plan text.

Appendix G – Flood Risks

As noted in the recommendation above, Appendix G becomes Appendix F both here and in the Plan text. I will note here that the Environment Agency suggested that a complete mapping of flood risk from surface water should be used.

Appendix H - Agricultural Land Classification

As noted in the recommendation above, Appendix H becomes Appendix G both here and in the Plan text. The Qualifying Body noted an error with the data mapping that needs to be corrected; the source of the data also needs to be declared.

Recommendation 26:

At Appendix H (as now renumbered G):

26.1 Correct the data mapping and declare the data source.

26.2 Amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.

Appendix I - Community Assets and Local Green Space

As noted in the recommendation above, Appendix I becomes Appendix H both here and in the Plan text. Since the Local Green Spaces to be designated have now been reduced to three, the map should be replaced with two larger scaled maps (as supplied by BCKLWN) showing the Glebe Estate Playing Field and the Medieval Settlement/Willows so that the exact boundaries of the Local Green Spaces are clear.

Recommendation 27:

At Appendix I (as now renumbered H) replace the Local Green Spaces map with two at a larger scale (as supplied by BCKLWN) and amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.

Appendix J - Public Rights of Way

As noted in the recommendation above, Appendix J becomes Appendix I both here and in the Plan text. The source of the data depicted on the maps needs to be declared.

Recommendation 28:

At Appendix J (as now renumbered I) provide a source reference for the map data presented and amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Tilney All Saints Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Strategic Environmental Assessment and Habitats Regulations Assessment Screening carried out by The Borough Council of King's Lynn & West Norfolk for the Tilney All Saints Neighbourhood Plan (March 2019) considered whether or not the content of the Plan required a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, the Borough Council of King's Lynn & West Norfolk determined: "The Borough Council is of opinion that a full environmental assessment of the Tilney All Saints Draft Neighbourhood Plan is not required. Having consulted the relevant statutory bodies, it has reached the view because, as per regulations 5(6), the plan constitutes a minor modification to the adopted (2011) King's Lynn and West Norfolk Core Strategy, and, having regard to Schedule 1, is unlikely to have environmental effects. The Borough Council is also of the opinion that an appropriate assessment of the Tilney All Saints Draft Neighbourhood Plan is not required. It has reached this view with regard to the neighbourhood plan's need to be in general conformity with the Core Strategy (itself subject the HRA), and with a Habitats Regulations Assessment* of similar potential development in Tilney All Saints and nearby settlements of Terrington St Clement and Clenchwarton which concluded that such development was not likely to have a significant effect on any relevant designated European site. (*Habitats Regulations Assessment report accompanying the proposed King's Lynn and West Norfolk Site Allocations and Development Policies DPD, submitted to PINS 23rd April 2015)." Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

In regard to the European Convention on Human Rights, the Basic Conditions Statement that accompanies the Neighbourhood Plan states: "TASNP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. TASNP is highly unlikely to be incompatible because it has been prepared within the existing framework of statute, and national planning policy and guidance. In accordance with established process, its preparation has included consultation with the local community." I therefore confirm that the Tilney All Saints Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Tilney All Saints Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Tilney All Saints Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

