

Borough Council of King's Lynn and West Norfolk

**Castle Acre  
Neighbourhood Plan  
2017-2036**

**Independent Examiner's Report**

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11 June 2021

## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner</b>	<b>4</b>
<b>3.0</b>	<b>The examination process</b>	<b>6</b>
<b>4.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>5.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>6.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	11
	<i>The development plan</i>	11
	<i>Retained European Union (EU) obligations</i>	12
	<i>European Convention on Human Rights (ECHR)</i>	15
<b>7.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>15</b>
	1. Introduction	15
	2. Castle Acre	15
	3. Key issues from consultation	15
	4. Vision and Objectives	16
	5. The Historic Environment, Historic Landscape and Vernacular Architecture (Policies HE.1, HE.2, HE.3 and HE.4)	16
	6. The Natural Environment (Policies NE.1, NE.2, NE.3 and NE.4)	22
	7. Housing and Development (Policies HD.1, HD.2 and HD.3)	27
	8. Traffic and Transport (Policy TT.1)	34
	9. Tourism and Community Facilities (Policy TO.1)	35
	10. Business (Policy BU.1)	36
	11. Implementation and Monitoring	37
	Appendices	37
<b>8.0</b>	<b>Conclusions and recommendations</b>	<b>38</b>
	<b>Appendix 1 List of key documents</b>	<b>39</b>
	<b>Appendix 2 Questions of clarification from the examiner</b>	<b>40</b>

## Summary

I have been appointed as the independent examiner of the Castle Acre Neighbourhood Development Plan.

Castle Acre lies along the upper northern slope of the Nar valley to the west of the A1065. It lies about 15 miles east of Kings Lynn and around five miles north of Swaffham. It has a rich history with the origin of the villages dating from Roman times. As a result there is a Conservation Area and numerous listed buildings including five Grade I listed buildings or structures as well as a range of locally important heritage features.

The village has a number of services including a café, public house and a school. It attracts many visitors. It has a population of around 848 according to the 2011 Census.

The Plan is well presented and written to a high standard. It contains 14 policies covering a range of topics including a site allocation, Local Green Spaces and facilities and services. The policies do not repeat Borough level policy, but seek to add local detail or address matters of importance to the local community.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that the Castle Acre Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
11 June 2021



## 1.0 Introduction

This is the report of the independent examiner into the Castle Acre Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by the Borough Council of King's Lynn and West Norfolk (BCKLWN) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

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

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BCKLWN. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup>

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Representations often suggest additions or amendments to policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

I sought clarification on a number of matters from the Parish Council and BCKLWN in writing on 8 April 2021 and my list of questions is attached to this report as Appendix 2. I am grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Katie Evans at BCKLWN.

I made an unaccompanied site visit to familiarise myself with the Plan area on 19 May 2021.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> Ibid

<sup>8</sup> Ibid para 056 ref id 41-056-20180222

<sup>9</sup> Ibid

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

## **4.0 Neighbourhood plan preparation**

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

The commitment to produce a Plan started in mid 2016 when a Steering Group of volunteers was set up after a Parish Council meeting to explore interest.

A number of surveys and engagement activities have been undertaken throughout the Plan's preparation. These include a workshop/'drop-in' event attended by 92 local residents. The results from this fed into the development of the Questionnaire delivered to all households in the Plan area in July 2017. A stall was held at the Village fete.

A 'drop-in' event was held in April 2018 attended by 99 local residents and others.

Following feedback from these various events and the results from the questionnaire, work began on drafting policies and gathering evidence. A Housing Needs Survey and Site Options and assessment work were carried out.

In addition, a dedicated Facebook page has been established and linked to a dedicated Plan website. Circulars to all households keeping residents up to date with progress and publicising major milestones have been used. Regular updates to Parish Council meetings were given. Flyers and posters were used. Regular articles and updates were placed in the Parish magazine.

Pre-submission (Regulation 14) consultation took place between 12 March – 22 May 2020; longer than the statutory period to help ensure everyone had a chance to comment if they wished to do so during this period of lockdown. Information leaflets were delivered to all households providing online links to documents and details of how hard copies might be obtained.

I raised a query about the consultation period as the Consultation Statement<sup>10</sup> indicated that an additional consultation focused solely on the proposed sites had been undertaken. In response, the Parish Council has confirmed that additional information and guidance to help the local community comment on the site allocations was given.

Further supporting work was also carried out on the potential site allocations including further engagement with landowners and a Traffic Survey and Heritage Impact Statement for one of the proposed sites.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 26 October – 21 December 2020, again sensibly allowing a longer timescale than the statutory period in the light of the pandemic.

The Regulation 16 stage resulted in nine representations. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

## **5.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Castle Acre Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. BCKLWN approved the designation of the area on 8 December 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 5 of the Plan.

### **Plan period**

The Plan period is 2017 – 2036. This is clearly stated in the Plan itself. This requirement is therefore satisfactorily met. The end date coincides with the emerging Local Plan Review which is sensible given the Plan has been produced around the same time and has been informed by some of the evidence gathered for the Local Plan Review.

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<sup>10</sup> Consultation Statement page 7



## **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

## **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

In this instance, a number of other community action projects which arose from engagement have been referred to and explained within the Plan.<sup>12</sup> They appear as clearly and separately identified projects within each topic chapter. This is an acceptable approach for this Plan.

## **6.0 The basic conditions**

### **Regard to national policy and advice**

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>14</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and

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<sup>11</sup> PPG para 004 ref id 41-004-20190509

<sup>12</sup> The Plan page 20

<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

enhancing the natural and historic environment as well as set out other development management policies.<sup>15</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>16</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>17</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>18</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>19</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>20</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>21</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>22</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance.<sup>23</sup>

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<sup>15</sup> NPPF para 28

<sup>16</sup> Ibid para 29

<sup>17</sup> Ibid para 31

<sup>18</sup> Ibid para 16

<sup>19</sup> PPG para 041 ref id 41-041-20140306

<sup>20</sup> Ibid

<sup>21</sup> Ibid para 040 ref id 41-040-20160211

<sup>22</sup> Ibid

<sup>23</sup> See table in the Basic Conditions Statement page 6

## **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>24</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>25</sup> The objectives are economic, social and environmental.<sup>26</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>27</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement explains how each Plan policy helps to achieve sustainable development as outlined in the NPPF including a useful table.<sup>28</sup>

## **General conformity with the strategic policies in the development plan**

The development plan includes the Borough Council of King's Lynn and West Norfolk Core Strategy (CS) adopted on 28 July 2011 and the Site Allocations and Development Management Policies Plan (SADMP) adopted on 29 September 2016.

