

Heacham Neighbourhood Development Plan 2017-2036

**A report to the Borough Council of King's Lynn and
West Norfolk on the Heacham Neighbourhood
Development Plan**

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Executive Summary

- 1 I was appointed by the Borough Council of King's Lynn and West Norfolk in March 2021 to carry out the independent examination of the Heacham Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 15 June 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its historic character and ensuring that the village retains its separate identity.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Heacham Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
17 September 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Heacham Neighbourhood Development Plan 2017-2036 (the 'Plan').
- 1.2 The Plan has been submitted to the Borough Council of King's Lynn and West Norfolk (BCKLWN) by Heacham Parish Council (HPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 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 embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a series of environmental and community issues and proposes a series of settlement breaks.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BCKLWN, with the consent of HPC, to conduct the examination of the Plan and to prepare this report. I am independent of both KLWNBC and HPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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
 - the 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

- 3.1 In undertaking this examination, I have considered the following documents:
- the submitted Plan and its Appendices A-D;
 - the Basic Conditions Statement;
 - the Consultation Statement;
 - the SEA and HRA report;
 - the Parish Council's responses to the two clarification notes;
 - the representations made to the Plan;
 - the adopted King's Lynn and West Norfolk Core Strategy 2011;
 - the adopted King's Lynn and West Norfolk Sites Allocations and Development Management Policies Plan 2016;
 - the National Planning Policy Framework 2021;
 - Planning Practice Guidance (March 2014 and subsequent updates); and
 - relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 15 June 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised BCKLWN of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (November to December 2019).
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:

Public Event 1 - October 2017: This event was the start of a comprehensive engagement process and aimed to enable residents to improve their knowledge and understanding of the plan-making process by providing useful information about the process and how they could get involved.

Public Event 2 - July 2018: Representatives from local businesses, organisations and the general public were invited to a second consultation event in the village hall.

November 2018 - Residents Questionnaire: A questionnaire was posted to all households and other interested parties in the village to build on information about the village and the key issues that are important to residents. 2745 questionnaires were distributed, and 518 completed forms were returned.

Public Event 3 – April 2019: This event was organised to seek the community's views on emerging Plan policies and on potential housing allocation sites.

Public Events 4 and 5 - November 2019: Consultation events on the draft Neighbourhood Plan. Prior to these events a leaflet summarising some of the main points of the plan, and providing information about where people could see a copy of the full plan and where to send their comments, was distributed to all households in the village.

Throughout the wider Plan preparation process the public were kept advised on matters by articles in the Heacham Newsletter, posters and the dedicated neighbourhood plan website.

- 4.4 The Statement also provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.7 Consultation on the submitted plan was undertaken by BCKLWN that ended on 1 June 2021. This exercise generated comments from a range of organisations and private individuals as follows:
- Broadland Housing Association
 - KLWNBC
 - Historic England
 - Ken Hill Estates
 - Searles (Camping Ground) Limited, Heacham Holiday Parks Limited and M.T. McDonnell & Company
 - RSPB East of England
 - Natural England
 - Norfolk County Council
 - Highways England
 - Marine Management Organisation
 - National Grid
 - Norfolk Gardens Trust
 - Water Management Alliance
- 4.8 Where it is appropriate to do so I make specific references to some representations in the detailed sections of this report

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Heacham. Its population in 2011 was 4750 persons. It was designated as a neighbourhood area on 19 May 2017. The parish is both a coastal and a largely rural area of just under eighteen square kilometres in West Norfolk overlooking The Wash. It lies between King's Lynn (14 miles to the south), and Hunstanton, (about 3 miles to the north). The part of the neighbourhood area to the east of the A149 is within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).
- 5.2 The village of Heacham dominates the neighbourhood area. It is an attractive nucleated village based on Lynn Road, Station Road High Street and Lamsey Lane/Cheney Hill/Staithe Road. Its historic core is based around the River Heacham and St Mary the Virgin Church in the north of the village. It is a designated conservation area. There are a series of retail and commercial uses in Lynn Road, Station Road and High Street. The western part of the village is dominated by caravans and other holiday related accommodation.
- 5.3 The remainder of the neighbourhood area is predominantly rural in character. As the Plan comments Heacham is situated on an outcrop of rolling lowland chalk and limestone (known locally as the Heacham Lowlands), which is surrounded by pockets of soft sandstone, with peat/gleyed soils further to the west adjacent to The Wash. The relatively narrow course of Heacham River flows through the area, and drainage ditches delineate several field boundaries. Immediately to the north of Heacham, arable farmland is the predominant land use incorporating a large-scale field pattern. Heacham Manor Golf Club is also located in this part of the neighbourhood area. The part of the neighbourhood area to the east of the A149 is mainly in agricultural use. It incorporates Norfolk Lavender which is an important tourist attraction in its own right.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the adopted King's Lynn and West Norfolk Core Strategy 2011 and adopted King's Lynn and West Norfolk Sites Allocations and Development Management Policies Plan 2016. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period.
- 5.5 Policies CS02 and CS06 of the Core Strategy provides a focus for new development in the neighbourhood area. Heacham is identified as a Key Rural Service Centre (CS02) where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported. Policy CS06 continues this approach based on the settlement hierarchy identified in CS02. In respect of key rural service centres, it comments that an overall provision will be made for at least 2880 new homes within or adjacent to the identified service centres.

5.6 The Site Allocation and Development Management Policies Plan 2016 (SADMP) gives effect to and complements the Core Strategy. As its name suggest it allocates land to meet the development requirements identified in the Core Strategy. In Heacham two sites are allocated (G47.1 and G47.2). In addition, it includes a series of development management policies. The following policies in the SADMP are particularly relevant to the submitted Plan:

- DM2 Development boundaries
- DM9 Community Facilities
- DM11 Touring and Permanent Holiday Sites
- DM15 Environment, Design and Amenity
- DM22 Protection of Local Open Space

5.7 The Borough Council has embarked on the preparation of a new Local Plan. Consultation on the pre-submission Plan began in August 2021 during the examination of the neighbourhood plan. The Local Development Scheme anticipates that the Plan will be adopted by 2023. On this basis it is not at a sufficiently advanced stage to play any significant role in the examination of the submitted neighbourhood plan.

5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

5.9 I visited the neighbourhood area on 15 June 2021. I drove into the neighbourhood area from King's Lynn along the attractive A149. This gave me an initial impression of its setting and the character in general, and its relationship to the Norfolk Coast AONB in particular. I also saw the popularity of the Lidl store on the main road as I approached the village.

5.10 I looked initially at the Norfolk Lavender complex. I saw its popularity to both visitors and local residents alike. I saw the happy blend of the garden centre, the display of lavender, the local produce shop and the indoor/outdoor café and restaurant area. I also saw the sensitive use of the traditional buildings on the site. I enjoyed a piece of lavender cake and a cup of coffee after my journey.