On that basis I *recommend* to the Borough Council of King's Lynn & West Norfolk that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Tilney All Saints Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Borough Council of King's Lynn & West Norfolk on 14th June 2016.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 On the front cover and any later references amend the Plan period from “2016 – 2036” to ‘2020 – 2036’.</p> <p>1.2 Remove the heading “Document Control” and the related admin content of 0.i, 0.ii, 0.v and 0.vi and renumber the remaining content appropriately.</p> <p>1.3 Review the “Contents” and “Policy Index” pages once the Plan text has been amended to accommodate the recommendations from this Report.</p> <p>1.4 Amend the “Related Documents” content to add a source reference(s) for the first five documents that are particular to the Neighbourhood Plan; add a reference to the East Inshore and East Offshore Marine Plans.</p>	For clarity and accuracy
2	<p>Under the heading “1 Introduction”:</p> <p>2.1 Delete “(see Appendix A)” from the first sentence.</p> <p>2.2 In the ninth paragraph replace the second and third sentences with: ‘On a population pro-rotas basis Tilney All Saints received an allocation of 5 new dwellings on a site (see Appendix D, G97.1 ref No. 329 of the Local Development Framework) on the corner of School Road and Lynn Road and these have now been constructed.’</p>	For clarity and accuracy
3	<p>Under the heading “2.0 Neighbourhood Planning” and sub-heading “2.1 Process”:</p> <p>3.1 In the first and third paragraphs replace “Neighbourhood Plan Area” with ‘Neighbourhood Area’.</p> <p>3.2 Add at the end of the third paragraph: ‘Policies in the Neighbourhood Plan should not be viewed in isolation but have been developed to work holistically.’</p>	For clarity and accuracy
4	<p>Under the heading “3.0 Vision and Objectives” and sub-heading “3.1 Vision” reword the content after the second sentence as follows: ‘The village will continue as a thriving, desirable, attractive and viable residential area and the facilities in the Parish will have gradually improved to meet the needs of old and new residents. Communications and connectivity will have been maintained or even improved by better local bus services, the preservation of footpaths and cycle routes and the provision of universal, good quality broadband and other utilities. The many heritage assets and important open green spaces will have been protected, and local wildlife supported, including any protected species, and the Parish will have worked towards becoming carbon neutral.’</p>	For clarity
5	<p>Under the sub-heading “4.1 Development”:</p> <p>5.1 Amend the wording of Policy 1.1 to: 5.1.1 Replace the reference to “Appendix E” with ‘Appendix D’.</p>	For clarity and to meet

	<p>5.1.2 In element (a) replace “and might include” with ‘including’.</p> <p>5.2 In the paragraph immediately following the Policy: 5.2.1 In the first sentence delete “elsewhere and”.</p> <p>5.2.2 In the second sentence replace “Appendix E” with ‘Appendix D’.</p>	Basic Condition 1
6	<p>Under the sub-heading “4.2 Housing Mix & Type” and within Policy 1.2: 6.1 Reword the first paragraph as follows: ‘Housing proposals should provide an appropriate mix of housing types, tenures and sizes, and these should demonstrably reflect local need using the best available evidence. This applies to open-market and affordable housing combined, and can include homes designed to Lifetime Homes Standard. To achieve a more diverse housing stock, proposals should include dwellings of two bedrooms or fewer, including dwellings suitable for or easily adaptable for older or less mobile residents.’</p> <p>6.2 In the second paragraph delete “the required proportion of” and “to that level”, and replace “requirements” with ‘expectations’.</p> <p>6.3 In the first sentence of the paragraph immediately following the Policy replace “will be” with ‘is’.</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3
7	<p>Under the sub-heading “4.3 Design” and within Policy 1.3: 7.1 In the second paragraph reword the first and second sentences as: ‘Proposals for linear infill development will be supported in principle. To sustain the rural and open amenity of Tilney All Saints, linear infill development of up to five dwellings will be supported’; delete the third sentence.</p> <p>7.2 In the third paragraph: 7.2.1 In the third sentence replace “permitted” with ‘supported’.</p> <p>7.2.2 Replace element (a) with: ‘The grain of the existing settlements is respected with design repetition rarely exceeding 3 consecutive dwellings’.</p> <p>7.2.3 Add a new element (d) as follows and renumber subsequent elements accordingly: ‘Traditional building materials common in the Parish, as set out in the Character Appraisal, are used, although the innovative application of energy efficiency measures will be supported.’</p> <p>7.2.4 In element (d) delete “that can be accessed without going through the house”.</p> <p>7.2.5 In element (f) replace “are soft, preferably using” with ‘use’.</p> <p>7.2.6 Delete the fourth paragraph as it has been incorporated within paragraph three.</p>	For clarity and accuracy and to meet Basic Condition 1

