

Heacham Neighbourhood Development Plan

Examiner's Clarification Note

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and distinctive vision for the neighbourhood area. In particular it addresses a series of very distinctive issues which reflect both its character and coastal location.

The layout and presentation of the Plan is good. The various maps and photographs add to its depth and interest. The difference between the policies and the supporting text is very clear.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions. I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy 1

Is the policy necessary given that it essentially comments about the existing local plan allocations?

While the Parish Council agree Policy 1 essentially comments about the existing local plan allocations, the Policy also makes clear that the proposals for this development site will be supported where they meet the following planning policies contained within this Neighbourhood Plan.

It is also not certain that these allocations are going forward and any new application for the allocated site would have to be made by the current owners, or new ones.

In any event the reserved matters application should be influenced by the Heacham Neighbourhood Plan and, at the least, debated with reference to the NP at planning committee. Consequently Cheney Hill application on site 1, 69 houses, should certainly remain within the NP, and Site 2, 64 houses, should be open for negotiation.

While currently the Local Plan does not require Heacham to identify any site allocations, the Parish Council is continuing discussions with the owners of one of the possible development site allocations presented at a consultation day held in April 2019 which could provide the opportunity for a small development of relatively modest dwellings within the village.

Policy 2

I understand the Parish Council's concerns about the relationship between self-build housing and the community infrastructure levy. However, the fifth criterion reads as supporting text rather than as a policy. I am minded to recommend that it is relocated into the supporting text. Does the Parish Council have any comments on this proposition?

The Parish Council agree with the recommendation to relocate fifth criterion into the supporting text

Will the delivery of the ambitions of criterion 11 always be practicable? Should the criterion be designed to take account of the scale and nature and location of the proposed development?

Comment is noted and agreed. Parish Council propose that criterion 11 be amended to read

'Where practicable based on the scale, nature and location of the proposed development, access to local services and facilities in the village by walking and cycling should be provided via a safe and secure route.

Policy 3

Is the second part of the policy practicable?

The intention of this policy is to try to avoid the potential for small dwellings easily being 'knocked through' or with the capacity to be extended to create a larger one. The Parish Council will discuss this with the Borough Council Planning Department, including the option of restricting permitted development rights as a condition to prevent a garage becoming an annexe etc. without a separate planning application being needed.

Does the third part of the policy largely repeat the first part?

Agreed. Parish Council propose item 3 is deleted.

Policy 4

The purpose of the policy is self-evident.

However, would any proposal need to comply with all of the criteria? If so, might there be circumstances where a 50% increase of internal floor space would result in development which would conflict with the character of the property?

Point noted. Parish Council propose criteria 1 be amended to read

Respect the character of the original dwelling and neighbouring development, and does not increase the total internal floor space of the dwelling by more than 50%

Existing criteria 3 will be then be deleted.

Policy 5

Does the Parish Council have any comments on the representation from the Borough Council on the need for such a policy?

We have given a lot of consideration to the representation from the Borough Council on this policy.

We understand their concern that inclusion of this policy may, potentially, put pressure on the prices of unconstrained occupancy second hand properties. However, while we realise that that average sale prices can fluctuate significantly over short periods of time, prices of properties in Heacham have risen continuously over the past three years, and at the time of this response, are 26% up on the 2018 peak.

Given that Rightmove report that in the past year semi-detached properties sold for an average of £229,104, and terraced properties fetching £225,500, this provides evidence that properties in Heacham are already far out of the reach of younger, local people on average wages. It is difficult to prove, but anecdotal evidence from local people is that many recent sales in the village have been to second/holiday home owners.

Their second point that there is some, limited, evidence that this type of policy could reduce the appetite of developers to operate in the area due to the uncertainty caused. Our response to this is as follows:

Section 2 of the NPPF sets out the objectives which need to be pursued in order to meet the stated purpose of Achieving Sustainable development. Paragraph 8(b) sets out one of these objective

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

It is our view that if developers are not confident of their ability to sell the properties as principal residences, then the development will do very little to support the requirements of this objective. In reality building more properties for sale on the open market in this area will do little to ease issues faced by our younger residents.

The Borough Council has adopted a principle residence clause in a recent application of theirs own, for flats, in Hunstanton. This was not a special site but, originally, open market. Consequently, the Borough Council recognises the desire of local residents for such restrictions and the method by which it can be achieved.