5.11 I then drove into the village centre. I saw that it had two separate parts – the area at the junction of Station Road and High Street (including the Tesco Express store) and the concentration of the shops at the junction of Station Road and High Street. I saw the variety and vibrance of the shop units and the mix of both national and local retailers. In High Street/Pound Lane I saw the site of the exciting emerging Village Hall/Community Centre project. Throughout the visit I saw a range of buildings which

had made use of the traditional local Carstone. I also saw several modern buildings which had successfully used this vernacular building material in parts of their design. This attention to detail and the use of materials contributes significantly to the attractiveness of the village. I saw the splendid mixed use of both brick and Carstone in High House on Station Road.

- 5.12 I walked to the seafront. In doing so I saw the West Norfolk Public House and the buildings on the former railway station site. Its heritage has been very successfully maintained and translated into a tourism context. I saw the character of the village change from a traditional village to one dominated by caravans and mobile homes. I took the opportunity to walk along the seafront to the north up to Hunstanton south beach. In doing so I saw the variety of houses and chalets to the immediate east of the sea wall. I walked back to Heacham along the flood defence bund to the immediate east of the houses and chalets. From this location (and height) I was able to see the land to the east in general, and that proposed to be a settlement break in the submitted Plan.
- 5.13 I then walked to the south of the village along South Beach footpath to see the equivalent proposed settlement break. I saw that it was a more informal footpath than the paved route to the north.
- 5.14 I walked back into the village centre along Hunstanton Road. I immediately appreciated its historic significance. I was rewarded with an opportunity to see the initial terrace of properties in the Road, Turret House, St Mary's Church and the attractive composition of buildings opposite the Church. Whilst this part of the village has a relationship with the more modern part of the village its role as its historic core was self-evident.
- 5.15 I then drove to the north to the built-up area around Heacham Manor and Heacham Hall. I saw that this part of the neighbourhood area also had its own distinctive character. I drove into the Heacham Manor Hotel complex and saw the attractive mix of its hotel/ leisure/business and spa facilities. I also saw the way in which this part of the neighbourhood area related to the proposed settlement breaks proposed in the Plan. I also looked at Hall Close. I saw the interesting mixture of residential properties and industrial units.
- 5.16 I finished my visit by driving to Hunstanton so that I could understand the relationship between the two settlements. This part of the visit also helped me to understand further the wider landscape setting in which the neighbourhood area is located.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 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. To comply with 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 development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. The approach in the submitted Basic Conditions Statement is based on the 2019 version of the NPPF and which was in force when the Plan was submitted. Where necessary I make specific comments in Section 7 of the report where there are differences between the two versions of the NPPF.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Heacham Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy and the Site Allocation and Development Management Policies Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available 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 sets out a positive vision for the future of the neighbourhood area within the context of its role in the local settlement hierarchy. In particular it includes a series of policies on the scale and nature of new development. It proposes settlement breaks to the north and south of the village and a specific policy for holiday accommodation. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing development (Policies 1 and 2) and for employment-related development (Policies 9/10/11). In the social role, it includes a policy on housing mix (Policy 3), on a principal residency requirement (Policy 5), on community facilities (Policy 16) and on cycleways (Policy 22). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It includes specific policies on design (Policy 6), open spaces (Policy 12), dark skies (Policy 15), settlement breaks (Policy 17) and flood risk (Policy 19). HPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the wider Borough in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BCKLWN undertook a screening exercise (February 2020) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is very thorough and well-constructed. It includes the responses received from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening exercise included a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such Appropriate Assessment is not required.
- 6.17 The HRA report is equally thorough and comprehensive. In particular it assesses the likely impact of the Plan and its policies on the following protected sites:
- The Wash and North Norfolk Coast SAC;
 - The Wash SPA;
 - The Wash Ramsar site;
 - The Wash SSSI; and
 - Heacham Brick Pit SSSI.

The format and details of the HRA report provide assurance to all concerned that the submitted Plan has taken appropriate account of important ecological and biodiversity matters.

- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and HPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-7)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 Section 1 provides a very effective introduction to the Plan and comments about the neighbourhood planning process. It helpfully identifies the Plan period and includes a very clear map showing the neighbourhood area. It comments about the strategic planning context in the Borough and how the submitted Plan fits into this wider approach. It comments about the work which has been undertaken so far and the next steps in the process.
- 7.10 Section 2 comments about the neighbourhood area. It does so in a proportionate and helpful fashion. It includes details on its location, its landscape, its heritage and current issues which the Plan has sought to address.

- 7.11 Section 3 comments about the way in which the local community has been involved in the preparation of the Plan. It helpfully overlaps with the submitted Consultation Statement.
- 7.12 Section 4 summarises the feedback received to the residents' questionnaire in 2017.
- 7.13 Section 5 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how they were developed. Its key strength is the way in which the eight objectives directly stem from the Vision.
- 7.14 Section 6 of the Plan sets out a spatial plan for the neighbourhood area. It is helpfully summarised in paragraph 6.4 as follows:

'The Heacham Neighbourhood Plan will take a more positive approach to any required development where it brings forward a balance of housing and employment to ensure the village remains an attractive and vibrant place to live and work. This approach will mean that proposals can be supported to secure development that improves the economic, social and environmental conditions for the whole parish'

- 7.15 Section 7 lists the policies which follow in the main body of the Plan.
- 7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy 1: Development of two sites allocated at Cheney Hill

- 7.17 This policy reflects the timing of the development of the Plan. The supporting text comments about the way in which BCKLWN is approaching the wider matter of housing need in the Borough based on the basis of national advice on this matter.
- 7.18 The SADMP allocates two sites for housing development in the neighbourhood area. The first (G47.1) is for a minimum of 60 dwellings at Cheney Hill. The second (G47.2) is for a minimum of six dwellings on land to the south of St Mary's Close. The Plan comments that the policy has been included to seek to influence the outcome of the reserved matters application at Cheney Hill.
- 7.19 I sought advice from HPC in the clarification note on the extent to which the policy was needed given that the two sites are already allocated for residential development. In its response HPC commented that:

'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 neighbourhood plan at planning committee'

- 7.20 I can see that the policy addresses genuine concerns raised by local residents during the development of the Plan. However, on balance, I recommend that the policy is

deleted from the Plan. Its ambition that future reserved matters applications should take account of the contents of the neighbourhood plan would naturally be achieved by the making of the Plan. At that point it would become part of the development plan and its policies would need to be considered by BCKLWN in its decisions on all planning applications in the parish.

- 7.21 I recommend consequential modifications to the supporting text so that the Plan sets out details about this important process matter.

Delete the policy.