8	<p>Under the sub-heading “4.4 Light Pollution”:</p> <p>8.1 Reword the first sentence of the first paragraph as: “Dark Skies’ or ‘Dark Landscapes’ are recognised as contributing to rural tranquillity, as referenced in the Planning Guidance on Light Pollution (www.gov.uk/guidance/light-pollution).’</p> <p>8.2 Reword Policy 1.4 as follows: ‘To maintain the ‘dark skies’ and the rural amenity in Tilney All Saints, development proposals requiring a planning consent should not normally make provision for external lighting unless there are evidenced issues of highway or community safety or security; in such cases appropriate mitigation measures are required.’</p> <p>8.3 In the paragraph that follows the Policy, replace the second sentence with: ‘Where lighting is proposed that requires a planning consent, a Lighting Assessment will be expected to accompany the application.’</p>	For clarity and accuracy and to meet Basic Condition 1
9	<p>Under the sub-heading “4.5 Affordable Housing”:</p> <p>9.1 In the first and second paragraphs update the references, and data if required) to the “Local Housing Profile” and “Housing Register”.</p> <p>9.2 Within the third paragraph, and also the second paragraph of Policy 1.5, replace “local plan” with ‘Local Plan’.</p> <p>9.3 Add to the third paragraph: ‘Exception Sites may be outside of the ‘development boundaries’ for Tilney All Saints and Tilney High End; these boundaries are shown at Appendix D and are derived from the Policies Map of the BCKLWN SADMP.’</p> <p>9.4 Within Policy 1.5:</p> <p>9.4.1 In the first sentence of the second paragraph replace “comprising” with ‘comprised’.</p> <p>9.4.2 In the third sentence of the second paragraph replace “have reasonable sustainable access to village services” with ‘well related to the development boundary of Tilney All Saints or Tilney High End’.</p> <p>9.4.3 Add after the third sentence of the second paragraph: ‘Affordable houses are to be retained as such in perpetuity.’</p> <p>9.4.4 In the fourth sentence of the second paragraph replace “priority” with ‘first’.</p> <p>9.4.5 Move the third paragraph to be a continuation of the first paragraph (since both relate to non-Exception Sites).</p>	For clarity and accuracy and to meet Basic Condition 1
10	<p>Under the sub-heading “5.1 Heritage Assets”:</p> <p>10.1 Move the first post-Policy paragraph to provide a preamble to Policy 2.1; within that paragraph alter the referencing of “Appendix C” to ‘Appendices B & C’.</p>	For clarity and to meet Basic Condition 1