The CS sets out the spatial planning framework to 2026. CS Policy CS01 sets out the spatial strategy explaining that for the rural areas the promotion of sustainable communities and sustainable patterns of development, a strong and diverse economy whilst maintaining local character and a high quality environment as well as the protection of the countryside beyond the villages are important. Development is to be focused within or adjacent to selected Key Rural Service Centres.

CS Policy CS02 introduces a settlement hierarchy; Castle Acre is identified as a Key Rural Service Centre. These are considered to sustain the wider rural community providing basic day to day needs. Limited growth of a scale and nature appropriate to secure the sustainability of each settlement is supported in accordance with CS Policy CS06.

CS Policy CS06 indicates that the strategy for the rural areas is to promote sustainable communities and sustainable patterns of development, maintain local character and a high quality environment, focus most new development in the Key Rural Service Centres and ensure employment, housing and services are nearby.

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<sup>24</sup> NPPF para 7

<sup>25</sup> Ibid para 8

<sup>26</sup> Ibid

<sup>27</sup> Ibid para 9

<sup>28</sup> Basic Conditions Statement page 20 onwards

The SADMP gives effect to and complements the CS, guiding development up to 2026. It contains some amendments to CS Policies CS02 and CS06, neither of which fundamentally affect this Plan.

The SADMP explains that Castle Acre is a “considerable rural settlement..situated along the upper northern slope of the Nar valley...”.<sup>29</sup> It allocates a site, known as G22.1, for at least 15 dwellings to the west of Massingham Road.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant CS and SADMP policies.<sup>30</sup>

### ***Emerging planning policy***

The Borough Council is currently preparing a review of the CS and SADMP. The two documents have been reviewed and combined to create a new draft document which will set out a strategy for the location of development and how it should be delivered up to 2036. The draft Local Plan Review (LPR) was published for an eight week consultation period between 4 March – 29 April 2019. The responses are now being reviewed and it is anticipated that a further version of the plan will be published for further consultation later this year.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>31</sup> advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>32</sup>

The Plan has rightly been produced in parallel with the production of the emerging Local Plan. There is no need to ‘wait’ for the adoption of the emerging LPR.

### **Retained European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

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<sup>29</sup> SADMP page 208

<sup>30</sup> Table in Basic Conditions Statement page 6

<sup>31</sup> PPG para 009 ref id 41-009-20190509

<sup>32</sup> Ibid

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>33</sup> confirms that it is the responsibility of the local planning authority, in this case BCKLWN, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BCKLWN who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.

The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Report on the requirements for SEA and HRA was prepared by BCKLWN and is dated September 2019. The consultation bodies were consulted. The Screening Report concludes that both SEA and HRA are needed.

A SEA Environmental Report has been prepared by AECOM and is dated March 2020. This is a comprehensive document that meets the requirements of Regulation 12 of the Environmental Assessment of Plans and Programmes.

Taking account of the characteristics of the Plan, the baseline information and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

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<sup>33</sup> PPG para 031 ref id 11-031-20150209

Turning now to HRA, a HRA has been prepared by AECOM and is dated December 2019. There are no European sites within or adjacent to the Plan area. The closest are the Norfolk Valley Fens Special Area of Conservation (SAC), the Breckland Special Protection Area (SPA) and the River Wensum SAC.

The HRA stated that three policies have the potential to result in a likely significant effect in combination; Policies HD.1, TO.1 and BU.1 due to potential linking impact pathways from recreational pressure (Breckland SPA) and water quality and resources. The appropriate assessment (AA) recommended that the Plan should include a policy relating to the protection of European sites and explicitly referencing the SADMP and Monitoring and Mitigation Strategy document. This has been done in Policy NE.2.

In relation to water quality and resources, the AA concludes that the "...Plan will not affect the integrity [of the] European sites regarding water resources and water quality".<sup>34</sup>

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the HRA and AA and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Whilst the assessments relate to the pre-submission version of the Plan, I am mindful of the advice in PPG.<sup>35</sup> This states that the environmental report will not necessarily have to be amended if the Plan is modified following responses to consultation. Modifications should be appropriate and proportionate to the level of change being made. A change is likely to be significant if it substantially alters the Plan or is likely to give rise to significant environmental effects. I take the view that the assessments carried out at earlier stages of Plan making remain valid given the level of change made to the Plan. It will of course be for BCKLWN to review this following the examination stage.

### ***Conclusion on retained EU obligations***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>36</sup> In undertaking work

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<sup>34</sup> HRA December 2019 page 25

<sup>35</sup> PPG para 041 ref id 11-041-20140306

<sup>36</sup> Ibid para 031 ref id 11-031-20150209

on SEA and HRA, BCKLWN has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement in relation to human rights.<sup>37</sup> Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a high standard and contains 14 policies. There is an eye catching front cover. The Plan begins with a helpful contents page.

### **Chapter 1: Introduction**

This is a helpful introduction to the Plan that sets out the background to the Plan explaining a Steering Group was set up to lead its preparation. It sets out how the Plan fits into the wider planning policy context and how it will be used.

Some natural updating will be needed; I regard these as matters of final presentation and do not make a specific modification in this respect.

### **Chapter 2: Castle Acre**

This section sets out the interesting wealth of history of the Parish and highlights key issues in the present day context.

### **Chapter 3: Key issues from Consultation**

This chapter succinctly summarises the key issues which resulted from extensive community engagement. It refers to the evidence base. It signposts key documents for

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<sup>37</sup> Basic Conditions Statement page 28

further detailed information. It summarises the different stages of engagement and sets out key actions arising.

## **Chapter 4: Vision and Objectives**

The vision for the area is:

“Castle Acre will continue to be a rural parish and historic village rejoicing in its community, history and natural surroundings. Future development will meet local needs and provide sustainable homes which respect the special identity and character of Castle Acre and its surrounding landscape.”

The vision is supported by 11 objectives based on the six topic areas in the Plan of historic environment, natural environment, housing, transport, tourism and business. All the objectives are articulated well and will help to deliver the vision.

This section explains the relationship between the vision, the objectives and the policies. It also explains that a number of Community Action Projects arose during the course of engagement with the local community which are not related to the development and use of land and how these are dealt with in the Plan.

## **Chapter 5: The Historic Environment, Historic Landscape and Vernacular Architecture**

### **Policy HE.1 Protecting Historic Assets (Designated and Non-Designated)**

The supporting text gives a flavour of the richness of the heritage of the village and wider parish. Castle Acre retains some of the original Norman planned form and a Mott and Bailey established in the 11<sup>th</sup> Century. As well as a Conservation Area designated in 1971 and extended in 1990, there are numerous listed buildings and monuments. In addition a number of other buildings and structures have been identified as important non-designated heritage assets. These are detailed in Appendix 2 and shown on Map HE.1 on page 26 of the Plan.

