

BRANCASTER NEIGHBOURHOOD DEVELOPMENT PLAN

THE EXAMINER'S REPORT

JUNE 2015

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INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Brancaster Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. As such it will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of Brancaster Parish and takes in the settlement of Brancaster, Brancaster Staithe and Burnham Deepdale with a total population of around 900 persons.

4. I have been appointed by the Borough Council of King's Lynn and West Norfolk, in consultation with Brancaster Parish Council, to carry out this independent examination.

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan. I am a Chartered Town Planner with over 30 years experience as a chartered town planner, working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute.

6. This report is the outcome of my examination of the Publication Version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting then the Plan will be made by the Borough Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. The main documents which I have used in the examination are:

The Proposed Plan
Basic Conditions Statement
Consultation Statement
Strategic Environmental Assessment Consultation

Officer summary of representations received during public consultation¹ 23/04/15-04/06/15
Statement by Local planning Authority, which refers to relevant local planning policies

8.All these documents were supplied by the Local Planning Authority.

THE EXAMINATION

9.The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990. (as amended)

10.The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11.As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me both in the form of the documents provided by the local planning authority that the examination can be carried out without a hearing.

PROCEDURAL MATTERS

12.It is necessary to determine that the plan complies with the following procedural matters²;

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13.The Parish Council is authorized as the qualifying body³ to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

¹ Carried out under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

² Paragraph 8(1) of Schedule 4 B of the Town and Country planning Act 1990 (as amended)

³ as determined by Section 61G(2) of the Town and Country Planning Act 1990

14. On 26th March 2013 the Parish Council applied to the Borough Council for the designation of the parish as a Neighbourhood Area. Following advertisement and public consultation the Council approved the neighbourhood area application on the 5th June 2013.

15. The Plan clearly states that it relates to the period 2015-2026. This accords with the timescale for the adopted Core Strategy⁴.

16. The Plan does not include any provision about development that is “excluded development”⁵, such as minerals, waste disposal and major infrastructure projects.

17. I am satisfied that the plan does not relate to more than one neighbourhood area.

18. Neighbourhood plans sometimes refer to aspirational policies that relate to wider community matters. These need to be distinguished from those relating to the core issues under examination concerning the development and use of land. I am satisfied that the Plan does adequately distinguish these matters.

BASIC CONDITIONS

19. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁶ This element of the examination relates to the contents of the Plan.

20. The Plan meets the basic conditions if:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
- e) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the or neighbourhood plan

⁴ meets the requirements of Section 38B of the Town and Country Planning and Compulsory purchase Act 2004 Act paragraph (1) (a).

⁵ as defined in Section 61K, of the Town and Country Planning Act 1990

⁶ Contained Paragraph 8(2) of Schedule 4B of the Town and Country planning Act 1990 (as amended)

21. In relation to e) above, Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 set out basic conditions in addition to those set out in the primary legislation. The relevant one is

the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

22. The analysis of conformity with the basic conditions is carried out below

SUSTAINABLE DEVELOPMENT

23. The Plan seeks to give a local dimension to national and local policies concerning sustainable development. It concentrates on maintaining the attributes of this Area of Outstanding Natural Beauty (AONB), whilst promoting social and economic balance through recognition of the need to promote appropriate affordable housing and business development to maintain sustainable communities. I am satisfied that it contributes to sustainable development.

24. It should be made clearer what the planning context is in an AONB. In terms sustainability and management of development there is a specific statutory requirement and national guidance in the NPPF, to give preference to conservation and enhancement of the natural beauty of the area. These points are made by Natural England and the Norfolk Coast Partnership in their response to the consultation. It is recommended, therefore, to include the following:

RECOMMENDATION 1

Include the following as the last three sentences in the second paragraph in the "General Introduction" on page 5.