In paragraph 8.34 replace the final sentence with: 'The making of the neighbourhood plan will ensure that its policies will be used by the Borough Council in the determination of any future reserved matters applications'

Policy 2: Small scale (windfall and infill) development

- 7.22 This policy sets a positive context for the development of small-scale residential development within the development boundary. It is a criteria-based policy. The criteria are a mixture of general and locally-distinctive matters.
- 7.23 In general terms I am satisfied that the policy meets the basic conditions. However, its format is complicated. In particular it is only part way into the policy that it becomes clear that it applies only within the existing development boundary. In addition, it includes several unnecessary references to other policies either in the submitted plan or the wider development plan. I recommend modifications to remedy these matters.
- 7.24 The policy includes a reference to self-build housing. It is well-constricted. However, it is mainly a process-related matter. I recommend that it is repositioned into the supporting text. This approach was agreed by HPC in its response to the clarification note.
- 7.25 The range of criteria are well-chosen. However, they will not necessarily apply to all proposals. I recommend a modification to address this issue. I also recommend that criterion 11 is modified to reflect the practicability of achieving the connections anticipated.
- 7.26 Finally I recommend detailed modifications to some of the other criteria so that they naturally flow from the opening part of the policy.

Replace the opening element of the policy with: 'Proposals for infill residential development within the development boundary of Heacham village will be supported on their merits taking account of the scale of the proposal in relation to the size and location of the proposed site, the character of the immediate area, the size of the village as a whole and any current and recent infill proposals in the immediate locality. In particular development proposals should comply with the following criteria insofar as they are relevant to the site concerned:'

Treat the various criteria (points 5 to 13) as bullet points rather than numbered points.

Delete criteria 5 and 6.

Replace criterion 11 with: ‘Where practicable based on the scale, nature and location of the proposed development, provide access to local services and facilities in the village by walking and cycling via a safe and secure route.’

In criteria 12 and 13 delete the initial ‘That’

At the end of paragraph 8.41 add the deleted fifth criterion of the policy.

Policy 3 Housing Mix

- 7.27 This policy is included in the Plan as a result of HPC’s assessment of the extensive information contained in the supporting text (paragraphs 8.46 to 8.54). Its first part requires that all new development proposals demonstrate how their housing mix reflects the identified need for two and three-bedroom dwellings for family occupation, that are affordable to people on average local wages, help address the needs of the community in order to encourage younger people and families to remain in, or move to the area. The second part comments that where smaller dwellings are provided their layout should aim to limit the potential for large extensions or the amalgamation of dwellings which would erode the supply of smaller dwellings.
- 7.28 The purpose of the policy is self-evident. Nevertheless, the approach in the second part of the policy is impractical in general terms and it would be difficult to pursue in the future as individual families and/or occupiers either take advantage of permit development rights or submit planning applications to adapt the houses concerned to meet their specific needs. As such I recommend that it is deleted.
- 7.29 I also recommend modifications to the first, third and fourth parts of the policy so that they have the clarity required by the NPPF. In the case of the first part of the policy this involves the removal of supporting text from the policy. The intention of the approach is unaffected and the submitted supporting text properly addresses the relevant issues.

Replace the first part of the policy with: ‘Proposals for residential development should demonstrate how their housing mix reflects the identified need for two and three-bedroom dwellings for family occupation’

Delete the second part of the policy.

Replace the third part of the policy with: ‘Where practicable development proposals should contribute to the provision of housing local people can afford, and incorporate a housing mix to reflect the most up-to-date evidence of housing need’

In the opening part of the fourth part of the policy replace ‘encourage’ with ‘facilitate’

Policy 4: Residential extensions

- 7.30 This policy offers general support to residential extensions. It is a criteria-based policy. In particular the first criterion comments that extensions should respect the character of the host property and neighbouring development. The third comments that extensions should not increase the existing internal floor area of the house by more than 50%. The fourth criteria comments that the combined effect of the existing dwelling and the extension should not lead to a situation where more than 50% of the plot is covered by development.
- 7.31 In principle the policy has been well-developed. It will avoid circumstances where houses are overdeveloped and affect the character of their immediate locations. Nevertheless, the Plan offers no direct evidence about the two percentage approaches. On the one hand both sets of circumstances may well represent appropriate development. However, on the other hand, a mathematical approach is a blunt tool and takes no direct account of two matters. The first is the circumstances of the property concerned. The second is the way in which the design of the extension makes the best use of the existing house and its relationship to the wider plot. As such I recommend that the submitted percentage approaches are replaced with a more nuanced approach which will provides a greater degree of flexibility on a case-by-case basis.
- 7.32 I also recommend modifications to the format of the policy to acknowledge that not all residential extensions will need planning permission. Such an approach would take account of permitted development rights. It would also avoid potential tension between the first and third criteria of the policy. I also recommend that the fourth criterion is modified to bring the clarity for a development plan policy as required by the NPPF.

Replace the opening element of the policy with: ‘Insofar as planning permission is required extensions to existing dwellings will be supported where they:’

Replace the first criterion with: ‘Respect the character of the original dwelling and neighbouring development, and are of an appropriate scale, bulk and mass, having regard to the size of the existing property;

Delete the third criterion.

Replace the fourth criterion of the policy with: ‘Retain a sensitive relationship between the size of the plot and built development and, as appropriate, have regard to historic plot boundaries, hedgerows and enclosure walls’

Policy 5: Principal Residency requirement

- 7.33 This policy is a key component of the Plan. It requires that new open market housing (excluding replacement dwellings) will only be supported where there is a restriction to ensure its occupancy as a principal residence. The policy responds to HPC's comments about the impact of the continued growth of dwellings used for holiday accommodation (as second or holiday homes) on the local housing market.
- 7.34 The policy approach is underpinned by evidence in paragraphs 8.59 of the Plan. It includes information on the number of existing dwellings being used as holiday homes/holiday lets. In summary the population of the neighbourhood area in 2011 was 4750 persons living in 4420 households. The 4420 households include 2120 households with no usual residents of which 1742 were caravans or other mobile or temporary structures. This information is consistent with information published by BCKLWN at the end of September 2020 that there are 303 properties registered as second homes in the neighbourhood area.
- 7.35 Plainly the number of caravan or other mobile structures skews the nature of the accommodation in the parish. Nevertheless, second homes now represent a significant element of the overall number of permanent dwellings.
- 7.36 The policy has not generated any commentary from landowners and developers. However, BCKLWN questioned the extent to which second homes have had significant impact on the local housing market in its representation. I sought clarity for HPC about its approach to this matter in the clarification note. In its response HPC commented:
- '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'*
- 7.37 On the basis of the evidence in the Plan I am satisfied that the policy meets the basic conditions. In reaching this conclusion I have taken account of the following issues:
- the modest size of the village and the associated disproportionate effect of second homes on the operation of the housing market;
 - the significant growth of second homes in the parish since 2001;
 - the dominance of the existing caravan-based holiday accommodation in the neighbourhood area;
 - the limited number of new homes identified for the neighbourhood area in the SADMP and the related limited impact of the implementation of the policy on strategic delivery of new housing;

- the progress which has been made in the development of those sites; and
- the absence of any comment from the development industry or landowners to the policy.

7.38 I am also satisfied that the details of the policy (and their ability to be applied and monitored through the development management process) are robust.