Policy HE.1 deals with all types of heritage assets. The first element of the policy seeks to ensure that any new development that potentially affects the significance of any designated heritage asset and those non-designated heritage assets shown on Map HE.1 (which also are the same as shown in Appendix 2). It refers to national guidance and seeks the submission of a Heritage Statement.



The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>38</sup> It continues<sup>39</sup> that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgement will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>40</sup>

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets.

PPG advises there are various ways that such assets can be identified including through neighbourhood planning.<sup>41</sup> However where assets are identified, PPG advises that it is important decisions to identify them are based on sound evidence.<sup>42</sup> There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.<sup>43</sup>

I asked how the non-designated heritage assets identified on Map HE.1 and Appendix 2 had been selected. I am advised that they have been identified using the Norfolk Heritage Explorer database and the Castle Acre Character Statement.

The second element of the policy relates to new development on undeveloped sites where there might be a "reasonable prospect" of unknown and unrecorded archaeological or historical assets being present. The Plan explains that some of the area's history is yet to be fully discovered. This then is a way of helping to ensure that currently unidentified heritage assets will be discovered in the future. The NPPF recognises this possibility.<sup>44</sup>

The policy continues that where unknown or unrecorded assets are found, then a record should be made of any such assets which will be lost. This element of the policy concerns me as whilst the stance in the policy mirrors that in the NPPF<sup>45</sup> up to a point by seeking an advancement of understanding and public access to evidence, the NPPF is also clear that the ability to record evidence should not be a factor in deciding whether such loss should be permitted. A modification is therefore made to ensure this part of the policy takes full account of the NPPF.

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<sup>38</sup> NPPF para 184

<sup>39</sup> Ibid para 193

<sup>40</sup> Ibid para 197

<sup>41</sup> PPG para 040 ref id 18a-040-20190723

<sup>42</sup> Ibid

<sup>43</sup> Ibid

<sup>44</sup> NPPF para 187

<sup>45</sup> Ibid para 199

The last paragraph of the policy is similar to the NPPF's stance on non-designated heritage assets.<sup>46</sup> Given the first part of the policy refers to the tests set out in national guidance and the policy refers to both designated (which have a different set of criteria) as well as non-designated heritage assets, this element should be changed to ensure it is clear it only relates to non-designated heritage assets to avoid confusion. This is also in line with a comment from Historic England who welcome this policy.

The non-designated heritage assets are shown on Map HE.1. Map HE.1 lists "terraced dwellings (examples of)" in its table. This is too imprecise given that these buildings are to be made non-designated heritage assets. However, the location of the terraced dwellings is shown on the Map and in Appendix 2. It is therefore clear where these terraces are. A modification is made to make Map HE.1 clearer.

A modification is made to the titles of Appendix 2 in the interests of clarity.

There is also a further modification in the interests of clarity. Non-designated Site I is listed as "Earl's Pond" on page 26 of the Plan, but referred to as "Moated Medieval Manor" on page 81. Assuming these are the same sites, the reference should be consistent.

With these modifications, the policy will meet the basic conditions by taking account of the NPPF, adding local detail to, and being in general conformity with, CS Policies CS08 and CS12 and SADMP Policy DM 15 in particular and helping to achieve sustainable development.

- **Add a new sentence at the end of paragraph four of the policy that reads: "*It should be noted that the ability to record and document such heritage assets will not be a determining factor in determining whether any loss (wholly or in part) will be permitted.*"**
- **Change the fifth paragraph of the policy to read: "*In assessing the impact of any proposal on any of the non-designated heritage assets identified in this plan or via the planning process a balanced...*"**
- **Delete the "(examples of)" from number 6 in the table below Map HE.1 and replace with "*Bailey Street, Castle Square and Orchard Lane*"**
- **Delete the words "Examples of" from the titles in Appendix 2 on pages 80, 81 and 82 of the Plan**
- **Change "I Moated Medieval Manor" on page 81 of the Plan to "*Earl's Pond*"**

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<sup>46</sup> NPPF para 197

## Policy HE.2 Conservation Area

The Plan explains that the Conservation Area Character Statement explains the rationale behind the designation and highlights two significant detractors from the Castle Acre Conservation Area (CA).

Additionally, engagement with the local community revealed a concern that new development threatens the character of the CA.

As a result, this policy focuses on the CA by taking its lead from the CA Character Statement. It states that the “special character” of the CA and its setting will be protected and reinforced. It then explains how this will be achieved.

The second element of the policy refers to Important Unlisted Buildings identified in the CA Character Statement and on Map HE.2 on page 29 of the Plan.

I am mindful that the CA Character Statement explains that “...a good deal of the townscape character rests on the vernacular styles of its unlisted historic buildings. 173 of these historic buildings have been identified representing 63 per cent of the total number of buildings in the conservation area.”<sup>47</sup>

It continues “These important unlisted buildings have been identified because of their prominent position, use of traditional materials, their character is substantially intact, and because they often relate to other historic buildings close by.”<sup>48</sup>

Given this provenance, I consider that the policy can sensibly refer to these buildings. even though it is some time since the CS Character Statement was revised, given their location within the CA and their nature it seems likely that most will still be of importance.

Turning now to the wording of this part of the policy, again taking the cue from the CA Character Statement and as quoted above, the wording is acceptable and takes account of the NPPF’s stance on designated heritage assets discussed in relation to the previous policy.

The policy therefore takes account of the NPPF’s stance on conserving and enhancing the historic environment by setting out a positive strategy<sup>49</sup> and considering the impact of development on the significance of the CA.<sup>50</sup> It is in general conformity with Policies CS Policies CS08 and CS12 and SADMP Policy DM 15 in particular and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

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<sup>47</sup> CA Character Statement page 11

<sup>48</sup> Ibid

<sup>49</sup> NPPF para 185

<sup>50</sup> Ibid para 193

### Policy HE.3 Castle Acre's Local Character and Vernacular Architecture

The supporting text describes the local character and goes into detail about the design and materials used for building in the Parish. A Character Appraisal has been carried out as part of the work on the Plan and is attached to the Plan as Appendix 3.

Policy HE.3 seeks to ensure that new development reflects the village's distinctive character.

The NPPF states that 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.<sup>51</sup>

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>52</sup>

It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.<sup>53</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>54</sup>

There is a correction to the supporting text to ensure that it aligns with the relevant legislation.

With this modification, the policy will meet the basic conditions. It seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from the stance in the NPPF and adds local detail to, and is in general conformity with, CS Policies CS08 and CS12 and SADMP Policy DM 15 in particular. It will help to achieve sustainable development.