The Countryside and Rights of Way Act 2000 places a statutory duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it. "Relevant authorities" are any public bodies including local and statutory authorities, parish councils and statutory regulators. This is backed up by planning policies in the NPPF, which states in paragraph 115 that in AONB'S like national parks, great weight should be attached to conserving landscape and scenic beauty.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS AND PRESCRIBED CONDITIONS

25. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact

Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

26. A Strategic Environmental Assessment (SEA) Screening Determination was made on 1st December 2014 concluding that an Environmental Assessment of the emerging Neighbourhood Plan is not required as it is unlikely to have significant environmental effects, because it constitutes a minor modification of the provisions of the adopted Core Strategy. This Screening Determination was included in the Basic Conditions Statement and was subject to consultation with English Heritage have confirmed in writing that they consider an SEA is not required on the basis the Plan is responding to the local plan and concerned with “shaping” development rather than allocating sites. The Environment Agency has written to confirm that they have no comments on the screening determination.

27. On the basis of these consultations and the minimal environmental impact represented by the policies I concur that an SEA is not required.

28. It is noted that within the plan area there are parts of the North Norfolk Coast Site of Special Scientific Interest, a component SSI of the North Norfolk Coast Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. However Natural England have expressed a view that a Habitats Regulations Assessment is not required, since the Plan only deals with design and the style of houses and does not propose additional development in addition to that in the Local plan. I agree with this view but during this examination I noted that no formal screening opinion has been issued with respect to this element. Following discussions with the Borough Council a formal screening opinion of the 17th June 2015 was forwarded to me by the Parish Council in consultation with the Borough Council, which conforms to the prescribed conditions in e) above in paragraph 20. I recommend this be added to the Basic

29. RECOMMENDATION 2

The screening opinion of 17th June 2015 be added to the Basic Conditions Statement as an appendix and the following extra text added to the last sentence of the third paragraph on page 24 after “Strategic Environmental Assessment” as follows: “Habitats Regulations Assessment”

30. I am satisfied that there are no human rights issues which need addressing

PUBLIC CONSULTATION

31. The submitted consultation statement identifies the public consultation process and notes that a range of relevant organisations and local people were consulted during the Plan process.

32. The process began with an “Initial Questionnaire” to every household in the parish. The circulation was also highlighted in the parish news and copies of the

questionnaire made available in post offices. After two months responses were collated and two events were arranged for the public to discuss the findings and provide further views.

33.A further document incorporating draft policies was circulated for a consultation lasting 2 months by notification in the Parish News and notices in the village. Printed copies were available at post offices and the clerk's office and electronic versions available on the web site. The document was emailed to those persons who had registered an interest.

34.Participation in the plan has been disappointing in view of the commendable efforts of the Parish Council to engage people. However, I consider that the consultation effort was sufficient and it appears there are no outstanding matters emanating from the consultation⁷ carried out by the Borough Council from 23/04/15 to 4/6/15.

35.It is further evident from the consultation statement that a systematic effort was made to carry out consultations with appropriate consultation bodies.

36.I am satisfied that the consultation exercise carried out by the Parish Council has met the requirements of the regulations⁸

GENERAL COMMENTS ON THE PLAN IN RELATION TO BASIC CONDITIONS

37.In order to comply with the NPPF requirements development plan policies should be clear to allow the public to easily interpret them and avoid any unnecessary confusion. The Plan is on the whole successful in achieving this but I wish to make recommendations of a general nature.

38.It is very helpful if users of the Plan can readily reference specific text as well as policies. I recommend the introduction of paragraph numbers to help the plan be more users friendly

39.*RECOMMENDATION 3*

Insert paragraph numbers to all text in the main body of the report.

40.The map of the neighbourhood area on my copy of the Plan has a rather blurred background, which makes it difficult to interpret the boundary in relation to individual properties and land features. It is recommended that the quality of the map be improved to achieve this

41.*RECOMMENDATION 4*

⁷ carried out under Regulation 16 of the Neighbourhood Planning Regulations 2012

⁸ regulation 14 of the Neighbourhood Planning Regulations 2012

The map of the neighbourhood area on the inside cover of the Plan needs to be reproduced such that it clearly identifies buildings and landforms in order that the boundary can be interpreted more precisely.

42. The sections relating to the “Method” and “Results” of the survey on pages 8 to 12 provides detailed explanation of results followed by a “Summary” on pages 13 to 15. It would make the Plan easier to understand and readable if the “Method” and “Results” sections were placed in an appendix, which was referred to at the start of the “Summary” section.