Policy 6: Design principles

7.39 This policy is an excellent local response to the increasingly important national design agenda. As paragraph 9.2 of the Plan comments the aim of the approach 'is to ensure that all of the developments reflect the unique character, and characteristics, of the village'. The Plan also comments that the design principles have been derived through responses to the residents' questionnaire and other elements of the consultation process. They have also been prepared to give consideration to national standards and best practice.

7.40 The principal changes between the 2019 and 2021 versions of the NPPF relate to design matters. Given that the contents of this policy are general in nature I am satisfied that the submitted Plan continues to have regard to national policy. Nevertheless, I recommend that the supporting text is expanded to address the 2021 version of the NPPF. I also recommend an update to the extract in paragraph 9.1 of the Plan so that it reproduces the content of paragraph 126 of the 2021 version of the NPPF.

7.41 As submitted the policy would apply to all development. Many development proposals will have an impact on some but not all of the criteria in the policy. As such I recommend that the policy is applied proportionately based on the scale and nature of the scheme concerned. This approach was agreed by HPC in its response to this matter in the clarification note.

7.42 I also recommend that the wording used in several of the criteria are modified so that they more naturally flow on from the opening section of the policy. In addition, in some of the criteria I recommend the deletion of unnecessary supporting text.

7.43 In criteria 12 and 18 I recommend that the reference to eight dwellings is modified to major residential development (ten or more homes). This responds directly to HPC's clarification on this matter.

Replace the opening element of the policy with: 'Development proposals should deliver high quality design. As appropriate to their scale, nature and location development proposals should:'

In C1 replace 'preserves or enhances' with 'preserve and where practicable enhance'

In C2 replace 'Recognising...local character' with 'recognise and reinforce the character of the local area'

In C3 delete ‘so that it is.... or rented’

In C6 delete ‘New and impending developments’

In C8 replace ‘Ensuring’ with ‘ensure’

In C9 replace ‘Where appropriate respecting and protecting’ with ‘respect and protect’

In C10 replace ‘significant adverse’ with ‘unacceptable’

In C11 replace ‘Where appropriate incorporating’ with ‘incorporate’

In C12 replace ‘For developments.... required to’ with ‘For major residential developments applicants should’

In C13 delete ‘Developments should also’ and replace ‘possible’ with ‘practicable’

In C14 replace ‘possible’ with ‘practicable’

In C15 delete ‘Seeking to’

In C16 replace ‘Ensuring’ with ‘Ensure’

In C17 replace ‘to the satisfaction of the highways authority’ with ‘to highways authority standards’

In C18 replace ‘have’ with ‘make’

In paragraph 9.1 replace the extract from the NPPF with: ‘The creation of high quality, beautiful and sustainable 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’

At the end of paragraph 9.2 add: ‘This approach is consistent with the design-led approach as captured in national planning policy. The Plan sets out the Council’s approach towards a clear design vision and expectations for development sites. This will ensure that applicants have as much certainty as possible about what is likely to be acceptable’

Policy 7: Residential car parking

- 7.44 This policy proposes a bespoke approach to parking standards in the neighbourhood area. It is supported and underpinned by the supporting text (paragraphs 9.8-9.14).

- 7.45 Paragraph 9.14 comments that the both the Norfolk County Council Parking Standards and the adopted parking standards contained in Policy DM17 the SADMP require one parking space for a one-bedroom property. Policy 7 reflects residents' concerns about the increase in on-street parking and for this reason proposes a higher number of off-street parking spaces for one-bedroom properties.
- 7.46 Based on the evidence provided in the supporting text I am satisfied that this approach meets the basic conditions.
- 7.47 The policy also includes guidance about the size of car parking spaces. Whilst this is helpful it is supporting text rather than policy. As such I recommend that it is deleted and repositioned in the supporting text.
- 7.48 The final part of the policy comments about the general design of new streets. This is likely to apply only to the development of the two allocated sites in the SADMP. Nevertheless, with modifications to remove unnecessary supporting text (and which is already largely captured in paragraphs 9.11 to 9.13) and to ensure that on-street parking is accommodated in a safe and attractive fashion the approach taken meets the basic conditions.

Delete the second section of the policy (on car sizes)

Replace the third section of the policy with: 'New streets should be designed to accommodate unallocated on-street parking in a safe and attractive fashion and in a way which will minimise indiscriminate parking and the obstruction of footways and carriageways'

Policy 8: Garage provision

- 7.49 This policy seeks to address recent circumstances where garages have been provided but which are not capable of being used for cars and are then converted to other residential uses. In this context the policy sets out a series of criteria with which any such applications should comply. In the main they require access for a family-sized car.
- 7.50 Plainly this is a very distinctive policy. It overlaps with Policy 7. On the balance of information, I am satisfied that the policy meets the basic conditions in general terms. I recommend a modification to the wording of the fourth criterion (on the positioning of any garage) so that it has a more general format and the clarity required by the NPPF.
- 7.51 The final part of the policy comments about how applications for garages would be determined if they did not provide access for a car. This provides appropriate explanation. Nevertheless, it is supporting text rather than policy and I recommend that it is repositioned within the overall Plan.

Replace the fourth criterion with: 'Is well-related to the host property and the wider street scene'

Delete the final part of the policy.

Reposition the deleted final part of the policy to the end of paragraph 9.17.

Policy 9: Enabling employment opportunities

- 7.52 This policy reflects the government’s agenda to promote employment growth. It comments that proposals to develop shops, workshops and business units will be encouraged and supported. It identifies a series of criteria against which any such proposals would be assessed.
- 7.53 In its response to the clarification note HPC acknowledged that the policy adds little to existing local policies. It also advised that the policy was included to capture its support for new employment opportunities. Nevertheless, the policy does not provide any local interpretation of either Section 6 of the NPPF or Policy CS10 of the adopted Core Strategy. There is no need for a neighbourhood plan policy to restate or repeat national policy. In these circumstances I recommend the deletion of the policy.
- 7.54 The wider supporting text is general in nature. As such it is unaffected by the recommended modification to delete the policy.

Delete the policy.

Policy 10: Living and small-scale employment

- 7.55 This policy continues with the approach towards employment development. In this case it offers particular support to proposals which combine living and small-scale employment development. The approach has regard to national policy. In addition, it reflects the shift in the balance between home and office working in the Covid pandemic. I recommend detailed modifications to the wording used to bring the clarity required by the NPPF. In particular it replaces the unspecified ‘small-scale’ with ‘modest’.

Replace ‘small scale’ with ‘modest’

In the first bullet point replace ‘adverse’ with ‘unacceptable’

Policy 11: Holiday accommodation

- 7.56 This policy comments that proposals for further holiday accommodation beyond existing defined holiday areas, including, static caravans, lodges, glamping pods, tents etc, will not be supported. The Plan comments that the policy has been designed to protect the countryside for its intrinsic character and beauty and the diversity of its landscapes, heritage and wildlife. It also states that it is important to ensure that there is a correct balance between encouraging tourism and other policy aims of controlling development in the countryside.
- 7.57 The wider issue of holiday accommodation is addressed in the development plan. Policy CS01 of the Core Strategy seeks to encourage economic growth and inward investment. In particular Policy CS10 seeks to promote opportunities to improve and

enhance the visitor economy by supporting tourism opportunities throughout the Borough. It comments that smaller tourism opportunities will be supported in rural areas to sustain the local economy, providing there are sustainable location and are not detrimental to the valuable natural environment. Policy DM11 of SADMP (Touring and Permanent Holiday Sites) provides further details to the approach in the Core Strategy. It sets out a criteria-based policy to assess proposals for holiday accommodation.