- **Change the phrase "...preserves and enhances..." to "...preserves or enhances..." in paragraph 5.25 on page 30 of the Plan**

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<sup>51</sup> NPPF para 124

<sup>52</sup> Ibid para 125

<sup>53</sup> Ibid para 126

<sup>54</sup> Ibid para 127

## Policy HE.4 Important Views

The Plan explains that the topography of the landscape around the village affords views in and out of the village important to the character and historic significance. The views have been identified as part of the work on the Plan.

This policy identifies a number of views which are shown on Map HE.4 on page 35 of the Plan. I am satisfied from what I saw on my site visit, the views selected are appropriate with the exception of View g which seems to be in the middle of a field and therefore lacks the precision needed for development management purposes.

The wording of the policy does not prevent any development per se, but rather seeks to ensure that development does not have a detrimental impact on the key features of any view. I consider this to be an appropriate and sufficiently flexible approach.

Historic England has suggested the removal of a word to strengthen this policy. I agree; as the policy is currently worded it would permit unacceptable or harmful development to proceed. A modification is made in the interests of clarity.

With these modifications, the policy will take account of national policy and guidance in recognising the intrinsic character and beauty of the countryside and promoting and reinforcing local distinctiveness,<sup>55</sup> will be in general conformity with, and will add a local layer of detail to, strategic policies and CS Policies CS08 and CS12 and SADMP Policy DM 15 in particular. The SADMP recognises the importance of views and the openness around the settlement.<sup>56</sup> It will help to achieve sustainable development.

- **Remove View g from the policy, from Map HE.4 and the key on page 35 of the Plan**
- **Delete the word “unacceptable” from the last sentence of the policy**

## Community Action Projects

Two Community Action Projects are included at the end of this chapter.

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<sup>55</sup> NPPF paras 127, 170

<sup>56</sup> SADMP page 209

## Chapter 6: The Natural Environment

### Policy NE.1 Protection of Landscape Setting

The NPPF requires the planning system to contribute to and enhance the natural and local environment including protecting and enhancing valued landscapes.<sup>57</sup>

The Plan explains the landscape of the Parish in some detail. It is clear that the area has a high quality and varied landscape valued by the local community.

The policy is clearly and flexibly worded. It does not prevent development per se, but seeks to ensure any development within this area is appropriate given the qualities of this landscape.

The policy takes account of the NPPF's stance on contributing to and enhancing the natural and local environment and recognising the intrinsic character and beauty of the countryside.<sup>58</sup> It is in general conformity with CS Policy CS12 and helps to achieve sustainable development. It therefore meets the basic conditions. No modifications are therefore recommended.

### Policy NE.2 Habitats and Natural Features

Castle Acre Common Site of Special Scientific Interest (SSSI) and the River Nar SSSI both partly lie within the Plan area. The Plan highlights a number of features. Detail is given about the river and its surrounding area.

Policy NE.2 is a long policy which seeks to protect a number of named features. These include the SSSIs, Minns Meadow, the Water Meadows, Broadmeadow Common, Emanuel's Common and Castle Acre Common and the Breckland SPA. The six local sites are shown on Map NE.2. This is helpful, but the key to the Map does not tie in with the policy and the Map is not cross-referenced in the policy. Modifications are made to enhance clarity.

It encourages new development to provide a net gain in biodiversity.

Where damage or loss is unavoidable, the benefits of any development must outweigh any impacts.

Reference is made to European sites and Borough Council level policy on such sites.

Accesses which affect existing hedgerows are referred to.

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<sup>57</sup> NPPF para 170

<sup>58</sup> Ibid

Finally, the policy seeks to prohibit vehicles using part of South Acre Road, across South Acre ford and onto Church Farm. Whilst there is supporting text expressing this as a “strong desire”<sup>59</sup> from the consultation exercises, there is insufficient explanation or evidence to support this or to know what implications may arise in the Plan or its supporting documents. In any case, it falls into the category of a community aspiration or action rather than a development and use of land matter. A modification is therefore made to address this point.

A representation from the Norfolk Wildlife Trust offers support for the policy, but asks that consideration is given to including County Wildlife Sites (CWS). The representation explains there are two CWS within the Plan area, Land adjacent to the River Nar and Castle Acre Castle. The CWS network plays an important role in the hierarchy of protection. Given the policy refers to other designations, reference to the CWSs should be included in the policy for completeness. A modification is therefore made to address this point.

The NPPF<sup>60</sup> is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains. It asks plans to distinguish between the hierarchy of international, national and locally designated sites.<sup>61</sup>

It continues<sup>62</sup> that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

With these modifications, the policy will take account of the NPPF, be a local expression of CS Policy CS12 in particular and help to achieve sustainable development thereby meeting the basic conditions.

- **Add the European sites to Map NE.2 and its key**
- **Add the words “and shown on Map NE.2” after “The following Natural Features...” in the first sentence of the policy**
- **Delete the last paragraph of the policy which begins “To prohibit vehicles...” from the policy and add this to the Community Action Projects section at the end of this section if desired**
- **Include reference to the two County Wildlife Sites within the policy and on Map NE.2 or a different Map as appropriate**

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<sup>59</sup> See the Plan page 42

<sup>60</sup> NPPF para 170

<sup>61</sup> Ibid para 171

<sup>62</sup> Ibid at para 175

## Policy NE.3 Local Green Spaces

Three areas of Local Green Space (LGS) are proposed. All are shown on Map NE.3 on page 46 of the Plan.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>63</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>64</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>65</sup> The NPPF sets out three criteria for green spaces.<sup>66</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and holds a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

A Local Green Space assessment has been undertaken. This is included as Appendix 6 to the Plan. I asked to be directed to any evidence supporting the designation of the three spaces which was already in the public domain as part of my queries.

I made a site visit to see each proposed LGS.

**Castle Meadow** is valued for its historic and visual beauty. It also provides a setting for the Castle and this part of the village. It is within walking distance of the main built up part of the village and there are footpaths close to the area. I saw at my visit, that the area consisted of gently rolling meadow at the edge of the settlement. It offers extensive views of the surrounding landscape.

The landowner considers the area proposed for designation to be an extensive tract of land and objects to the designation on this basis. There is no guidance (or anything else) which I am aware of or that has been brought to my attention as to what might constitute an extensive tract of land. Indeed PPG states that there are “no hard and fast rules about how big a LGS can be because places are different and a degree of judgment will inevitably be needed”.<sup>67</sup> Therefore I have to take a case by case basis approach to this and make a judgment.