43. RECOMMENDATION 5

The sections on ‘Method’ and ‘Results’ on pages 8 to 12 be relocated in an appendix. The “Summary” section needs to be retitled “Summary of Public Participation”. The following sentence be introduced as the first paragraph to the start ‘summary’ section. An initial survey was carried out of all the households in the Parish and the “Method” and “Results” are included as appendix?

44. The section “Brancaster Neighbourhood Plan and the wider planning agenda” provides a useful planning context for the plan policies. It helps to illustrate that the Plan is in general conformity with national policies and local strategic development plan policies. However, in the interests of clarity the Plan needs to highlight more specifically the situation regarding the Core Strategy, current saved Local Plan policies and the emerging “Sites Allocations and Development Management Policies Document” which is being considered at an examination hearing in July 2015. Whilst the emerging Plan is not technically the statutory development plan, as it is at a late stage in the process, it is good practice that the Parish and Borough Council’s have collaborated to ensure general conformity between the Plans.

45. I am satisfied that there is general conformity with the emerging Plan, existing statutory development plans and the NPPF. However the relationship between these needs to be highlighted more clearly and towards the beginning of the Plan.

46. RECOMMENDATION 6

I suggest inserting the following section after the (reworded) “Summary and Public Participation” section.

National and Local Strategic planning policies

The NPPF is a statement of national planning policies, which all local development plans, must conform to. The Development Plan for the area, to which the Neighbourhood Plan must be in general conformity, currently consists of the Kings Lynn and West Norfolk Core Strategy adopted in 2011 and a few saved policies of the 1998 Kings Lynn and West Norfolk Local Plan.

The Borough Council is at an advanced stage in the preparation of its “Site Allocations and Development Management Policies Plan Document”. This will provide detailed policies to give effect to the Core Strategy and replace the last of the saved Local Plan policies.

47.I suggest the introduction of a Glossary to explain some references and acronyms It should be at the end of the plan with a reference to it on page 3 as an extra paragraph

48. RECOMMENDATION 7

Insert as an extra paragraph on page 3

A Glossary is provided as appendix in order to explain certain technical terms and acronyms

Insert the following as a Glossary as an Appendix.

GLOSSARY

Affordable housing: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

AONB: Area of Outstanding Natural Beauty.

CIL: Community Infrastructure Levy – a system whereby developers are required to subsidise improvements to local infrastructure in accordance with an adopted charging schedule prepared by the Borough Council.

Development plan: This includes adopted Local Plans, neighbourhood plans and the London Plan, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.

Environmental Impact Assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

European site: This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.

Green infrastructure: A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage Coast: Areas of undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies, which have been saved under the 2004 Act.

NPPF: This is the National Planning Policy Framework which is a document prepared in 2012 to explain national planning policies

Ramsar sites: These are wetlands of international importance designated under the Ramsar Convention.

Special Areas of Conservation (SACs): Strictly protected sites designated under the EC Habitats Directive on the basis of their value as habitats for protected species

Special Protection Area (SPA): These are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species

Site of Special Scientific Interest (SSI): An area designated by Natural England, which by reason of its flora and fauna or geological features, it is in the national interest to conserve.

SPECIFIC RECOMMENDATIONS REGARDING THE DRAFT POLICIES AND BASIC CONDITIONS

Size of houses

49. This policy is a response to concerns raised at the public participation stage that there needs to be more housing of a smaller scale to meet the needs of the local community. I am satisfied that on the basis of the overriding local opinion a policy of this nature is justified. Furthermore, the policy is in accordance with the aims of the NPPF to "deliver a wide choice of high quality homes". I understand the policy is aimed at providing housing which is "more affordable" and related to the needs of the local community in addition to policies in the local development plan aimed specifically at affordable housing provision.

50. However, the policy lacks clarity. Use of the term "encourage" is imprecise and does not help implement the intentions of the policy when under challenge. In its current form, the policy when read literally could be interpreted as allowing a 4-bedroom house in any situation whether it is on a single plot or all dwellings with 4 bedrooms on a larger site. It is noted that the Borough Council's emerging plan proposes two sites accommodating up to 5 or 10 dwellings.