7.58 The extent to which the policy in the submitted Plan is in general conformity with the strategic policies in the development plan has been raised by BCKLWN, Ken Hill Estates and Searles (Camping Ground) Limited, Heacham Holiday Parks Limited and M.T. McDonnell & Company in their representations to the Plan. Ken Hill Estates proposed a revised criteria-based policy which would provide a local iteration of Policy DM11 of the SADMP. The Searles consortium suggest that the Plan incorporates a plan identifying the 'existing holiday areas' so that the policy can provide certainty to the local community as to the extent of the areas, and be effectively used by BCKLWN for decision taking over the plan period. It also suggests that these areas should not be tightly drawn to existing holiday park boundaries, but that they should instead allow for the sensitive expansion of all holiday parks seeking to 'breath out' so that they may accommodate the larger caravans now expected by holidaymakers without losing the overall permitted number of caravans.

7.59 I sought clarification from HPC about the way in which it had designed the policy, its relationship with other development plan policies and its comments on the proposed revisions to the policy by the holiday accommodation industry. It advised as follows:

'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.

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'

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'

7.60 In all the circumstances I recommend that the policy is deleted. In my judgement the policy is not in general conformity with strategic policies in the development plan and the submitted policy makes a general statement that new holiday accommodation will not be supported. This matter-of-fact approach conflicts with the general expectation that a planning policy cannot predetermine the outcome of any development proposal

and must provide the criteria against which a proposal will be assessed. In addition, Planning Practice Guidance is clear that neighbourhood plan policies should be positively-worded.

- 7.61 I have taken account of HPC's offer to identify the existing defined holiday areas. Whilst this would define the spatial effect of the policy it would have no practical effect on its approach.
- 7.62 I have considered the appropriateness or otherwise of the suggestions from the holiday industry in general, and the revised policy from Ken Hill Estates. In their different ways they would have merit and would ensure that the policy is in general conformity with the strategic policies in the development plan. However, it would be new policy and my remit is to examine the submitted Plan. In any event in its response to the clarification note HPC comments that such an approach would not be supported locally.
- 7.63 The supporting text linked to the policy is largely of a general nature. As such it can remain in the Plan. In particular it provides a direct connection to Policy DM11 of the SADMP. Nevertheless, I recommend modifications to paragraph 10.18 to take account of the recommended deletion of the policy.

Delete the policy

Replace paragraph 10.18: with 'The Neighbourhood Plan, supports this controlled approach in general terms, and the way in which it addresses the need for high-quality development, the Coastal Hazard Zone and the Norfolk Coast Area of Outstanding Natural Beauty in particular'

Policy 12 Public recreation open space

- 7.64 This policy proposes the identification of seven open spaces in the parish (and as shown on Figure 10) which would be safeguarded in the Plan period. It also offers support to proposals to provide new open space or which would enhance existing open spaces.
- 7.65 In general terms the approach taken meets the basic conditions. In particular it celebrates the importance of open spaces to the character of the parish. However, to bring the clarity required by the NPPF I recommend the following modifications:
- the simplification of the opening element of the policy;
 - the use of appropriate wording in the first part of the policy;
 - the removal of the unclear 'in principle' from the second part of the policy; and
 - the repositioning of the third part of the policy into the supporting text to reflect its process rather than policy nature.
- 7.66 In addition I also recommend that Policy 12 and Figure 10 are more closely-aligned. In particular this would involve the preparation of clearer open space maps (of an appropriate scale) to link to open spaces 1 to 7 (annotated). This would also involve Site 1 'All amenity green space' being broken down into individual sites to bring the clarity required by the NPPF.

Replace the opening element of the introductory part of the policy with: ‘The following sites (and as shown on Figure 10) are identified as green open spaces:’

Replace the first part of the policy with: ‘Proposals to redevelop an identified green open space for non-recreational purpose (other than ancillary developments such as changing rooms, pavilions, car parking, lighting, surfacing, play or sports equipment) will not be supported’

In the second part of the policy delete ‘in principle’

Delete the third part of the policy.

At the end of paragraph 11.12 add: It also offers support for proposals to enhance or to provide new open green space. Proposals which would involve the provision of areas of green open space should include site-specific arrangements for the management and future maintenance of the space concerned’

Ensure that Policy 12 and Figure 10 are more closely-aligned. In particular this would involve the preparation of clearer open space maps (of an appropriate scale) to link to the sites 1 to 7 (annotated) and Site 1 ‘All amenity green space’ being broken down into its component sites.

Policy 13 Green infrastructure

- 7.67 This policy celebrates the importance of green infrastructure in the neighbourhood area. It has two related parts. The first part comments that development proposals will be expected to contribute towards the protection, enhancement and provision of new green infrastructure spaces. The second part comments that green infrastructure and development proposals that seek to improve the connectivity between the beaches, wildlife areas and green spaces will be supported.
- 7.68 The policy takes an appropriate and locally-distinctive approach to this important matter. I recommend detailed modifications to the wording used to bring the clarity required by the NPPF. In particular I recommend that both the first and second parts of the policy apply as relevant to the development proposal concerned. This acknowledges that very few connectivity proposals (as set out in the second part of the policy) will have the ability to deliver all of the positive features identified in the policy. The modification to the first part of the policy also brings clarity to its wider effect.
- 7.69 I also recommend two detailed modifications in relation to the final two bullet points in the second part of the policy. They bring the clarity required by the NPPF and remedy an issue which has arisen with the format and structure of this part of the wider policy.

In the opening element of the first part of the policy replace the first sentence with ‘As appropriate to their scale, nature and location development proposals should protect and where practicable enhance existing green infrastructure and where practicable provide new green infrastructure facilities’

In the second part of the policy delete ‘in order to.... the parish’ and replace ‘Where possible’ with ‘Where practicable and as appropriate to their location’

Reposition the penultimate bullet point of the second part of the policy so that it appears as a freestanding third part of the policy.

Delete the whole of the final (incomplete) bullet point in the second part of the policy.

Policy 14: Provision of electric vehicle infrastructure

- 7.70 The policy addresses the growth in popularity of electric vehicles both nationally and in the parish. It offers support to proposals that support the use of electric/hybrid vehicles through the provision of accessible charging facilities. It also comments that any provision of infrastructure must also include arrangements for the future operation and maintenance of the facility.
- 7.71 The policy takes an appropriate and positive approach to this increasingly-important matter. I recommend modifications to the wording of the first part of the policy so that it builds in appropriate environmental and amenity safeguards. Otherwise, it could generate unintended consequences. I also recommend that the second part of the policy is repositioned into the supporting text as it is a process rather than a policy issue.