Although the assessment and the representation on behalf of the landowner indicate this area is around 41 acres or 16.5 hectares, in comparison to the two other areas, this did not seem correct to me. I therefore checked with BCKLWN and the Parish Council and both confirm that the area is, in fact, around 9.5 hectares.

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<sup>63</sup> NPPF para 99

<sup>64</sup> Ibid

<sup>65</sup> Ibid

<sup>66</sup> Ibid para 100

<sup>67</sup> PPG para 015 ref id 37-015-20140306



I have not contacted the landowner to ask for further comments on this point, but have assumed the objection would stand whether the area was around 16 or 9 hectares.

This remains, in purely numerical terms, a sizeable area, but I do not regard it to be an extensive tract of land in the meaning of the NPPF. In comparing the area to the size of the built up part of the village and to the playing field and cricket area whilst it is larger, the character of the village is such that its size is not unusual in relation to the grounds of the Castle and the Priory area in this context. In comparison to the Plan area, it represents a small part of the overall Plan area. Furthermore the area is self-contained and visually reads as a contiguous space. It forms part of the valley sides rising up gently from the River Nar and is important to the setting of the Castle and this part of the village more widely.

The NPPF does not support the designation of extensive tracts of land and PPG is clear that blanket designations of open countryside adjacent to settlements will not be appropriate.<sup>68</sup> Given the particular location of this green space and its self containment, its visual characteristics as one area of meadow and the character and appearance of the village and Parish, I consider it does meet the criteria in the NPPF and can be considered as local in character given the very particular nature of the settlement, its history and the nature of this space.

**Further Pond Close** is an area of around 2.5 hectares. The assessment states it is adjacent to the possible site of a medieval moat although at fact check stage I was informed this was an error and it should be a medieval moated manor. It states the area is valued for its historic significance due to the suspected presence of archaeological remains and its wildlife as it was an ancient meadow and is bordered on two sides by land under Countryside Stewardship schemes. A number of species have been seen on the site by local residents. It is within walking distance of the village centre.

Whilst on the ground, it is apparent that this area is self contained and can be distinguished from its surroundings, I do not consider that the evidence put forward to support any historic significance or wildlife significance is sufficiently robust to confirm the designation.

The landowner has objected to the proposed designation, but has explained that as part of a current planning application on the site, an ecological survey has been commissioned that concludes the overall ecological value of the site is considered to be low.

This is not to say that the area is not suitable as a LGS, but rather that, at this time and based on the information in front of me, there is not enough, in my view, to support the designation. It may well be that a future review of the Plan can remedy this.

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<sup>68</sup> PPG para 015 ref id 37-015-20140306

**Castle Acre Playing Field** is at the heart of the village and surrounded by development. This area of approximately 3.2 hectares is valued for its recreation function. I saw at my visit that the recreation ground has a skate board area, play area and cricket square. Map NE.3 shows the area to be designated. This includes the cricket pavilion. Given the designation is a green space, I recommend the area is modified to exclude this building and its surrounds.

In my view, Castle Meadow and the Playing Field meet the criteria in the NPPF satisfactorily as both are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan. However, Further Pond Close does not meet the criteria and for the reasons given above is recommended for deletion from the policy.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced to Map NE.3. The next element in setting out what development might be permitted, should take account of, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.<sup>69</sup> Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

With these modifications, the policy will meet the basic conditions.

- **Modify Map NE.3 by removing the cricket pavilion building from c) Castle Acre Playing Field**
- **Delete Further Pond Close from the policy and Map NE.3**
- **Change the second paragraph of the policy to read: “*Development in the Local Green Spaces will be consistent with national policy for Green Belts.*”**
- **Consequential amendments will be required**

#### **Policy NE.4 Dark Skies**

The NPPF highlights the impact light pollution can have on health and living conditions as well as the natural environment, both locally and in relation to the wider area.<sup>70</sup>

This policy seeks to provide a balance between safety, security and community benefit that lighting can bring with the harm that light pollution can cause.

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<sup>69</sup> NPPF para 101

<sup>70</sup> Ibid para 180

I note the comments made by BCKLWN regarding the control of certain lighting, but I consider the supporting text acknowledges that not all lighting falls under planning control.

It is clearly worded with flexibility. It meets the basic conditions particularly taking account of the NPPF, being in general conformity with CS Policy CS12 and SADMP Policy DM 15 in particular and helping to achieve sustainable development and no modifications are put forward.

## **Community Action Projects**

Two Community Action Projects are included at the end of this chapter.

## **Chapter 7: Housing and Development**

The objectives set out on page 50 of the Plan are not quite the same as those set out earlier in the Plan. A modification is therefore made in the interests of clarity and accuracy.

As explained earlier, Castle Acre is identified as a Key Rural Service Centre in CS Policy CS02. Limited growth of a scale and nature appropriate to secure the sustainability of each settlement is supported in accordance with CS Policy CS06.

The SADMP allocated a site, known as G22.1, for at least 15 dwellings to the west of Massingham Road.

In the emerging LPR, an indicative figure of at least 12 new homes for the Plan area was given. The site allocation in the SADMP, Policy G22.1, is rolled forward. It is noted that the site now has planning permission for 19 units of which three are for affordable housing.

A Housing Needs Survey (HNS) was undertaken in 2019 by AECOM. The HNS does not put forward a number of affordable housing, focusing instead on affordability and tenure. This identifies the greatest need for two bedroom homes.

On 9 February 2020, BCKLWN wrote to the Parish Council providing an updated housing figure for the Parish of five new homes to work towards based on the latest available evidence for the LPR. Whilst I accept that within the Plan there is little explanation for this revised figure, I do not consider it to be prematurely given or without foundation. However, I found paragraph 7.8 on page 51 confusing and a modification is made to help with clarity.

Given the new development boundary discussed below, another change is needed to the supporting text in the interests of accuracy.

Paragraph 7.18 on page 55 of the Plan indicates that future amendments to the development boundary will only be made through reviews of this (neighbourhood) Plan. I consider this would potentially hamper the ability of BCKLWN to plan strategically across the District as a whole. BCKLWN have confirmed that it should also be made clear amendments can be made through a LPR. A modification is therefore made in this respect.

Paragraph 7.20 refers to an emerging policy in the LPR. Emerging LPR Policy LP26 may not survive to adoption in its current form and in any case I do not consider the site meets the criteria referred to in this paragraph. This element of the sentence should therefore be deleted.

