

Terrington St. John Neighbourhood Plan 2016 - 2036

**Report by Independent Examiner to The Borough
Council of King's Lynn & West Norfolk**

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CHEC Planning Ltd

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Summary and Conclusion

1. The Terrington Neighbourhood Plan has a clear vision for the Parish, which is supported by six objectives.
2. The Plan does not allocate specific sites within the Parish for new development, nor seek to accommodate a specific number of dwellings. Instead, the Plan has sought to define environmental and physical criteria against which applications for new housing development will be judged. The Village Development Boundary has been extended to provide the potential for some small-scale development to maintain the vitality of the village. The Plan supports rural exception sites adjacent to the Village Development Boundary for up to 15 dwellings to provide affordable housing, subject to a list of criteria.
3. I have recommended modifications to some of the policies in the Plan. My reasons with regard to all suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
4. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Terrington St. John Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Terrington St. John Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

5. On 16 February 2017 the Borough Council of King's Lynn and West Norfolk (BCKLWN) approved that the Terrington St. John Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the Parish of Terrington St. John.
6. The qualifying body is Terrington St. John Parish Council. The Plan has been prepared by a working group on behalf of the Parish Council. The Plan covers the period 2016 to 2036.
7. I was appointed as an independent Examiner for the Terrington St. John Neighbourhood Plan in April 2021. I confirm that I am independent from the Parish Council and BCKLWN. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

Legislative Background

8. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- the policies in the Plan 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 (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
9. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood 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 Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
10. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:
- Amendment to the Neighbourhood Planning (General) Regulations 2012.*
- 3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*
- (2) In Schedule 2 (Habitats), for paragraph 1 substitute:*
- “Neighbourhood development plans*

1. *In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”

11. Since 28 December 2018, A neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
12. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations, Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)

13. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
14. An initial screening report was prepared by BCKLWN in 2018. This indicated that a SEA was not necessary and this was confirmed by the statutory consultees. A further screening report was considered necessary and a screening opinion was prepared by BCKLWN in June 2020. It also concluded that a full SEA was not necessary and this was confirmed by the statutory consultees (although the Environment Agency was not in the position to give an opinion). The *Borough Council of King’s Lynn & West Norfolk screening report for the Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Terrington St. John Neighbourhood Plan* was issued in August 2020. It concluded that the Plan did not require a SEA.
15. Based on the Screening Report (August 2020) and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
16. As regards HRA, the Screening Report (August 2020) states that there are no International and European Protected Sites within the Parish Boundary and Neighbourhood Plan Area, or within close proximity. The Local Plan HRA concluded that proposed development would not have a significant affect and that an Appropriate Assessment was therefore not necessary. The Screening Opinion (June 2020) concluded that as the Neighbourhood

Plan is consistent with the Local Plan no Appropriate Assessment is required for the Neighbourhood Plan. This was confirmed by the statutory consultees (although the Environment Agency was not in the position to give an opinion). The Screening Report (August 2020) subsequently concluded that the Plan did not require a HRA.

17. Based on the Screening Report and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).
18. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

19. The *National Planning Policy Framework* (NPPF) (2019) sets out the Government's planning policies for England and how these are expected to be applied. The *Planning Practice Guidance* (2014) (PPG) provides Government guidance on planning policy.
20. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
 - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently,*

minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

21. The development plan for the Terrington St. John Neighbourhood Plan Area comprises The King's Lynn & West Norfolk Local Development Framework - Core Strategy adopted in July 2011 and the Site Allocations and Development Management Policies Plan (SADMP) Adopted in September 2016.
22. The strategic policies in the development plan include policies regarding housing provision the economy and community.
23. BCKLWN published a Local Plan Review for public consultation in March/April 2019. This covers the period to 2036.