Replace the policy with: ‘Development proposals for the provision of accessible charging facilities for electric vehicles will be supported where they do not create unacceptable harm to the built or the natural environment of the neighbourhood area and to the amenities of residential properties in the immediate locality’

At the end of paragraph 11.23 add: ‘Any provision of such infrastructure should include arrangements for the future operation and maintenance of the facility’

Policy 15: Dark skies

- 7.72 This policy seeks to safeguard the dark skies environment in the parish. It comments that development proposals will be supported that include sensitive external lighting that will minimise the extent of any light pollution subject to conformity with other development plan policies.
- 7.73 The policy has been well-considered and is evidence based by way of the information in the supporting text. The policy is supported by Searles (Camping Ground) Limited, Heacham Holiday Parks Limited, and M.T. McDonnell & Co. Limited, whose holiday parks are shown to produce amongst the lowest night lights levels of any developed areas within the parish. This helps to demonstrate that the policy approach is practicable, reasonable and capable of delivery.
- 7.74 I recommend detailed modifications to its format and structure and which removes elements of the supporting text. In particular I recommend the deletion of the third specific matter on the need for a lighting impact assessment. Whilst this may be an important issue for some developments it is a process rather than a policy matter. In

this context I recommend that this issue is repositioned into the supporting text. I also recommend that existing paragraphs of supporting text are combined.

Replace the policy with: ‘External lighting associated with development proposals should be sensitively-designed to safeguard the dark skies environment of the neighbourhood area and minimise the extent of any light pollution. In particular:

- **external lighting should be designed to minimise the risk of light spillage beyond the development site boundary; and**
- **light-emitting diode down lighting, including lights at lower levels, should be used wherever practicable’**

Combine paragraphs 11.28 and 11.29 into a single paragraph.

Insert a replacement paragraph 11.29 to read: ‘Policy 15 addresses this important matter. As appropriate to the scale, nature and location of the development proposal concerned planning applications should include an external lighting impact assessment regarding any proposed external lighting. This should include, but not be limited to, the effect of the proposed lighting on bats and moths.’

Policy 16 Community infrastructure

- 7.75 This policy acknowledges the importance of community infrastructure in the parish. It has two related parts. The first comments that proposals to enhance existing, or develop additional, community facilities will be supported. It offers particular support for health services, dental practice and facilities for children, teenagers and young adults. The second sets out a robust approach for proposals to redevelop or change the use of an existing community facility or land or buildings last used as a community facility. It comments that they will only be supported where one of two matters are met.
- 7.76 The policy has been well-developed. Its approach properly takes account of viability issues and the potential for replacement facilities to come forward in the Plan period. The facilities are clearly defined in the policy and in Figure 12. The policy meets the basic conditions. It will assist significantly in delivering the social dimension of sustainable development.

Policy 17: Settlement breaks

- 7.77 The policy identifies settlement breaks in the neighbourhood area. The approach has been designed to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment and to preserve the setting and special character of historic towns. Paragraph 13.2 of the Plan comments that ‘Gaps separating settlements are important in maintaining the separate identities of smaller settlements, providing their setting and preventing coalescence. Land immediately outside settlement boundaries may be important to the form and character of a settlement, providing both the foreground and the background views of the settlement from a distance and opportunities for views from the settlement’.

- 7.78 Paragraph 13.3 of the Plan comments about the local perception about the potential for the coalescence of Heacham with its surrounding settlements (including Hunstanton, Old Hunstanton, Ringstead, Sedgeford and Snettisham). On this basis the Plan proposes a series of settlement breaks. They are located both to the north and the south of Heacham village. Those to the north of the village are both between the two settlement boundaries and to the north of the Heacham Manor up to the holiday accommodation in the northern part of the neighbourhood area as it adjoins Hunstanton. The breaks to the south of the village extend up to the parish boundary. The policy itself comments that future sustainable development in Heacham will be expected to retain the visual and physical local gaps which currently exist where agricultural land and privately owned woodland currently create wildlife and biodiversity land corridors between Heacham and its neighbouring villages.
- 7.79 The approach taken in the Plan has generated different responses in the representations. BCKLWN comment that the policy's approach is appropriate and seeks clarification on some of the proposed boundaries. Searles (Camping Ground) Limited, Heacham Holiday Parks Limited, and M.T. McDonnell & Co. Limited comment about the overlap between the proposed settlement breaks and the location of existing development and raise queries about two locations in particular:
- an area of land at the northern edge of the parish (the area edged red) which comprises part of Searles Leisure Resort and currently has planning permission for the siting of over 200 static caravans/holiday lodges and the pitching of 75 tents. It comments that many of these units of holiday accommodation are already in situ; and
 - the area around Heacham Manor Hotel (the area edged green) which accommodates Heacham Manor Hotel comprising thirteen guest bedrooms within the main house and eleven barn conversion cottages within the grounds.
- 7.80 Based on the observations which the representation makes about the two parcels of land it concludes that:
- 'It is clear that neither of these developed areas, edged red and green, should be included in the proposed Settlement Break since neither comprise the type of undeveloped land referred to by Policy 17. These already-developed areas do not currently contribute to any visual or physical gap between Heacham and Hunstanton and nor will they in the future. Furthermore, it is clear that a significant swath of undeveloped land (partly golf courses under one of our clients' ownership and partly agricultural land) will continue to separate these areas from the northern settlement boundary of Heacham village in any case'*
- 7.81 I sought HPC's views on the extent of the proposed settlement breaks in two clarification notes. The second note included a map which was kindly prepared by KLWNBC showing the proposed settlements breaks, the parish boundary and the red and green areas. As a result of this process HPC proposed a revised policy.
- 7.82 I have considered the details of the policy very carefully. In particular I have considered the extent to which it would add value to the strategic policies in the development plan,

whether the proposed boundaries are appropriate and the extent to which the policy approach is evidence-based. I address these issues in turn below:

The added value of the policy

- 7.83 The proposed settlement breaks are located outside of the two Heacham development boundaries in the countryside. Development outside defined development boundaries is controlled by Policy CS06 of the Core Strategy and Policy DM2 of the SADMP. The latter comments that 'areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including farm diversification (under Core Strategy Policy CS06); small scale employment (under Core Strategy Policy CS10); tourism facilities (under Core Strategy Policy CS10); community facilities, development in support (under Core Strategy Policy CS13); renewable energy generation (under Policy DM20 of the rural economy or to this Plan); rural workers' housing (under Policy DM6 of this Plan); and affordable housing (under Core Strategy Policy CS09)'.
- 7.84 This policy context has a degree of overlap with the contents of Policy 17 of the submitted plan in general terms. The two policies are written in a traditional fashion and identify the types of development which would be acceptable in the countryside. Nevertheless, they do not directly address the approach towards potential coalescence as incorporated in the submitted policy.