In addition, made, and emerging Neighbourhood Plans of neighbouring Parishes have principal residency, or similar, conditions within them, eg Snettisham, Sedgeford,

Hunstanton, Holme-next-the-sea. Consequently, not adopting such a policy would automatically increase the risk of Heacham becoming a centre for second homes.

Broadland Housing, in their representation, point to Section 8.48 of the Heacham Neighbourhood Plan, commenting that 'Paragraph 8.48, recognises that there is an existing affordable housing need in Heacham for 98 dwellings'. The figure quoted is correct, however it is taken from BCKLWN Housing Register from July 2017, and refers to the demand for social housing in the village. Current development proposals do little, if anything, to address this demand.

Policy 6

In general terms this is a well-considered policy.

Given that it is intended to have a universal effect I am minded to recommend that it is applied proportionately to the scale, nature and location of development proposals. Does the Parish Council have any comments on this proposition?

Agreed. Parish Council propose the opening paragraph of this Policy be amended to read:

Proposals will be supported where they meet overarching national and local planning policies, and, proportionately to the scale, nature and location of development proposals. where they meet the following principles:

In criteria 12 and 18 what is the Parish Council's justification for the proposed threshold of eight dwellings?

The Neighbourhood Planning Group have considered, and looked for, the rationale for including this. While they can find no evidence, from memory including a threshold criterion of 8 dwellings was at the suggestion of the Borough Planning Officer we were dealing with early in the process.

As the NPPF Annex 2: Glossary defines a major development as: 'For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more, the Parish Council proposed to amend the threshold in criteria 12 and 18 to 10 dwellings.

Policy 9

Plainly this policy addresses an important local issue. However, does the proposed policy add any distinctive local value to the Borough-wide approach/policy on this matter?

Noted. Confirm this doesn't add any local value, but included to evidence that the Parish Council support the Borough-wide approach/policy.

However, in relation to criterion 4, the Parish Council believe it is important that the Heacham Neighbourhood Plan requires this. Currently, reducing energy usage, is often given as an option by the Borough Council, however, it is possible this might tighten up as their Climate Change Policy emerges.

Policy 11

To what extent does the Parish Council consider that the policy is in general conformity with Policy CS10 of the Core Strategy and follows the approach in Policy DM11 of the Site Allocations and Development Management Policies Plan?

Policy CS10 of the Core Strategy states that smaller scale tourism opportunities will be supported in rural areas to sustain the local economy, providing these are in sustainable locations and are not detrimental to our valuable natural environment.

It is our view that Policy 11 of the Neighbourhood Plan is in general conformity with Policy CS10. One of the key intentions of Policy 11 of the Neighbourhood Plan, to address concerns identified from the Heacham Residents Questionnaire and consultation events, is to minimise the physical and visual impact on the village, and views from the Area of Natural Beauty and to retain the existing peaceful and quiet nature of Heacham's holiday area. Further there is strong concern from our residents that infrastructure constraints, not least roads and access to the village, limit further large-scale holiday development in the village.

Policy DM11 of the SADMP states that:

- Permanent holiday sites can have a significant impact on the landscape and are vulnerable to the effects of flooding, and are most prevalent in coastal settlements of Hunstanton, Heacham and Snettisham, which are largely within the Coastal Hazard Zone.
- A controlled approach to new development is particularly desirable within the northern coastal area of the Borough, part of which is designated as the Norfolk Coast Area of Outstanding Natural Beauty (AONB) and within Sites of Special Scientific Interest (SSSIs). There is already a high quantity of varied tourist accommodation available, and it is preferable to protect this source of accommodation rather than construct new holiday sites in the countryside, particularly within the AONB.
- In order that touring and permanent holiday sites do not have a significant adverse impact on the landscape, it is proposed that new sites and extensions to and intensification of existing sites will not normally be permitted within the Norfolk Coast AONB, SSSIs and the flood Hazard Zones.'

As the Policy DM11 clearly states, many areas of Heacham lie within the Coastal Hazard Zone and applications have already been submitted by sites in the flood zone, to allow 'breathing out'. This is to extend sites to accommodate the same number of larger caravans.