- **Ensure that objectives 5 and 7 are the same in this section as the ones in Chapter 4**
- **Amend paragraph 7.8 to read: “Advice from the Borough Council in the early stages of drafting the Neighbourhood Plan (May 2019) was that the Local Plan would not make any further provision for new housing after 2026 in Castle Acre. However, in February 2020, the BCKLWN advised that approximately five additional dwellings between 2026 and 2036 would be an appropriate figure to work towards (See Appendix 7). Site selection and allocation to accommodate this figure should therefore be taken forward by the emerging Neighbourhood Plan. Neighbourhood Plans can provide for a higher figure than that given by the local planning authority, should they so wish.”**
- **Change the last sentence of paragraph 7.17 on page 55 of the Plan to read: “in addition to the development boundary amendments set out above, existing development along Chimney Street is included within a new development boundary.”**
- **Change the fourth sentence of paragraph 7.18 on page 55 of the Plan to read: “Future amendments to the development boundary will be made through reviews of the Neighbourhood Plan or through a Local Plan Review involving consultation with the local community.”**
- **End the sentence in paragraph 7.20 on page 55 which begins “On this basis, the site can be considered...” at “allocation”**

## **Policy HD.1 Housing Provision**

Policy HD.1 has a number of different elements. It begins with support for development commensurate with Castle Acre’s status as a Key Rural Service Centre in the CS.

It then indicates the Plan provides for four new dwellings over the Plan period. This is to be met through a site allocation, Site CA.3, windfall sites and infill plots within the

development boundary and conversions in accordance with paragraph 79 of the NPPF. This includes rural worker housing, reuse of redundant buildings, residential subdivisions, designs of exceptional quality and optimal viable use of heritage assets.

Neighbourhood plans can be developed before or at the same time as a Local Plan is being produced.<sup>71</sup> I am also mindful that neighbourhood plans do not need to have policies addressing all types of development. However, where they do contain policies relevant to housing supply, then account should be taken of the latest and up to date evidence.

The latest requirement from BCKLWN is for five units. The policy does provide for this, through the windfalls and development in the rural area, but needs modification to make this clearer. This will also be a minimum rather than a ceiling on provision.

The next element of the policy is the site allocation, Site CA.3. The policy indicates that the four units will be two bedroom starter homes with priority given to residents and those with a local connection. Access is specified. Trees and hedgerows should be retained. An area of new car parking for the Church is to be provided. Lastly, lighting is referred to.

There are a number of issues with the policy. First of all despite the supporting text indicating two areas will be included within a revised development boundary, the policy does not explicitly revise the development boundary.

I have considered whether anyone would be prejudiced by the explicit insertion of a reference to an amended and new development boundary, but consider that given one is a site that is currently being built out and the other a site allocation which I discuss further below, it would be an acceptable change that would not disadvantage anyone.

I am also mindful that the supporting text to SADMP Policy DM 2 indicates NPs can define different boundaries where these are consistent with the settlement's role in the CS. Map HD.1 is also referred to in the policy.

The first revision to the development boundary is then a logical change to include Site G22.1, a site with various planning permissions totaling 19 dwellings. However, this change is not clearly shown on Map HD.1. In response to my query on this site, the Parish Council advise that the development boundary has already been extended to include this site in the SADMP. Either way, the site should now be included within the boundary line denoting the development boundary on Map HD.1. There is now no need to identify this as a site allocation (in the SADMP) as the site is being built out.

The second is to include the site of a proposed allocation known as Site CA.3. The Plan explains that this area was included in the Local Plan of 1998, but subsequently excluded in later plans. In response to a query on this, the Parish Council has confirmed

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<sup>71</sup> PPG para 009 ref id 41-009-20190509

that it is proposed to extend the development boundary to only include the residential element of the site allocation. I discuss this further below.

The site selection and assessment process has been supported through the SEA Environmental Report and its assessment of reasonable alternatives. Whilst other sites have or could be considered for allocation in the future, in my view, there is no compulsion to allocate sites or to select those performing as well or better if other reasons point in another direction, including taking into account the views and support of the local community.

With regard to the latest available figures handed down from BCKLWN, there is no pressing need to allocate other sites at the present time.

With regard to the site allocation; this and its criteria need clarifying. Starting with the site allocation, Map HD.1 presently seeks to alter the development boundary to include part of the site allocation and some existing dwellings along Chimney Street. The revision to the development boundary would result in a small enclave of development, separate from the main village boundary, identified as a new development boundary. In principle, I see nothing to prevent this and note BCKLWN have not objected to this scenario. A modification is therefore made to make this change to the development boundary clearer.

Additionally, on a related point, in response to a query on this point, the Parish Council indicate that the housing development is co-dependent on the car parking provision. The policy does not achieve this as it is currently worded yet this appears to be a major factor in putting forward this site. The car parking element is also shown outside the revised development boundary. A modification is therefore made to ensure both elements of the scheme are shown as the site allocation and that the whole of the site allocation now falls within the new development boundary.

Now turning to the criteria of the policy, the Government has withdrawn the starter homes exception policy. Access is specified, but Historic England remain concerned about the reference to a footway. Earlier objections from Historic England have now largely been addressed through the Heritage Impact Assessment and a Traffic Survey. The remaining objection about the footway can be resolved through a modification. Trees and hedgerows are to be retained, but the language used is unlikely to achieve this. Finally, the cross reference to Policy NE.4 is unnecessary. These issues can be addressed through modifications.

I have also noted the comments of Natural England in relation to the site allocation which they suggest is treated as a windfall site in relation to the Monitoring and Mitigation Strategy in line with SADMP Policy DM19. This can be satisfactorily managed through the development management process and I have already noted Policy NE.2 of this Plan now includes reference to this issue in line with the recommendations of the HRA and AA.

With these modifications, the policy will take account of the NPPF's objective of significantly boosting the supply of homes commensurate with the village's status in the settlement hierarchy, be in general conformity with the CS and SADMP and in particular CS Policies CS01 and CS06 and take account of the emerging LPR policy context and will help to achieve sustainable development thereby meeting the basic conditions.