	<p>10.2 Reword Policy 2.1 as follows: 'Development proposals that will impact on the following including their settings: a) designated heritage assets, as shown in Appendices B & C, or b) non-designated heritage assets as now identified in Appendix C; or c) archaeological remains ((including areas with potential for finds), should ensure that they are conserved in a manner appropriate to their significance. To achieve this, proposals must identify and address any adverse impacts the development may have, including on views to and from the asset, and any appropriate mitigation measures.'</p> <p>10.3 Add an additional paragraph to the post-Policy text as follows: 'Developers with concerns about how their development may affect the historic environment should contact Norfolk County Council Environment Service historic environment strategy and advice team directly for pre-application advice to identify archaeological implications. The historic environment strategy and advice team will continue to examine all planning applications and make recommendations to the local planning authority on archaeological mitigation if required.'</p>	
11	<p>Under the sub-heading "5.2 Flood Risk and Drainage": 11.1 Move the first post-Policy paragraph to provide a preamble to Policy 2.2.</p> <p>11.2 Reword Policy 2.2 as follows: 'Development proposals must be designed so as to manage flood risk effectively and not increase, and wherever possible reduce, the overall level of flood risk both to the site and elsewhere. Proposals designed specifically to improve surface water drainage, such as works to reinstate an effective drainage scheme, are encouraged.'</p> <p>11.3 Delete the second post-Policy paragraph.</p> <p>11.4 Amend the opening sentence of the third post-Policy paragraph to read: 'With regard to surface water flooding the expectation of the lead Local Flood Authority is that development will:'. 11.5 Delete the final sentence of the last paragraph.</p>	For clarity and accuracy and to meet Basic Condition 1
12	<p>Under the sub-heading "5.3 Natural Environment & Landscape": 12.1 In the first sentence of the second paragraph replace "entire" with 'vast majority' (I will address the matter of Appendix H later in this Report).</p> <p>12.2 Reword Policy 2.3 as follows: 'To protect the farming integrity of Tilney All Saints, development proposals on Grade 1 Agricultural Land should normally be limited to those that will contribute towards an agricultural benefit, such as provision of necessary agricultural dwellings for essential rural workers</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>or other types of development within the countryside that may be acceptable within the NPPF.'</p> <p>12.3 Delete the post-Policy paragraph.</p> <p>12.4 Within Policy 2.4:</p> <p>12.4.1 Amend the first sentence to read: 'Where appropriate, development proposals are encouraged to the deliver enhancement of ecological networks, especially where they improve habitat connectivity within the Neighbourhood Area.'</p> <p>12.4.2 Replace the last two sentences with one, as follows: 'Net gains in biodiversity should be achieved such as through the creation of high-quality habitats, improved connectivity to other habitats, and the inclusion of design features that enable animals, especially species in decline, to move between habitats unhindered.'</p>	
13	<p>Under the sub-heading "6.1 Community Assets":</p> <p>13.1 Add to the pre-amble paragraph under the sub-heading "6.1.1 Tilney All Saints Primary School" as follows: 'The site has sufficient capacity to accommodate further buildings to accommodate expansion and/or improvements.'</p> <p>13.2 Reword Policy 3.1 as follows: 'Development at Tilney All Saints Primary School of a permanent extra classroom and/or additional work space areas will be supported provided the development is sympathetically designed and appropriate to the needs of the School.'</p> <p>13.3 Delete the first sentence of the second paragraph post-Policy 3.2 and amend the second to read: 'The site of the present village hall has the capacity to accommodate extension or redevelopment in ways that are suitable to a rural location.'</p>	For clarity and to meet Basic Condition 1
14	<p>14.1 In the third paragraph replace the first sentence with: 'The Neighbourhood Plan designates three Local Green Spaces.'; amend the related map on page 26.</p> <p>14.2 Reword Policy 3.3 as follows: 'The following existing open spaces are designated as Local Green Spaces:</p> <ul style="list-style-type: none"> • Glebe Estate Playing Field; • The Willows; and • Medieval Settlement <p>These are shown in detail at Appendix H.</p> <p>Development proposals that harm the reason for their designation or undermine their openness and amenity value will not be acceptable unless in very special circumstances.</p> <p>All proposals relating to these or new open spaces should be designed to a high standard to fit with the character of the Parish and, where possible, to connect with other amenity land.'</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>14.3 Move and renumber appropriately the post-Policy content relating to Millennium Green, Allotment Land and the Eagles Golf Centre to sit in support of Policy 1.1.</p> <p>14.4 Delete Policies 3.4, 3.5 & 3.6 and renumber the remaining content relating to Glebe Estate Playing Field, the Willows and the Medieval Settlement.</p>	
15	<p>Move sub-section “6.3 Community Infrastructure Levy” to a new section toward the end of the Plan titled ‘Community Aspirational Policies’ to include “Community Policy 1: Community Infrastructure Levy”.</p>	<p>For clarity and to meet Basic Condition 1</p>
16	<p>16.1 Reword Policy 4.1, incorporating elements of Policy 4.3 as appropriate, as follows: ‘In order to support more sustainable travel choices development proposals are encouraged, on a scale appropriate to the proposal, to:</p> <ol style="list-style-type: none"> a) Provide the infrastructure for electric vehicle charging and other emerging technologies for transport; b) Demonstrate safe and sustainable transport connectivity, especially walking and/or cycling links to key local services and community facilities, particularly to the primary school, and to bus stops; c) Address and improve walking and cycling connectivity towards neighbouring villages, King’s Lynn, Wisbech and the countryside; d) Take all reasonable opportunities to promote the use of public transport, such as improving bus waiting facilities and improvements to bus services. <p>16.2 Delete Policy 4.3.</p>	<p>For clarity and accuracy and to meet Basic Condition 1</p>
17	<p>Reword Policy 4.2 as follows: ‘Residential development proposals are encouraged to include provision for a minimum of one off-road car parking space per bedroom. Where this standard cannot be met because of design or viability constraints, and where there is a potential for on-street parking to occur because of the needs of visitors, streets will need to be designed to safely accommodate some on-street parking, which may include parking facilities such as laybys. Well-designed on street parking schemes on through routes that function as informal traffic calming measures to help slow traffic will be supported.</p> <p>Proposals by existing householders to create additional off-road car parking spaces, where a planning consent is required, will be supported as long as it is not to the detriment of the environment or flood risk.’</p>	<p>For clarity and accuracy and to meet Basic Condition 1</p>
18	<p>Reword Policy 5.1 as follows: ‘New economic development within the development boundary that comprises a micro or small business, at a scale appropriate to the rural setting, is encouraged subject to it being demonstrated that the following have been assessed and appropriately addressed:</p> <ol style="list-style-type: none"> a) Design that is appropriate to the location; 	<p>For clarity and to meet Basic Condition 1</p>