The Neighbourhood Plan Preparation

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The initial consultation process began with a Parish Survey in the form of a questionnaire in May/June 2017. This was widely publicised and copies delivered to households. The views expressed informed the policies in the Plan.
26. The consultation period on the initial pre-submission draft of the Plan ran from 10 December 2018 to 8 February 2019. A publicity notice was circulated within the Parish. It was included in every copy of the Parish Magazine. An open presentation was held on 19 January 2019. Statutory bodies were consulted.
27. Following a Health Check the Plan was redrafted. A further consultation period on a revised pre-submission draft of the Plan ran from 24 August 2020 to 18 October 2020. Covid restrictions prevented there being an open presentation. The draft Plan was available on-line and in hard copy by request.
28. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. It is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts. In particular, I congratulate them on their ability to undertake the second consultation period and make changes to the Plan following this consultation, during the challenging pandemic restrictions.

29. BCKLWN publicised the submission Plan for comment during the publicity period 30 March 2021 and 18 May 2021 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of seven responses were received. I am satisfied that all these responses can be assessed without the need for a public hearing.
30. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions and other legal matters. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the BCKLWN web site.

The Terrington St. John Neighbourhood Plan

31. Background information is provided throughout the Plan and in the appendices. A clear vision for the Parish has been established and is supported by six objectives.
32. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as Parish Aspirations in this Plan) these have been clearly differentiated from policies for the development and use of land.
33. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.
34. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
35. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear

and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.

36. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
37. Paragraphs 3.2 and 3.3 refer to the allocation of a site in the SADMP for 40 dwellings on the north side of St John's Road in Tilney St Lawrence. This site is outside the neighbourhood plan area. Thus, paragraph 3.3 is not correct in stating that the neighbourhood plan can influence the type and form of development on that site. Therefore, paragraph 3.3 should be amended accordingly. **I see this as a minor editing matter.**
38. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

Policy 1: Extension to the Village Development Boundary

39. Paragraph 59 in the NPPF states: *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.* This is relevant to both Policy 1 and Policy 2.
40. Core Strategy Policy CS01 sets out a spatial strategy for the Borough. It seeks to strike a balance between protecting and enhancing the built and natural environment whilst facilitating sustainable growth in the most appropriate locations.
41. Core Strategy Policy CS02 identifies Terrington St. John along with St. John's Highway and Tilney St. Lawrence as a Joint Key Rural Service Centre. The strategy for these centres is to enable limited growth of a scale and nature appropriate to secure the sustainability of the settlements. Core Strategy Policy CS06 focuses new development in rural areas into the Key Rural Service Centres.
42. The Draft Local Plan Review continues to recognise this area as a Key Rural Service Centre. The Draft Local Plan identifies the need for a further 15 dwellings in Terrington St. John to 2036. Subsequent revisions of housing need have identified that there is no need for any additional dwellings in the neighbourhood plan area in this period.

43. There is no legal requirement to test the Neighbourhood Plan against emerging policy although PPG advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the neighbourhood plan is tested. The qualifying body and the local planning authority should aim to agree the relationship between policies in the emerging Neighbourhood Plan, the emerging Local Plan, and the adopted Development Plan, with appropriate regard to national policy and guidance.
44. The Neighbourhood Plan examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of the emerging Local Plan. It is not my role to determine whether the neighbourhood plan would be inconsistent with the adopted version of the emerging Local Plan if it were to be subject to future amendments to accommodate further growth.
45. This neighbourhood plan seeks to create some flexibility for the provision of future small-scale development, recognising the role of the village as part of a Key Rural Service Centre.
46. Policy 1 extends the established Village Development Boundary. This provides the potential for small scale development within the extended boundary.
47. The extended Village Development Boundary does not include the site allocated for housing development in the Local Plan. However, Policy 1 allows for development outside the Village Development Boundary if it accords with Local Plan policies.
48. I have visited the Parish and seen the character of the existing development and the rural setting of the village. I can see that there is a justified reasoning for the approach to prefer smaller developments, particularly based on the scale of the village and the emerging Local Plan housing requirement.
49. I consider the approach to housing development in the Plan contributes to the achievement of sustainable development and provides some flexibility should the emerging Local Plan in the future propose additional growth.
50. In the interest of precision, the title to Policy 1 should read 'Village Development Boundary'. The title to Map 4 should read 'Village Development Boundary' leaving the Legend to differentiate between the previous boundary and extensions. BCKLWN has requested that Map 4 is of a better quality. I agree that there needs to be a clearer indication of the precise limits of the boundary extensions.