▪ **Amend Policy HD.1 to read:**

***“The Neighbourhood Plan area will accommodate development, including ‘windfalls’, commensurate with Castle Acre’s classification as a Key Rural Service Centre within the Local Plan settlement hierarchy. The revised development boundary and a new development boundary are defined on Map HD.1.***

**This Plan provides for a minimum of 5 housing units in the Neighbourhood Plan area between 2020 and 2036. This need will be met through:**

- i) Allocating Site CA.3 Glebe Land off South Acre Road for the development of 4 dwellings and an area of car parking for the Church**
- ii) Small “windfall” sites and infill plots within the development boundaries which will come forward during the plan period but are not identified in the Plan; and**
- iii) Conversions of existing buildings outside of the Castle Acre development boundaries in accordance with paragraph 79 of the NPPF 2019.**

**The focus of new windfall development will be within the Castle Acre development boundaries as defined on MAP HD.1 on page 53.**

**Site CA3 – Glebe Land off South Acre Road – is allocated for 4 dwellings and an area of car parking for the Church subject to all of the following criteria:**

- a) The development of this site will provide for a sensitively designed terrace of four two bedroom homes aimed at those with a local connection and an area of car parking for the Church. Any planning permission granted will be subject to an agreement that both the housing and car parking is provided.**
- b) Access to the site will be from South Acre Road or Chimney Street; access arrangements should be designed to ensure that any proposed junction infrastructure respects the rural and historic character and edge of village location (See Historic England guidance). See footnote ref; Historic England**
- c) All existing trees and hedgerows on the site should be retained wherever possible. Only those necessary to achieve safe access for the housing and car park development should be removed. Any trees or hedgerows totally or partially removed should be appropriately replaced.**
- d) The area of proposed new car parking for the church will be to the north of the site closest to the churchyard**
- e) Any lighting scheme proposed for the for the car park and the dwellings on the site shall minimise light pollution to avoid harm to the setting of the church and priory.”**

- **Include Site G22.1 in the development boundary line [it is no longer necessary to note the change; just show the new boundary]**
- **Change Map HD.1 to show a new separate development boundary that is the existing red line on the Map and the whole of the site allocation currently shown in blocked green and striped green; make sure that the whole of the development boundaries are shown [at present Map HD.1 cuts off the settlement to the east]**
- **Show the site allocation for the new housing and car park on Map HD.1 as one site allocation; it is useful to retain the shadings to show the housing and car parking elements**

## Policy HD.2 Housing Size, Type and Tenure

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.<sup>72</sup> It continues that the size, type and tenure of housing needed for different groups should be assessed and reflected in planning policies.<sup>73</sup>

CS Policy CS09 indicates that new housing in rural areas will be restricted to that which meets the needs of the local community.

This policy encourages a wide range of housing to meet local needs. It refers to the Housing Needs Survey undertaken in 2019 by AECOM. This provides useful evidence, but the policy should refer to this and any other source of reliable up to date housing needs information as that will become out of date over the Plan period. A modification is made to address this point.

With this modification, the policy will meet the basic conditions in that it will take account of the NPPF, be in general conformity with development plan policies, especially CS Policy CS09 and help to achieve sustainable development.

- **Add the words “*or the most up to date housing needs assessment available*” after “...Housing Needs Assessment 2019” in the second paragraph of the policy**

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<sup>72</sup> NPPF para 59

<sup>73</sup> Ibid para 61



## Policy HD.3 Design

The NPPF states that 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.<sup>74</sup>

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>75</sup>

It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.<sup>76</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.<sup>77</sup>

Policy HD.3 is a long policy with numerous and varied criteria covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character.

There are a number of modifications to correct a syntax error and in the interests of clarity. There is also a modification as to expect all development to enhance, rather than conserve or respect existing character, is a higher bar than the tests set out for Conservation Areas in legislation.

There is then a modification to delete a requirement in criterion e) which is prescriptive and has little explanation in the Plan. I am also mindful of the character and number of terraced properties in the village.

With these modifications, the policy will meet the basic conditions by taking account of national policy and guidance, being a local expression of the CS and CS Policy CS08 in particular which seeks sustainable development through high quality design as well as SADMP Policy DM 15 and helping to achieve sustainable development.

- **Change the first sentence of the policy to read: “All new development should be of *a high quality, be well designed, respect and, wherever possible, enhance the form and character of Castle Acre.*”**
- **Change the third sentence of the policy to read: “Development within or adjacent to the settlement boundary should *respect the rural character and***

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<sup>74</sup> NPPF para 124

<sup>75</sup> Ibid para 125

<sup>76</sup> Ibid para 126

<sup>77</sup> Ibid para 127

*setting of the village and avoid creating hard urban fringes and edges to ensure that development is assimilated into the surrounding countryside.”*

- **Change the fourth sentence of the policy to read: “Small sites (up to 5 properties), dependent on *local housing need, are encouraged.*”**
- **Add a sentence before criterion a) that reads: “*All new development is expected to accord with the following criteria:*”**
- **Change the word “uncrowded” in criterion a) to “*rural*”**
- **Change “...Policy H.E3” in criterion c) to “*Policy HE.3*”**
- **Delete criterion e) point ii) that reads “resident access to the rear garden without going through the house”**

## **Community Action Projects**

A Community Action Project is included at the end of this chapter.

## **Chapter 8: Traffic and Transport**

### **Policy TT.1 Visitor Car Parking**

A village traffic survey was conducted in early 2019 as part of the work on the Plan. The results are shown in Appendix 10.

Policy TT.1 supports proposals which help to ease traffic congestion and parking. It however offers blanket support and given the sensitivities of the village’s historic environment, a modification is made to ensure that proposals are otherwise acceptable.

The policy also supports the creation of a new visitor parking area off Priory Road. I asked the Parish Council whether it was intended to be an allocation and this is the case. The site is shown on Map TT.1 on page 69 of the Plan. I read this as a proposal for a permanent car park, however used.

Via a representation made of behalf of the landowner, the landowner has indicated that whilst the land has on occasion been made available for parking, there is no intention to develop a formal car park. This allocation is therefore not deliverable and should be removed from the policy. This could however be included as a Community Action Project if desired. A modification is made to address this.

The NPPF is clear that transport issues should be considered and promotes sustainable transport.<sup>78</sup> Parking is identified as an issue which can contribute to making high quality places.<sup>79</sup> The quality of parking in town centres should also be improved so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.<sup>80</sup> Whilst this is not a town centre, it is a historic village which attracts a large number of visitors and due to its historic layout is congested and the local community is concerned about it. The NPPF also supports sustainable rural tourism.<sup>81</sup>

With the following modifications, I consider the policy will take account of the stance in the NPPF, will be in general conformity with the development plan and will help to achieve sustainable development thereby meeting the basic conditions.

- **Add the words “*otherwise acceptable*” after “Support will be given to...” in the first sentence of the policy**
- **Delete the policy wording from “Particular support is given...” to end and move, if desired, to become a new Community Action project bullet point**

## Community Action Projects

18 Community Action Projects are included at the end of this chapter.

## Chapter 9: Tourism and Community Facilities

### Policy TO.1 Protecting Existing Tourism and Community Facilities

It is clear that the local community value living in Castle Acre recognising its historic interest and surrounding countryside. There is also a recognition that visitors bring benefits to the Parish such as employment, but also that high numbers of visitors can cause issues such as congestion. Often community facilities and services serve both residents and visitors so there is mutual benefit.