51. Paradoxically, the policy is also somewhat prescriptive with no flexibility, for example, to accommodate proposals where there is a genuine family need for provision of a replacement dwelling or there are other material considerations, such as the provision of care accommodation. I agree with the comments of the Borough Council that the policy therefore needs to be made flexible.

52. The phrase "those with one, two or three bedrooms" is cumbersome and could be improved.

53. There is a need to clarify in the explanation of the policy that two storey is defined as two floors plus roof. Recommend after the phrase "if extra room is needed" replace "should" with "could".

54. The policy needs to refer to apartments in addition to dwellings as they can have a range of bedrooms.

55. I have recommended a redrafting of the policy, which is clearer, and will more effectively meet the wishes of the community as expressed in the results of the survey.

56.RECOMMENDATION 8

Reword Policy1 Size of houses as follows:

Proposals for single dwellings or apartments shall normally be a maximum of 3 bedrooms. Proposals for more than one dwelling unit shall provide a range of dwelling sizes, based on the number of bedrooms, with a predominance of 1,2 and 3 bedroomed dwellings.

New dwellings providing 5 or more bedrooms will not normally be allowed.

Proposals involving a 5 or more bedroomed dwelling on a single plot may be allowed, exceptionally, where there is a case of demonstrable need to provide accommodation for a family or there are other material planning considerations in support of the proposal.

New dwellings shall be a maximum of two storeys in height. In some cases, subject to compliance with design guidance, it may be acceptable to provide rooms in the roof.

Care and consideration should be given to retaining the views within and of this Area of Outstanding Natural Beauty.

In the explanation of the policy include the following as the second paragraph.

It is acknowledged that in exceptional cases there may be a need to provide 5 or more bedrooms to accommodate the needs of a family or a to provide care facilities. This should be demonstrated in a statement submitted with a planning application.

Alter the second paragraph, as follows;

A limit on the height of new houses will ensure that the important public views of the Area of Outstanding Natural Beauty are retained.

Design Style and Materials used

57.The term “used’ in the title is superfluous and should be deleted.

58.The policy reinforces other policies in the development plan and emerging plan. It is necessary to cross-refer to these in order to put the Plan’s policy in context and emphasize the importance of the designation of the area as an AONB.

59.The policy explanatory advice needs to echo the results of the survey and the clear message that uniformity in design solutions should be avoided.

60.RECOMMENDATION 9

Delete term “used” from the title.

Add the following to the policy explanation.

The importance of design to protect the status of the AONB designation is recognized in the NPPF paragraph 115 and Borough Council development plan policies. The highest design standards should be maintained in the plan area particularly in Conservation Areas.

The Parish Council produced a “Parish Appraisal” and “Parish Design Statement” adopted by the Borough Council in 2000 and which are still important references for good design .

It is important that sustainable design solutions are achieved and in this area the use of traditional materials sourced locally is to be encouraged to retain the distinct local character of the area. It is not necessary to be restricted to uniform design solutions. There is scope for variety in complimentary traditional design and the use of appropriate materials from local sources.

Footprint for new and redeveloped dwellings

61.This policy is in conformity with national and local development plan policies to facilitate sustainable development and protect the AONB from inappropriate over development of dwelling plots, to maintain the character of the area. It also responds to a desire from the local community to ensure new development is relatively spacious with reasonable sized gardens where appropriate. However, where there are traditional areas of high-density building, the plan has flexibility to allow more intensive development.

62.The policy does not appear to prejudice the dwelling totals referred to in the emerging plan.

63.I am satisfied it meets basic conditions, therefore, but I recommend some minor alterations to the explanation of the policy.

64.The term “like for like” implies a precise reflection of the scale of previous development which is inflexible and unreasonable.

65.RECOMMENDATION 10

In the last paragraph of the policy explanation I recommend the last sentence be reworded as follows ;

In this case, preservation of the character and heritage of cottages could mean that a higher plot coverage is acceptable in the interests of maintaining the character of the area. This is of course, subject to conformity with other planning policies particularly parking provision and those aimed at protecting the amenities of neighbours.