51. Subject to the above modifications, Policy 1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy 1 meets the Basic Conditions.
52. On a matter of detail, the Legend for Map 4 indicates that the Parish Boundary is a broken pink line, but it is shown as a solid pink line on Map 4. **I see this as a minor editing matter.**
53. Map 3 has a Legend referring to flood zones, whereas it should be referring to the annotations with regard to sites submitted for potential development. The Parish Council, in response to the Regulation 16 representations has stated that the red edged sites should be '2016 call for sites' and the blue edged sites should be '2019 call for sites'.. **I see this as a minor editing matter.**
54. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the title to Policy 1 to read 'Village Development Boundary'.**
 - 2) the title to Map 4 to read 'Village Development Boundary'..**
 - 3) the quality of Map 4 be improved to clearly identify the precise limits of the Village Development Boundary extensions.**

Policy 2: Housing Mix

55. Core strategy Policy CS09 explains that proposals for new housing development must take appropriate account of need identified in the most up to date strategic housing market assessment with particular regard to size, type and tenure of dwellings.
56. Policy 2 seeks a mix of new dwelling types to reflect identified local need and preference, or latest information on housing need. The preference for smaller dwellings is supported by questionnaire responses.
57. The last sentence in Policy 2 refers to larger dwellings being acceptable 'where appropriate'. In the interest of precision, and to be in accordance with the objectives of Policy 2, I suggest that this reference is to larger dwellings being acceptable 'where they meet an identified need'. I have suggested revised wording.
58. Subject to the above modification, Policy 2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy 2 meets the Basic Conditions.
59. **Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy 2 to read as follows:**

Larger dwellings may be acceptable where they meet an identified need and proposals for custom-built houses will be supported.

Policy 3: Exception Sites for Affordable Housing

60. Paragraph 77 in the NPPF requires planning policies in rural areas to be responsive to local circumstances and support housing developments that reflect local needs. In addition, it supports opportunities to bring forward rural exception sites for affordable housing to meet identified local needs. Consideration should be given to whether some market housing on these sites would help facilitate this.
61. Core Strategy Policy CS09 seeks to maximise the delivery of affordable housing.
62. Policy 3 supports rural exception sites adjacent to the Village Development Boundary for up to 15 dwellings to provide affordable housing, subject to a list of criteria. As mentioned under Policy 1, I have visited the Parish and seen the character of the existing development and the rural setting of the village. I can see that there is a justified reasoning for the approach to prefer small developments for exception sites, particularly based on the scale and character of the village. I consider such approach will contribute to the achievement of sustainable development.
63. Policy 3 includes the possible provision of up to 25% market housing on exception sites. BCKLWN has raised concern with the restriction of this upper limit. Whilst not a strategic policy, the supporting text to SADMP Policy DM2 states that on exception sites consideration will be given to allowing a minor element of market housing if this would facilitate the provision of significant additional affordable housing to meet local needs identified by the Borough Council, and where it is shown such provision could not otherwise be made. In these circumstances, I see no reason to increase the percentage of market housing allowed in Policy 3.
64. Criterion a) refers to the 'settlement boundary'. As Policy 1 refers to the 'Village Development Boundary', I suggest criterion a) is amended accordingly. **I see this as a minor editing matter.**
65. Criterion d) refers to development not being intrusive in the countryside. In this flat fenland landscape, this would be very difficult to achieve. The Parish Council, in its response to the Regulation 16 comments has clarified the intention of criterion d) and has suggested revised wording to state that 'the development would not be prominent in views of the village across open countryside'. In the interest of precision, I suggest modifying criterion d) accordingly.

