

Hunstanton Neighbourhood Plan Examination

14th June 2021

Dear Qualifying Body

Clarification Note from the Examiner to Hunstanton Town Council

Further to reviewing the Hunstanton Neighbourhood Plan and supporting information, I am contacting Hunstanton Town Council (as Qualifying Body) in respect of the matters set out below.

Neighbourhood Planning Independent Referral Service (NPIERS) Guidance¹
Paragraph 1.11.4 states that:

“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”

Therefore, I confirm that there is an opportunity for Hunstanton Town Council to respond to me in respect of the representations made during Regulation 16 consultation, should it wish to do so.

In addition to the above, I would also be grateful for any assistance Hunstanton Town Council can provide in respect of providing brief responses to the requests below. If in doing so, there is a need to refer to evidence relating to the Hunstanton Neighbourhood Plan, please note that this should only be evidence that is already publicly available. Thanks.

Policy J1 – Many forms of development are relatively small scale, they could for example, comprise advertisements, household extensions or changes of use of existing buildings. The requirements of Policy J1 either do not appear to be relevant to many forms of development; or appear onerous without apparent justification or evidence of deliverability (eg, *all development must enhance*). I note that designated sites are, by definition, already protected.

Notwithstanding the above, would it be reasonable to conclude that part of the overall intention of the Policy is to ensure that development in Hunstanton respects its surroundings ?

¹ NPIERS “Guidance to Service Users and Examiners.”

Policy J2 – NB, some of the above issues also apply to Policy J2, although the general aims of the Policy, re: protecting and enhancing biodiversity are noted. Please can you point me to evidence in support of the Policy, as the justification seems to refer to access and to the importance to residents of living next to the sea amongst other things, rather than to biodiversity ?

Policy J3 – Local Green Space designation is significant. It provides for development to be managed consistently with that of land in Green Belts. Consequently, it is essential that Local Green Space policy is clear.

Please can you provide a definitive list of each site that is proposed to be designated as Local Green Space ? Each individual site and its boundaries should be clearly identifiable on a plan/plans. (As set out, the Neighbourhood Plan appears vague in this regard).

Please can you point me to evidence to demonstrate that the owners of each proposed area of Local Green Space have been contacted in respect of the proposed designation of their land ?

There is an objection to the designation of Local Green Space at the south-eastern corner of the Neighbourhood Area, which states that the proposed designation falls short of meeting relevant criteria. Please could you comment in this regard ?

Policy J4 – Please can you point me to information in support of the screening of allotments; and also to the definition of what “*suitable screening*” comprises and who would be the arbiter of this ?

Policy J5 appears vague in respect of “*sufficient space*” and it is not clear why the Policy relates to 10 or more dwellings. Please could you point me to information that could provide clarity in respect of what is sufficient space and why the Policy sets the threshold that it does ?

Policy J6 – Most forms of lighting are not subject to planning controls. Please can you point me to any information in respect of the deliverability of the Policy ?

Policy J7 – The Policy and its title refer to “*separation*” and to the prevention of coalescence. However, the Policy is not a Local Green Space or access policy and consequently, the justification does not appear to relate to the Policy. Further, it is unclear why land that does not perform any separation function (for example, to the east and south of Hunstanton) is included on Map 6.

Noting the above, please can you point me to evidence in justification of the designation?

Policy K1 – Please can you point me to evidence in respect of the viability and deliverability of the Policy ?

Please can you point me to evidence that a requirement for housing development of four or more dwellings to provide affordable housing and (or) local needs for sheltered, supported and/or extra care housing, and a range of dwelling sizes has regard to national policy and is in general conformity with adopted local planning policy ?

Please can you point me to adopted local or national policy support for the prevention of the building of dwellings with five bedrooms unless there is evidence of need for *“a household with long standing residency in the town,”* why such evidence is relevant and appropriate, how long standing residency is defined and who would be the arbiter of need/*“long standing residency”* and on what basis ?

Please could you provide information in respect of how the Policy *“will ensure that there are reasonably sized houses available for holiday homes”* and how this works together with Policy K11, which seeks to prevent open market housing being built for anything other than use as a primary residence ?

As set out, it is difficult to understand how Policy K1 might meet the basic conditions and any clarity in this regard would be welcomed.

Policy K2 – Is the overall intent of the Policy to promote good design for all development, or just *“new housing development as well as alterations”* ?

It does not appear reasonable or even feasible for all new housing development to achieve the requirements set out. In the absence of evidence in respect of viability and deliverability, is it the general intent of the Policy to *encourage* development to meet the criteria set out, or is it an absolute requirement (which is how the Policy is set out) ?

Is *“blend in”* effectively the same as *“respect”* or is there another definition you could point me to ? I assume that it is not the intent of the Policy to support development that blends in with poor quality adjacent development (although that is how the Policy may be read) ?

Please can you point me to the justification for the Policy’s support for 3-storey housing throughout the Neighbourhood Area, and 4-storey housing in the town centre and are you satisfied that the Policy does not result in conflict in this regard ?