Parking provision

66.The need to provide adequate parking is in conformity with NPPF policies to achieve high standards of design and reflects local concerns expressed in the survey. However, setting a minimum requirement for 2 off road spaces for every dwelling is inflexible and does not, for example, take into account provision for one bedroom apartments and communal provision.

67.The policy needs to be made more flexible to reflect different scales of development and possible relatively few local situations where there is not an acute parking problem. I note the County Council as Highway Authority has not commented on this policy. I consider in the interests of clarity, the role of the County Council as Highway Authority in assessing planning proposals, should be recognised. I consider that with the following amendment the policy meets the basic conditions.

68.RECOMMENDATION 11

Change the policy wording as follows :

New dwellings should normally provide a minimum of 2 off road parking spaces. The need for more spaces will be based on the views of the Highway Authority. Proposals for apartments providing communal provision will be assessed separately in consultation with the Highway Authority.

Replacement dwellings

69.I am satisfied that fundamentally the policy meets basic conditions and is consistent with policy DM5 in the emerging “Site Allocations and Development Management Plan” relating to “Enlargement or Replacement of Dwellings in the Countryside”

70.However, the policy is inflexible in requiring in all cases replacement dwellings to be smaller where they currently occupy more than 50% of the plot. Furthermore, the term “smaller” is imprecise.

71.The policy as written does not cover the situation where there may be a greater number of dwellings than existing but the resultant plot coverage is less than 50%.

72.The policy requires some explanation.

73.RECOMMENDATION 12

Retitle the policy to reflect its full range as follows :

Replacement dwellings and redevelopment

Alter the first paragraph of the policy as follows and make the last sentence a separate paragraph, retain paragraphs 2 and 3 as submitted ;

Replacement dwellings should occupy no more than 50% of their plots. In cases where it is demonstrated a larger dwelling is required to accommodate the reasonable needs of a family, dwellings which occupy more than 50% of the plot may be allowed subject to other policy considerations.

An increase in the number of dwellings above those replaced will be acceptable where the resulting plot coverage does not exceed 50% and conforms to other planning policies.

In the explanation of the policy add the following paragraphs :

This policy is intended to meet concerns to ensure that garden areas are not overdeveloped and are retained to provide amenity areas for occupiers, encourage biodiversity and protect the landscape of the AONB. There is also concern that dwellings with small gardens deter local people from buying them and encourage second and holiday homes, which is making villages unsustainable as their populations are impermanent. The need for more affordable housing is recognised in the Core Strategy and NPPF.

It is acceptable for replacement dwellings to be of a size to accommodate the needs of families, particularly those living in the dwelling to be replaced, and this will be taken into account in allowing exceptions to the policy.

The needs of the family will be assessed primarily in terms of the number and size of bedrooms.

Affordable/Shared ownership homes

74.The policy is based on the desire for the Parish Council to be involved in the identification of the need and type of this housing is not appropriate as a policy, as it relates to the process of decision making rather than guiding the nature of the development in land use terms. The encouragement of affordable housing throughout the area is already clear in the Core Strategy and the emerging Plan. This “proposed policy” could be included as an aspiration but not as a policy. It could be relocated into the section “Brancaster Neighbourhood Plan and the wider agenda.”

75.RECOMMENDATION 13

Relocate the two paragraphs of the policy and explanation relating to Affordable/Shared ownership homes as the third and fourth paragraphs in the section “ Brancaster Neighbourhood Plan and the wider agenda.”

Development of shops, workshops and business units

76.The policy is imprecise in use of the term ‘appropriate” and does not add anything to settlement, service and employment strategies in existing policies or the emerging plan. This leads to confusion and not in accordance with the need for policies to be clear and precise and therefore does not meet basic conditions.

77.RECOMMENDATION

Delete the policy 7 and references to it elsewhere in the plan

Protection of heritage assets and views

78.The policy repeats the general commitment in national and local policies to conserve and maintain the setting of heritage assets and in this respect is not necessary. However, it does add an extra dimension with reference to views.

79.The policy needs to be made more explicit about views and which type are to be protected. It is not clear whether this relates to views of heritage assets or views more generally in the area. In the interests of clarity there is a need to incorporate in one policy relating to the whole of the area the issue of views and cover the intentions in policy 1 regarding size of dwellings and views.