The proposed boundaries of the settlement breaks

- 7.85 I have considered the boundaries of the proposed settlement breaks very carefully. In particular I looked at the areas around the Heacham Manor Hotel during my visit and saw the way in which they had been developed.
- 7.86 The representations from the holiday accommodation operators about both the green and red areas shown in the representation is soundly-based. Irrespective of the appropriateness of the wider definition of the settlement breaks it would be inappropriate to include land within a settlement break which has either been developed or which has planning permission.

The extent to which the policy is evidence-based

- 7.87 The policy itself relies significantly on comments received from local residents during the plan preparation process in general terms, and the responses to the Residents' Questionnaire in particular. On the one hand this is an important consideration for a plan produced by the local community on the basis of the Localism Act. On the other hand, the policy is not directly underpinned by a detailed justification including a full appraisal of the extent to which the settlement breaks are important to safeguarding the character and appearance of the parish. In particular there is no assessment of the added value of the submitted policy beyond the relevant policies in the development plan or the likely development pressures which are likely to arise in the identified settlement breaks in the Plan period.

- 7.88 In addition the policy has been formulated around the details of paragraph 134 of the 2019 version of the NPPF. Whilst that paragraph is now paragraph 138 in the 2021 version of the NPPF its contents remain unchanged. However, the Plan has applied the national approach on Green Belts to its policy on settlement breaks. This very onerous approach is inappropriate as the settlement breaks are not within a Green Belt.

Summary

- 7.89 I have considered these issues very carefully given the sensitivity of the landscape to the north and to the south of Heacham village. I am satisfied that the policy addresses an important and distinctive matter. Plainly the character of the neighbourhood area is significantly defined by the arrangement of built development in general terms, and the open and rural character of the landscape between Heacham and Hunstanton to the north in particular.
- 7.90 Nevertheless the case for the definition of specific settlement breaks is less convincing. Policies of this type traditionally work effectively where one or both of two circumstances arise. The first is where the gaps between settlements or between settlements and other groups of built development are limited in their size and scale. The second is where the gaps concerned are in multiple ownership and where the risk of incremental and/or piecemeal development would be significant. Either of these two circumstances would be heightened where the gaps concerned were the subject of significant development pressures.
- 7.91 On the first point, I am not satisfied that the proposed Gaps represent small gaps between settlements. In their different ways they are significant tracts of land. For example, the settlement break to the east of the A149 (to the north of the Heacham Manor development boundary) is approximately 700 metres by 400 metres and the settlement break to the immediate south of the village is approximately 1000metres from east to west.
- 7.92 On the second point, a significant element of the land within identified settlement breaks are either in agricultural or recreational use (the Heacham Manor Golf Club). They are not at any significant risk of incremental development which would gradually reduce the effectiveness of the existing gaps.
- 7.93 Nevertheless the development plan policies which relate to land outside development boundaries do not directly comment about the importance of the potential for coalescence between elements of built development in the neighbourhood area and its adjoining parishes. This potential is most significant in the Butterfield Meadow area (to the immediate north of the neighbourhood area) and the development boundary based on Heacham Manor.
- 7.94 In summary, I consider that the specific identification of settlement breaks is not supported by evidence. They would represent an unwarranted and unnecessary planning policy restriction affecting the parcels of land concerned. In addition, existing and emerging local plan policies do not anticipate development of a scale in the

neighbourhood area that would justify the need to establish extensive settlement breaks. On this basis I recommend that the objective of the policy remains but is captured in a replacement policy which does not identify settlement breaks but addresses the importance of avoiding the potential coalescence of settlements. The recommended policy is a variation of the revised policy suggested by HPC in its response to the first clarification note.

- 7.95 I recommend consequential modifications to the supporting text. They fulfil two related purposes. The first marries up the supporting text to the modified policy. The second removes supporting text which comments about resident's views about determined planning applications or parallel approaches being taken in other neighbourhood plans. Whilst the latter element demonstrates a degree of joint working and co-ordination it is inappropriate for a neighbourhood plan to comment about land outside the defined neighbourhood area.

Replace the policy with: 'Development proposals outside the development boundaries of Heacham (and as shown in Inset G47 of the SADMP) will only be supported where they do not cause unacceptable harm the landscape setting and distinct identity of Heacham and will not unacceptably detract from the visual separation of Heacham from Hunstanton or the views or settings of the Norfolk Coast AONB.'

New development should not result in the coalescence of Heacham with Hunstanton to the north'

Delete Figure 13.

In paragraph 13.4 delete '(see map at Figure 13 on following page)'.

Replace paragraphs 13.5 to 13.9 with:

'Development outside the defined development boundaries is already controlled by Policy CS06 of the Core Strategy and Policy DM2 of the SADMP. The latter comments that 'areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including farm diversification (under Core Strategy Policy CS06); small scale employment (under Core Strategy Policy CS10); tourism facilities (under Core Strategy Policy CS10); community facilities, development in support (under Core Strategy Policy CS13); renewable energy generation (under Policy DM20 of the rural economy or to this Plan); rural workers' housing (under Policy DM6 of this Plan); and affordable housing (under Core Strategy Policy CS09).'

Nevertheless, these development plan policies do not directly comment about the importance of the potential for coalescence between elements of built development in the neighbourhood area and its adjoining parishes. This potential is most significant in the Butterfield Meadow area (to the immediate north of the neighbourhood area) and the development boundary based on Heacham Manor.

The potential for coalescence is an important and distinctive matter in the neighbourhood area. Both its character and appearance are significantly defined by the arrangement of built development in general terms, and the open and rural character of the landscape between Heacham and Hunstanton to the north in particular. Policy 17 captures this matter. It requires that new developments should not cause unacceptable harm to the landscape setting and distinct identity of Heacham and should not unacceptably detract from the visual separation of Heacham from Hunstanton or the views or settings of the Norfolk Coast AONB. In addition, it addresses the importance of avoiding the potential coalescence of settlements.'

Policy 18: Heritage assets

- 7.96 The policy comments about heritage assets. It has a wide applicability which includes the conservation area, listed buildings and sites of archaeological importance. The various heritage assets are shown on Figure 14.
- 7.97 The second part of the policy comments that there will be a presumption against developments that have an adverse impact on the heritage assets within Heacham unless they can demonstrate that they do not adversely impact the character, integrity, or visual amenity of the designated Conservation Area; and do not lead to an inappropriate alteration or extension to a listed building or undermine the wider setting of a listed building. As submitted the policy does not fully have regards to national policy as set out in the NPPF. In particular it fails to take into account the balance between the significance of the heritage asset and the nature of the development proposed. In addition, in a broader sense the policy is written in a negative rather than a positive tone. I recommend modifications to address this matter.
- 7.98 I also recommend modifications to the first part of the policy to ensure that it has the clarity required by the NPPF.
- 7.99 I recommend that the third part of the policy is deleted and that some of its contents are repositioned into the supporting text. Its initial element is addressed in the recommended modifications to the second part of the policy. The second element is mainly related to process rather than a land use policy.