The NPPF supports the sustainable growth and expansion of all types of businesses in rural areas including sustainable tourism which respects the character of the countryside.<sup>82</sup> In addition the NPPF supports the retention of accessible local services and community facilities such as local shops and public houses.<sup>83</sup> As well as an economic perspective, locally accessible facilities and services can enable and support

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<sup>78</sup> NPPF para 102

<sup>79</sup> Ibid

<sup>80</sup> Ibid para 106

<sup>81</sup> Ibid para 83

<sup>82</sup> Ibid

<sup>83</sup> Ibid

healthy lifestyles and provide social interaction enhancing the sustainability of communities.<sup>84</sup>

Policy TO.1 firstly seeks to resist the loss of a tourist or community facility or business unless a number of criteria are met. These include the availability of similar services, viability and appropriate marketing.

Secondly, the policy supports the enhancement of existing facilities subject to the impact on the village's heritage, amenity and transport and parking considerations.

The clearly worded policy takes account of national policy, it is in general conformity with SADMP Policy DM 9 which seeks to retain community facilities unless the area served would remain suitably provided for or the use is no longer viable or feasible. It will help to achieve sustainable development. As a result it meets the basic conditions and it is not necessary to recommend any modification to it.

## **Community Action Projects**

Four Community Action Projects are included at the end of this chapter.

## **Chapter 10: Business**

### **Policy BU.1 Business Development**

Following on from the previous policy, this policy supports proposals which generate employment through home based and live work units, start-up units and office and training facilities. The second element of the policy particularly supports the conversion of existing buildings.

The NPPF supports the sustainable growth and expansion of all types of businesses in rural areas both through conversion of existing buildings and well-designed new buildings.<sup>85</sup> it recognises that sites to meet local community and business needs in rural areas may have to be found adjacent to or beyond settlements and that development should be sensitive to its surroundings.<sup>86</sup>

Given the nature and characteristics of the Parish, and the information in the Plan about the employment profile of the community, the particular support given to smaller units albeit a variety of ways and the emphasis on training is appropriate.

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<sup>84</sup> NPPF paras 91 and 92

<sup>85</sup> Ibid 83

<sup>86</sup> Ibid para 84

The policy takes account of the NPPF, is in general conformity with the CS and CS Policy CS10 in particular which recognises job growth will be achieved through employment land provision but also through tourism, leisure, retail and the rural economy as well as through rural employment exception sites.

It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

## Chapter 11: Implementation and Monitoring

This section of the Plan explains that regular review will take place. This is not mandatory for neighbourhood plans at the moment, but is to be regarded as good practice and is welcomed.

## Appendices

11 appendices follow including a glossary.

The appendices are helpful, but given the stage the Plan has now reached consideration should be given to removing those containing background information. However, this is not a matter I make recommendations on.

In relation to the glossary, there are three revisions in the interests of accuracy or clarity to make.

- **Change the reference to “...NPPF 2018...” to “NPPF 2019” in the definition of “Local Green Space”**
- **Change the reference to “...Department of Communities and Local Government” to “*Ministry of Housing, Communities and Local Government*” in the definition of “National Planning Policy Framework (NPPF)”**
- **Change the reference to “...paragraph 7...” in the definition of “sustainable development” to “ paragraph 8”**

## 8.0 Conclusions and recommendations

I am satisfied that the Castle Acre Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that, subject to the modifications proposed in this report, the Castle Acre Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Castle Acre Neighbourhood Development Plan should proceed to a referendum based on the Castle Acre Neighbourhood Plan area as approved by the Borough Council of King's Lynn and West Norfolk on 8 December 2017.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
11 June 2021

## Appendix 1 List of key documents specific to this examination

Castle Acre Neighbourhood Plan 2017 – 2036 Reg 16 Submission Version September 2020

Basic Conditions Statement September 2020

Consultation Statement Reg 16 September 2020

Screening Report of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) September 2019 (BCKLWN)

Strategic Environmental Assessment Environmental Report March 2020 (AECOM)

Strategic Environmental Assessment Scoping Report October 2019 (AECOM)

Habitats Regulations Assessment December 2019 (AECOM)

Housing Needs Assessment May 2019 (AECOM)

Site Options and Assessment January 2020 (AECOM)

Glebe Field Heritage Impact Assessment August 2020 (Richard Hoggett Heritage)

CA.3 Traffic Data TSP14598 South Acre Road March 2020 (TSP)

Castle Acre Conservation Area Character Statement Designated: April 1971 Revised May 2009 (BCKLWN)

Local Development Framework Core Strategy adopted 28 July 2011

Site Allocations and Development Management Policies Plan adopted September 2016

**List ends**

## Appendix 2 Questions of clarification from the examiner

### Castle Acre Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and BCKLWN

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. The Consultation Statement<sup>1</sup> indicates that the period of pre-submission consultation took place between 12 March – 27 April 2020, but was extended to 22 May “and included an additional consultation focused solely on the proposed sites”. Please could this be clarified? The pre-submission period of consultation should be a minimum of six weeks and be focused on the draft Plan which should contain all the draft policies and proposals (and not options).
2. Both the Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA) refer to the pre-submission version of the Plan. Are these the most recent SEA and HRA assessments? Please could I be sent/emailed/provided with a link to, a copy of the SEA Scoping Report?
3. Please briefly explain how the non-designated heritage assets (Map HE.1, Appendix 2 etc.) have been identified?
4. The Plan indicates that the development boundary will be amended to include the land known as Site G22.1; am I correct that this is the intention?
5. The proposed site allocation, Site CA.3, appears only to partly fall within a proposed change to the development boundary on Map HD.1; am I correct? It would appear the area for the proposed car park remains outside the revised development boundary? Neither element appears contiguous with the current development boundary, but would be a separate(d) development boundary? Is this the intention?
6. Please send me information or a copy of the 1998 Local Plan map which the Plan indicates included residential properties to the south west of the village on Chimney Street (paragraph 7.19 of the Plan refers).
7. Is the housing development proposed on Site CA.3 co-dependent on the car parking provision? In other words, is it the intention that both elements must come forward?
8. Is the BC satisfied that future amendments to the development boundary should only be made through reviews of the NDP (please see paragraph 7.18 on page 55 of the Plan)?
9. Policy HD.3 refers to small sites of five dwellings; how has this threshold been derived?
10. In relation to the “support” given in the Plan for new visitor parking off Priory Road is this intended to be “support” or an allocation?
11. Please direct me to any evidence (other than Appendix 6) supporting the proposed Local Green Spaces, subject of Policy NE.3, which is already within the public domain.

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<sup>1</sup> Page 7



12. Please could I be provided with an update on planning application 20/00573/FM, Further Pond Close, or any other applications which are relevant to the proposed Local Green Spaces?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,  
Ann Skippers  
Independent Examiner  
8 April 2021