80.There is a need to distinguish public views from purely private views, which, as an independent issue, are not able to be controlled by the planning system. This distinction is recommended in the explanatory section.

81.RECOMMENDATION

Reword policy 8, as follows ;

Re-number it as Policy 6

The siting of new buildings shall not harm significant public views within and of the AONB.

In the explanatory section, add as the first paragraph the following and retain the existing paragraph as the second paragraph.

Views are important in this area, which is specially designated for its natural beauty and landscape quality. It is not possible to protect mainly private views via the planning system but wider public views of designated heritage assets and iconic scenery within the area can be protected. Nevertheless, to justify the application of the policy the view, in question, should be particularly noteworthy and iconic and relate directly to heritage assets or iconic parts of the landscape referred to in the Landscape Character Assessment 2007 or subsequent studies.

Add as a further last sentence to the existing paragraph the last sentence from the paragraph of the explanation of policy 9, as follows :

Views of Scolt Head Island across the marshes are particularly valuable, as are views of the village seen from the bay across the marsh.

Protection and enhancement of the natural environment

82. This is a repetition of national and local policy but it is of such primary importance and underpins all policies in the Plan that it should be retained. The statutory reference should be clarified in the explanation.

83. RECOMMENDATION

Renumber policy 9 as policy 7.

Add as the first sentence to the explanatory section :

The Countryside and Rights of Way Act 2000 establishes the above policy as the statutory basis of decision making in Area of Outstanding Natural Beauty

BRANCASTER NEIGHBOURHOOD PLAN AND THE WIDER PLANNING AGENDA

84. This section requires some amendments as a consequence of the changes to policies recommended above and other issues, which I raise as follows.

85. This is an important element of the Plan as it links proposed policies with the national and local policies and explains the manner in which it meets basic conditions. It also has an element of setting the vision of the Plan and its wider objectives. I would suggest that the term vision is incorporated in the Plan.

86. The text is to an extent repetitious on the theme of sustainability and the need to build a viable community. However, it is necessary to demonstrate that the Plan promotes sustainability to conform to basic conditions so I am reluctant to alter it fundamentally.

87.RECOMMENDATIONS

Retitle the section as “ THE VISION OF THE BRANCASTER NEIGHBOURHOOD PLAN AND THE LINKS TO THE WIDER PLANNING AGENDA”

*Insert in first sentence of paragraph 2 after “Our policies”, “relating to the size of houses, the footprint for new and redeveloped dwellings and replacement dwellings”
Delete the remainder of the paragraph.*

Relocate the policy Affordable/Shared ownership homes as the third paragraph section “ Brancaster Neighbourhood Plan and the wider agenda.”

*Incorporate the first sentence of (existing)paragraph 4 as the last sentence of (existing)paragraph 3 .This text seems to relate more to its preceding paragraph.
Alter the text as follows : delete ‘ policy 2’ and insert “policies 2 and 6”.*

In paragraph 8 at the top of page 22 delete “Policies 8 and 9” and insert “ Our policies”

FURTHER MODIFICATIONS

88. There are a number of more minor alterations necessary to create clarity, correct typing errors or improve grammar recommended as follows:

89.RECOMMENDATION

Adjust Contents page to include a title “Contents” and adjust section titles and page numbers as appropriate

In the “General Introduction” second paragraph delete “the villages” insert “the whole of the Plan area”.

Insert the Borough Council’s screening opinion of the 17th June 12015 relating to the Habitats Regulations Assessment as an appendix.

SUMMARY

90.I have completed an independent examination of the Brancaster Parish Neighbourhood Development Plan.

91.The Parish Council has carried out an appropriate level of consultation and has clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

92.I have recommended some modifications to the wording of the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision making in accordance with the National Planning Policy Framework and local development plan policies.

93.Subject to these modifications I am satisfied that the plan

- has been prepared in accordance with the Neighbourhood Planning Regulations 2012
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach and is compatible with European Union obligations and the European convention of Human Rights;
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the or neighbourhood plan

94. I am therefore pleased to recommend that the Brancaster Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.