66. Criterion e) refers to development not being harmful to the living conditions of neighbours. The Parish Council, in its response to the Regulation 16 comments, has suggested the replacement of 'be harmful' with 'cause unacceptable harm'. In the interest of precision, I suggest modifying criterion e) accordingly.
67. Policy 3 includes criteria for the allocation of the affordable houses on exception sites to people with a local connection. BCKLWN has not raised concern regarding the priority for allocations. I requested to see the BCKLWN local connections housing policy which is in *Social housing allocations policy – Borough Council Kings Lynn and West Norfolk Guide to West Norfolk Homechoice (2020)*. This document outlines the definition of local connection and states that in some housing schemes in villages you must first meet the local connection criteria.
68. The BCKLWN Housing Strategy Team was consulted in the formulation of Policy 3 and has raised no objection to the local connection criteria. The local connections requirement ensures that regard is had to national policy where it seeks to ensure that policies in rural areas are responsive to local circumstances.
69. Subject to the above modifications, Policy 3 has regard to national policy, contributes towards sustainable development, particularly the social and environmental objectives and is in general conformity with strategic policy. Modified Policy 3 meets the Basic Conditions.
70. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy 3 to read as follows:**
- Small-scale development of up to 15 dwellings to provide affordable social rented or shared-ownership housing, to be retained as such in perpetuity, will be permitted on sites where development would not otherwise be permitted. Where it can be demonstrated to be necessary to deliver the development up to 25% of the dwellings, rounded down to the nearest dwelling, may be market housing. The development will be required to meet all the following criteria:**
- a) The site is adjacent to the Village Development Boundary;**
 - b) The need for the development has been clearly demonstrated by a local assessment of housing need;**
 - c) The development would be consistent with the form and character of the village in terms of both location and design**
 - d) The development would not be prominent in views of the village across open countryside;**

e) The development would not cause unacceptable harm to the living conditions of neighbouring residents.

Policy 4: Design

71. Paragraph 124 in the NPPF states: *the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*
72. Paragraph 125 in the NPPF states: *plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
73. The strategy for rural areas outlined in Core Strategy Policy CS06 includes maintaining local character and a high quality environment. Core Strategy Policy CS08 further emphasises that all new development should be of high quality design, which responds to the context and character of places.
74. Policy 4 sets out general parameters for the design of new developments. These include that the footprint does not occupy more than 50% of the site unless there is a clear design justification. Even though there is no detailed character assessment of the Parish, it is clear that there is a strong characteristic of dwellings situated in a spacious rural setting. In these circumstances, I am satisfied that the footprint stipulation in Policy 4 can be justified to ensure that new development is in keeping with the context and character of the area.
75. BCKLWN has raised concern regarding how to assess development proposals against Policy 4 when there is an undesirable adjacent character. In response, the Parish Council has suggested the inclusion of 'where appropriate' after 'properties and area' in the last sentence. In the interest of precision, I suggest that Policy 4 should be so modified to ensure that Policy 4 achieves a high quality of design.
76. Subject to the above modification, modified Policy 4 has regard to national policy, contributes towards sustainable development, particularly the

environmental objective and is in general conformity with strategic policy. Modified Policy 4 meets the Basic Conditions.

77. BCKLWN has questioned the definition of an ‘antique style tiled roof’ in paragraph 5.16. In response, the Parish Council has stated that this should read ‘pantiles’. **I see this as a minor editing matter.**
78. Paragraph 5.16 refers to the Parish Council Survey in Appendix 2b. However, there is no Appendix 2b accompanying the Plan. There is a separate Appendix 1 which includes a copy of the questionnaire and questionnaire results. If it is the intention to include this document as an Appendix to the Plan, it needs to be listed in the contents page and I assume that it would become Appendix 3. **I see this as a minor editing matter.**
79. **Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy 4 to read as follows:**
- The materials to be used in any new building, redevelopment or extension to a dwelling in the area should be carefully selected to blend in with adjacent properties and area where appropriate, to maintain the character of the village.**

Policy 5: Development of Shops, Workshops and Business Units

80. Paragraph 80 in the NPPF states: *planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*
81. The NPPF supports a prosperous rural economy. Paragraph 83 seeks the sustainable growth and expansion of businesses in rural areas.
82. Core Strategy Policy CS06 promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity in rural areas. Core Strategy Policy CS10 seeks to ensure that the local economy is developed sustainably.
83. Policy 5 supports the expansion of existing businesses and the establishment of new ones subject to a list of criteria. This approach seeks to support the rural economy in a sustainable way.
84. As new shops are specifically part of Policy 6, to avoid unnecessary repetition, I suggest that reference to the establishment of new shops is deleted from Policy 5. Subject to this modification, Policy 5 has regard to national policy, contributes towards sustainable development, particularly the

economic objective and is in general conformity with strategic policy. Modified Policy 5 meets the Basic Conditions.

85. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy 5 by the deletion of reference to the establishment of new shops.**

Policy 6: Village Services and Facilities

86. Paragraph 83 in the NPPF supports the retention and development of accessible local services and facilities in rural areas. Paragraph 92 seeks to guard against the unnecessary loss of local valued facilities and services.
87. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories known as Use Classes. From 1 September 2020, for the purposes of Use Class, Class A1 retail use becomes part of a new Use Class E unless a retail premises is 280 sqm or less, mostly selling essential goods, including food and at least 1km from another similar shop, where it will be within a new Use Class F (F2(a) for shops). A new Class F2 has been defined for local community uses.
88. Core Strategy Policy CS13 recognises the importance of community facilities and services to local communities.
89. Policy 6 seeks to resist the loss of existing facilities where planning permission is required. In addition, Policy 6 supports new shops and other village services where they meet the environmental criteria in Policy 5. From my reading of Policy 5, all the criteria are environmental criteria. The Parish Council has confirmed this. In the interest of precision, I suggest that the word 'environmental' is deleted from Policy 6.
90. In the interest of precision, I suggest that a map is included and referenced in Policy 6 so as to clearly identify the facilities to be protected from loss.
91. Subject to the above modifications, Policy 6 has regard to national policy, contributes towards sustainable development, particularly the economic and social objectives and is in general conformity with strategic policy. Modified Policy 6 meets the Basic Conditions.
92. There is a missing 'that' after demonstrated. **I see this as a minor editing matter.**
93. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) the inclusion of an Ordnance Survey base map identifying the facilities listed in paragraph 5.24 of the Plan.**
 - 2) modification to Policy 6 to read as follows:**

Policy 6 – Village Services and Facilities

Within the Village Development Boundary, proposals for new shops or other village services will be supported where they meet all the criteria in Policy 5.

Proposals for a change of use that would result in the loss of any of the facilities listed in paragraph 5.24 and shown on Map [XX] and the aerial photograph above will only be permitted if it has been clearly demonstrated that

- **There is insufficient demand to justify the retention of the facility or**
- **Equivalent or better provision has been made in a location where it can be easily accessed by the village.**

Development which would increase the sustainability of these facilities or the establishment of new facilities and would be consistent with other policies in the development plan will be supported.

The Historic Environment

94. Norfolk County Council has requested that the Plan includes historic environment policies. Whilst such policies can be appropriate in a neighbourhood plan, paragraph 7.2 in the Plan explains that there is no need to add to national policy regarding listed buildings and none of the policies in this particular plan are likely to have a material effect on these buildings.
95. My remit is to determine whether the Plan meets the Basic Conditions and other legal matters. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions are required. Thus, in this particular instance, I see no reason to recommend the inclusion of historic environment policies.

Referendum and the Terrington St. John Neighbourhood Plan Area

96. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or

- the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
97. **I am pleased to recommend that the Terrington St. John Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
98. I am required to consider whether or not the Referendum Area should extend beyond the Terrington St. John Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

99. The Plan is an exceptionally well-written document, which is easy to read. Where I have found errors, I have identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.

Janet Cheesley

Date 8 June 2021

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning (General) Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)
The Neighbourhood Planning Act (2017)
The Planning Practice Guidance (2014)
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
The King's Lynn & West Norfolk Local Development Framework – Core Strategy (July 2011)
The Site Allocations and Development Management Policies Plan (SADMP) (September 2016)
BCKLWN Local Plan Review 2019
Social housing allocations policy – Borough Council Kings Lynn and West Norfolk Guide to West Norfolk Homechoice (June 2020)
Regulation 16 representations
Parish Council response to Regulation 16 representations
All Supporting Documentation submitted with the Plan
Examination Correspondence (On the BCKLWN web site)