Therefore the Parish Council consider that the Policy of not supporting new sites and extensions, or intensification of existing sites conforms to Policy DM11. They further accept

that the phrase, 'existing defined holiday areas' is important and emphasises the need to define those areas as they currently exist, and will add a map to the Neighbourhood Plan to detail these.

Did the Parish Council consider identifying the 'existing defined holiday areas'?

See above, a map will be added to the Neighbourhood Plan that details the existing defined holiday areas.

Does the Parish Council have any comments on the potential alternative approaches to this matter as suggested by the various operators?

The Parish Council have fully supported the aims and objectives of the Ken Hill Estates rewilding project and its significance in environmental terms. They also understand their reasons for wishing to extend to provide holiday accommodation to enable visitors to stay longer and experience and learn from the project, and fulfil its potential.

They also are cognisant of the recommendation in the Neighbourhood Plan health check in paragraph 101, that the wording in Policy 11 'will not be supported' should be replaced with 'development proposals will be supported unless' (include a list of criteria).

However, the Parish Council, and residents are concerned that if the policy is amended as proposed, there is a risk that this will be used as justification by others to develop, extend or intensify holiday accommodation in other parts of the village. Indeed as stated in our earlier comments on this policy applications have already been submitted by sites, in the flood zone, to allow 'breathing out'.

In their consultation responses relating to this Policy, existing holiday site owners have commented that 'holiday areas should not be tightly drawn to existing holiday park boundaries, but should instead allow for the sensitive expansion of all holiday parks seeking to 'breathe out' so that they may accommodate the larger caravans now expected by holidaymakers without losing the overall permitted number of caravans'.

The Parish Council are concerned that by allowing the expansion of sites to expand to accommodate the larger caravans without a reduction in the total number, is effectively expansion and intensification of these sites. It is their view that the permitted number of caravans allowed by licencing is a maximum and if larger units are required then the number of units should be reduced accordingly.

The RSPB, in their consultation response supported the view that applications for further holiday accommodation beyond existing defined holiday areas should not be supported. They express their concerns over the potential negative impact of increased footfall to the beach and coastal areas and the resulting potential adverse impact on species of beach nesting birds (in particular, ringed plover and oystercatcher) which have lost breeding grounds along the Norfolk coast.

Policy 15 – Dark skies

While the Examiner did not ask for clarification on this Policy, in response to issues raised by residents, the Parish Council are proposing a minor amendment to this Policy to do with flood lighting at the football pitch and tennis courts

Policy 16

I saw the importance of the community facilities in the neighbourhood area during the visit. The facilities are clearly defined in the policy and in Figure 12.

The approach in the Plan properly takes account of viability issues and the potential for replacement facilities to come forward in the Plan period.

Policy 17

Paragraph 13.3 provides a backcloth to the development of the policy. I saw the potential need for such an approach between Heacham and Hunstanton and for the break between the various elements of built development in Heacham itself.

In this context has the Plan identified the smallest areas required to fulfil the intentions of the policy? In particular does the Parish Council have any comments on the representation from landowners (in the representation ID:9) about the identified red and green areas and the accuracy of paragraph 13.7 of the Plan?

The Parish Council are not seeking to define the smallest area they can accept as a break but rather are seeking to maintain what currently exists. The break between Hunstanton and Heacham is already minimal and we have to protect what remains our side.

Break between Heacham and Hunstanton

Representation from Avison Young is correct in that some of the land identified in the proposed settlement break is not agricultural land or privately owned woodland, and in fact has holiday accommodation already located within it. However, the Parish Council would propose that rather than change the proposed settlement area we amend the wording of para 13.9 to make it clear that in order to:

- prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment
(in line with the NPPF para 134)

there will be a presumption against new developments, or extensions, or intensification of existing sites that have an adverse impact on the existing physical local gaps between Heacham and Hunstanton and Heacham and its neighbouring Parishes.