Permitted development rules allow for all sorts of extensions and for the increased height of dwellings. Please can you point me to the justification for *“If extra living space is needed it should be obtained by putting rooms in the roof..”*

Is there any relevant national or adopted local planning policy you could point me to in respect of a requirement to preserve views into and out of a Conservation Area ?
Is there any evidence you could point me to in respect of which specific views are to be preserved ?

Policy K3 – Please can you point me to evidence that would justify the significant conflict with national and adopted local planning policy of seeking to prevent development involving residential buildings that occupy more than 50% of their plots unless development comprises the replacement of a dwelling with a dwelling of no greater footprint ?

Please can you point me to information in respect of existing plot ratios across the Neighbourhood Area ?

It appears odd that the Neighbourhood Area would be subject to the onerous Policy requirements set out other than where designated heritage assets are impacted. Is it the intention of the Neighbourhood Plan to seek to very significantly afford higher levels of protection to non-heritage assets than to heritage assets ?

Policy K5 – Noting that major residential development applies to proposals for 10 or more dwellings, please can you point me to information in respect of what *“small groups”* would comprise in the context of the Policy ?

Policy K6 – Policy K3 attempts to protect garden land whilst Policy K6 actively supports the development of gardens. In this regard, the Neighbourhood Plan appears to lack the clarity required by basic conditions. Does the Neighbourhood Plan wish to promote the development of gardens and if so, please can you point me to information in justification of the approach ?

Please can you point me to a definition of *“infill plots”* – as set out, the phrase appears vague and open to wide interpretation.

Policy K7 – King’s Lynn and West Norfolk Council has expressed concerns in respect of the inflexibility of Policy K7 and effectively, its scope to prevent the Neighbourhood Plan from contributing to the achievement of sustainable development. Please could you provide a response or comment re: the Council’s representation ?

Policy K11 – preventing people from buying open market homes unless they can demonstrate it will be their principal residence is an exceptionally onerous requirement, requiring considerable justification.

Please can you point me to the justification/evidence base for the approach, for example, is there detailed information demonstrating that the approach will not harm the town's economy? Please can you also point me to national and adopted local planning policy that supports the approach set out? (In responding, please note that it is not a basic condition for Neighbourhood Plans to be tested against other Neighbourhood Plans).

Policy L1 – the Policy supports commercial development anywhere. Is that the intention of the Policy?

Policy L2 – Is there evidence you can point me to that might demonstrate that this is a deliverable Policy that can be controlled? What provision "*will be made*" (how many spaces/where?)

Policy L3 – what is an "*overly dense*" development according to NPPF (as referred to)?

Is it the intention of the Policy that guidance should have the same status as adopted land use planning policies? Which specific guidance?

Is it the intention of the Policy not to allow any residential development that is not "*associated with such premises.*" Please can you explain/point me to a definition of "*associated with*"?

Policy L4 – please can you point me to a definition of "*small scale*" / how a decision maker might judge this?

Policy L5 – please can you point me to information in respect of why such a requirement is relevant to/deliverable for all forms of development?

Please can you point me to deliverability/viability information in support of the Policy?

Planning application requirements are set nationally and by the Local Planning Authority – please can you point me to the justification for the additional planning

application requirement and on what basis the Neighbourhood Plan is able to introduce this ?

Policy L6 – Please could you comment on King’s Lynn and West Norfolk’s representation in respect of this Policy ?

The criteria of the Policy are vague and could be widely interpreted. Please could you point me to definitions or information that could provide a decision maker with an idea of how to respond to a development proposal ?

Policy M1 – please can you point me to a definition of “*significant impact*” / how this is to be interpreted ?

Please can you point me to information in respect of why all proposals for 10 or more dwellings must ensure the provision of any education, health or other services, as set out by the Policy and why the Policy is deliverable and viable in this regard. Is there any national or adopted local planning policy that supports the approach set out ?

Please can you point me to the relevant base information in respect of existing levels of education, health and other services, particularly evidence in respect of current and expected future demand and capacities ?

Policy M3 – Please can you point me to information in respect of the requirements in respect of demonstrating that any of the extremely wide and varied list of places on pages 50 and 51 are “*no longer necessary.*” Who would be the arbiter of this and on what basis ?

Please can you point me to the evidence that each individual facility listed currently comprises a community facility for users ?

Hunstanton Neighbourhood Plan – Independent Examination

Thank you.

I recognise that there are a lot of questions and as above, I note that I am happy to receive brief responses. Given the ongoing impacts of coronavirus, I am not setting a deadline for responses, albeit a response at the earliest appropriate opportunity will support the timely conclusion of the examination. Thanks.

Finally, please note that the above queries do not imply criticism of the Neighbourhood Plan. They are simply to help my understanding of the Neighbourhood Plan and to help support its examination against the basic conditions.

Thank you very much in advance for any information that you can provide.

Nigel McGurk

**Nigel McGurk BSc (Hons) MCD MBA MRTPI
Independent Examiner
Hunstanton Neighbourhood Plan**