Replace the first part of the policy with: 'The heritage assets identified on Figure 14 should be sustained and where practicable enhanced as part of development proposals'

Replace the second part of the policy with:

'Development proposals should preserve or enhance the character or appearance of the Heacham Conservation Area

Development proposals should respect the importance of listed buildings. When considering the impact of a proposed development on the significance of a listed building as included in paragraph 14.5 of the Plan, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a listed

building (from its alteration or destruction, or from development within its setting) will require clear and convincing justification'

Delete the third part of the policy.

At the end of paragraph 14.7 add: 'Policy 18 provides a context for the protection of heritage assets in the neighbourhood area. It provides a local iteration of the national approach as set out in the NPPF. The second part of the policy provides a policy approach for the conservation area and for the listed buildings identified in Figure 14. Where demolition is unavoidable, provision should be made for an appropriate level of archaeological recording to take place prior to demolition'

Policy 19: Reducing flood risks

- 7.100 The policy comments about the strategic importance of reducing flood risk. The supporting text advises that the West Norfolk coastline has seen numerous inundations including the floods of 1953. The Wash Shoreline Management Plan identifies uncertainties over the future management of the flood defences between Hunstanton and Wolferton Creek (west of Dersingham) beyond 2025. This area includes Heacham. This section of the coastline is considered to be at very high risk with only a one in 50-year standard of protection. The required standard of protection from tidal flood risk is one in 200 years.
- 7.101 The first part of the policy comments about HPC's support for Policy DM18 of the SADMP. That policy seeks to prevent an inappropriate development in identified areas. This degree of support and consistency is entirely appropriate in general. However, it is not necessary for a neighbourhood plan to repeat a policy in the development plan or to express its support for such a policy. As such I recommend that this part of the policy is deleted. Nevertheless, given the strategic importance of the matter I recommend that the references in the supporting text on this matter are reinforced.
- 7.102 The second and third parts of the policy address more specific issues. The second comments that any future development (or redevelopment) proposals are supported by a flood risk assessment which demonstrate there is no increased risk of flooding from an existing flood source and mitigation measures are implemented to address flooding arising within the development site. The third comments that development in flood risk areas and those which feed into flood zones should be designed and constructed to reduce the overall level of flood risk on the site and the surrounding areas.
- 7.103 I recommend modifications to the second part of the policy so that it has the clarity required by the NPPF and includes the context previously provided by the deleted first part of the policy. I also recommend a detailed modification to the wording of the third part of the policy. Otherwise, the policy approach meets the basic conditions. As recommended to be modified it provides a local supplement to the existing approach on this important matter in the existing development plan.

Delete the first part of the policy.

Replace the second part of the policy with: ‘As appropriate to their scale, nature and location development proposals in the neighbourhood area which are located in the Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham) should be accompanied by a flood risk assessment to address any increased risk of flooding from an existing flood source and any mitigation measures which are required to address the disposal of water within the development site’

In the third part of the policy replace ‘will be’ with ‘should be’

At the end of paragraph 15.9 add: ‘It has been designed to provide a local supplement to the existing approach on this important matter to the neighbourhood area in the existing development plan’

Policy 20: Water and waste

7.104 This policy seeks to ensure that there is a functional relationship between new development and the supply and disposal of water. It is underpinned by information about the capacity of the Heacham waste water treatment works.

7.105 Water supply, wastewater and water quality are addressed in Section 34 of Planning Practice Guidance. The role of different authorities in addressing these important matters is emphasised as follows:

‘Liaison between strategic policy-making authorities, the Environment Agency, catchment partnerships and water and sewerage companies from the outset (at the plan scoping and evidence gathering stages of plan-making) will help to identify water supply and quality issues, the need for new water and wastewater infrastructure to fully account for proposed growth and other relevant issues such as flood risk. (ID 34-008-20140306)’

7.106 Similarly national policy comments about the importance of liaison between the various strategic bodies as follows:

‘The importance of early discussions between strategic policy-making authorities and water and sewerage companies can help to ensure that proposed growth and environmental objectives are reflected in company business plans. Growth that requires new water supply should also be reflected in companies’ long-term water resources management plans. This will help ensure that the necessary infrastructure is funded through the water industry’s price review (ID 34-002-20140306).’

7.107 The policy has been carefully considered to address an important local matter. Nevertheless, the land use planning system determines the acceptability or otherwise of proposed development. Thereafter other bodies determine the way in which water is supplied to new developments and then discharged on the basis of the Water Environment Regulations 2017. In any event the submitted policy comments about process matters rather than the formulation of policy. In these circumstances I recommend that the policy is deleted as it cannot be implemented through the development management system. However, given the importance of the matter to the local community I recommend that the ambitions of the policy are weaved into the existing supporting text.

Delete the policy.

At the end of paragraph 15.21 add: 'In the context of the information in this section of the Plan developers should submit information with planning applications to demonstrate that there is capacity within the water supply network or that it can be made available, both on and off the site to serve the development, prior to occupation, and that it would not lead to unacceptable impacts for existing, or new users. Developers should also submit information to demonstrate that there is capacity within the foul sewerage treatment and that disposal is available or that it can be provided prior to the occupation of development'.

Policy 21: Road up grades and improvements

- 7.108 This policy addresses the community's concerns about highways safety on the A149. It offers support to proposals to upgrade and enhance the junctions onto the A149 and at the Lamsey Lane and Church Lane/A149/Ringstead Road junction. It also comments that any such proposals should maintain the wider grass verges which are an important feature of the local environment.
- 7.109 I recommend that the first part of the policy is modified so that it acknowledges that some proposals of this nature may not need planning permission where they are contained within the existing highway. I also recommend modifications to the wording of the second part of the policy so that it has the clarity required by the NPPF.

In the first part of the policy replace 'Proposals that seek' with 'Insofar as planning permission is required proposals'

Replace the second part of the policy with: 'Where practicable any such road improvements should maintain any associated existing grass verges'

Policy 22: Cycleways

- 7.110 Heacham is a stopping point for cyclists touring around the Norfolk coast. It is on the 'Norfolk Cycleway' route linking the village to other places of interest in Norfolk. Holidaymakers also cycle from the various caravan and chalet sites to local shops. There are bicycles available for hire in the village, which has proved to be very popular with tourists. However, the Plan acknowledges that the provision of facilities for cyclists in Heacham has not reflected this increased popularity, especially in the village centre.
- 7.111 The policy sets out a basis against which such proposals can be assessed. It comments that proposals that seek to create safe cycle connections to minimise car trips will be looked upon favourably. I recommend a modification to the wording of the policy so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will assist in delivering the social dimension of sustainable development.

Replace the policy with: 'Proposals to create safe cycle connections to minimise car trips will be supported'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Heacham Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to the Borough Council of Kings Lynn and West Norfolk that subject to the incorporation of the modifications set out in this report that the Heacham Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose 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 originally approved by the Borough Council on 19 May 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
17 September 2021