Propose amend wording of Policy 17 to read

Proposals for new developments, or extensions or intensification of existing sites, in the defined separation zones identified on map will only be supported where they will not harm the landscape setting and distinct identity of Heacham and will not

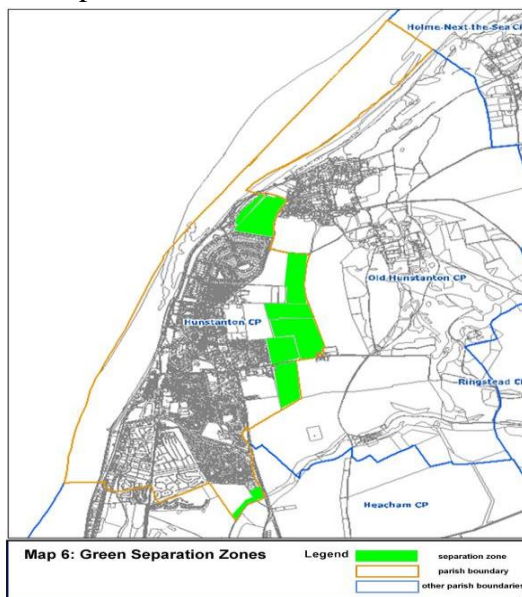
undermine the visual separation of Heacham from Hunstanton or the views or settings of the AONB. Any development should not result in the coalescence of Heacham with Hunstanton

With regard to the accuracy of paragraph 13.7 of the plan, the Parish Council have reviewed the current version of the Hunstanton Neighbourhood Plan. The representation is correct that in this version Hunstanton have identified a small area of land immediately adjacent to the Parish boundary of Heacham, by the new Butterfield Meadows development. The Parish Council therefore suggest paragraphs 13.6 and 13.7 are amended to read:

13.6 Responses to the Residents Questionnaire also showed strong concerns about the Hopkins Homes development at Butterfield Meadow on the outskirts Hunstanton, which is beginning to encroach on the open spaces which currently provide a natural gap between the two settlements. The draft Hunstanton Neighbourhood Plan, which is currently out for consultation, specifies that;

In order to maintain a separation between the town and the settlements of Heacham and Old Hunstanton, open green separation spaces, within the landscape as shown on the map 6 should be maintained

Map 6



13.7 Heacham Parish Council fully support this policy

The potential need for Settlement Break to the south of the village is less clear. Please can the Parish Council explain its thinking for this part of the neighbourhood area?

To the south of the village the break between Heacham and Snettisham is defined by open fields belonging to Ken Hill toward Snettisham, and other owners towards Heacham and adjacent to the Lidl's store.

These fields are overlooked by the AoNB on the other side of the A149 and by the village viewpoint from the Chalk Pit. The fields form a visual boundary to the village which has to be turned into, accessed, to the left at Lamsey Lane or the Lavender lights, or to the right just beyond them. Development in or adjacent to any of these fields would adversely impact the defined village and the sense of place that it has. The countryside which it sits in would be denigrated rather like it has on the approach to Hunstanton with the Hopkins Homes site.

Therefore the settlement break to the south of the village is intended to ensure that any proposals for new developments, or extensions or intensification of existing sites, in this part of the neighbourhood area will not harm the landscape setting and distinct identity of Heacham and will not undermine the views or settings of the AONB.

Policy 19

Is the first part of the policy necessary as it simply expresses support for an existing local plan policy?

To what extent do the second and third parts of the policy add any distinctive value to existing local policies?

Noted, but the Borough Council, in their representation to S16 consultation, welcomed the inclusion of the first paragraph, so the Parish Council are inclined to retain it.

However, given the Borough are of the same view in relation to the second and third parts of the policy the Parish Council can be persuaded to delete these.

Representations

Does the Parish Council have any comments on the various representations made to the Plan?

In particular does it have any additional comments (beyond those already raised on a policy-by-policy basis in this note) on the representations made by:

- Broadland Housing Association;

Broadland Housing Association has options on land between the A149 and School Road. They have lost two appeals to build there the last being ruled on 5 years ago.

- Borough Council of King’s Lynn and West Norfolk;

The Parish Council will discuss issues raised with the Borough Council

- Wild Ken Hill (Rural Solutions);

Representations from Wild Ken Hill have been covered in those raised in the policy-by-policy basis in this note

- Searles Camping Ground Limited (Avison Young);

Representations from Avison Young (Searles Camping) have been covered in those raised in the policy-by-policy basis in this note

and

- RSPB

Protocol for responses

I would be grateful for comments from the Parish Council by 9 July 2021. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from the Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

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Independent Examiner

Heacham Neighbourhood Development Plan

17 June 2021