	<p>b) Any adverse impact on residential amenity; c) Any adverse impact on the transport network; d) Accommodation of all related parking within its site, including for visitors; and e) Any other environmental impacts, including impacts on the historic environment.'</p>	
19	<p>Reword Policy 5.2 as follows: 'Development proposals should, on a scale appropriate to the proposal, incorporate infrastructure to accommodate the latest generation of broadband connectivity.'</p>	For clarity and to meet Basic Condition 1
20	<p>Under the sub-heading "8.3 Renewable Energy": 20.1 Replace the first sentence with: 'Renewable energy in the village context is currently limited to wind turbines, solar panels, air and ground source heating.' 20.2 Reword Policy 5.3 as follows: 'Development proposals for renewable energy, including any emerging technology thereof, are supported provided they are of a size and scale that does not detract from the rural or historic nature of Tilney All Saints.'</p>	For clarity and to meet Basic Condition 1
21	<p>At the heading "9.0 Implementation and Monitoring": 21.1 Remove "Implementation and" from the title. 21.2 Reword the final paragraph as follows: 'Tilney All Saints Parish Council will lead the monitoring of the Neighbourhood Plan. This will involve the coordinated input of the community and statutory agencies.'</p>	For clarity and accuracy
22	<p>At Appendix A alter the two titles and the key of the map to read: 'Tilney All Saints Neighbourhood Area'.</p>	For clarity and accuracy
23	<p>At Appendix B correct the title to 'Scheduled Monument' and amend the key to show 'Neighbourhood Area' boundary in place of "Parish Boundary".</p>	For clarity and accuracy
24	<p>At Appendix C: 24.1 Provide a numerical cross-reference between the map of the Listed Buildings and the illustrated schedule that follows; amend the map key to show 'Neighbourhood Area' boundary in place of "Parish Boundary". 24.2 For the section on Non-Designated Heritage Assets provide a schedule that lists and provides brief details (one or two sentences) setting down the significance of each asset, each titled to read across to the map; amend the map key to show 'Neighbourhood Area' boundary in place of "Parish Boundary".</p>	For clarity and accuracy
25	<p>At Appendix D: 25.1 Correct the title to 'Development Boundaries'.</p>	For clarity and accuracy

	<p>25.2 State on the map the BCKLWN Site Allocations and Development Management Policies Plan source of the defined boundaries and the identified housing allocation.</p> <p>25.3 Overlay the “Strategic Gap” that is the subject of Appendix E onto the Appendix D map.</p> <p>25.4 Delete Appendix E and renumber subsequent Appendices accordingly.</p>	
26	<p>At Appendix H (as now renumbered G):</p> <p>26.1 Correct the data mapping and declare the data source.</p> <p>26.2 Amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.</p>	For clarity and accuracy
27	<p>At Appendix I (as now renumbered H) replace the Local Green Spaces map with two at a larger scale (as supplied by BCKLWN) and amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.</p>	For clarity and accuracy
28	<p>At Appendix J (as now renumbered I) provide a source reference for the map data presented and amend the map key to show ‘Neighbourhood Area’ boundary in place of “Parish Boundary”.</p>	For clarity and accuracy