

Old Hunstanton Neighbourhood Plan Examination

16th March 2023

Dear Qualifying Body

Clarification Note from the Examiner to Old Hunstanton Parish Council

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

Having considered the submitted information, I am not calling for a public hearing as part of the examination process. However, Neighbourhood Planning Independent Referral Service (NPIERS) Guidance¹ Paragraph 1.11.4 states that:

“The Qualifying Body will normally be given the opportunity to comment on the representations made by other parties...The opportunity for the Qualifying Body to comment on representations could be incorporated within an independent examiner’s clarification note...”

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

In addition to the above, I note that the examination of the Neighbourhood Plan has now commenced. In this regard and in the interests of clarity, I would also be grateful for any assistance Old Hunstanton Parish Council can provide in respect of providing brief responses to a number of questions set out in this letter.

In responding, when referring to evidence relating to the Neighbourhood Plan, please note that this should only comprise evidence that is already publicly available.

¹ NPIERS “Guidance to Service Users and Examiners.”

Thank you very much for your consideration of this Clarification Note. I am not imposing a deadline for responses, but your earliest consideration will enable the examination to be concluded in as timely a manner as possible. Thank you.

Nigel McGurk

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Policy 1

Please can you point me to information in respect of when a development proposal (outside the settlement boundary) will “*be of benefit to the village,*” who will determine this and on what basis ?

Further, is there any information you can point me to that supports such an approach (which goes beyond national policy requirements) ?

Policy 2

Please could you comment in respect of the Borough Council’s representation re: this Policy ?

“Retention” of visual and physical gaps suggests that any development that includes above-ground physical volume may be resisted, as there would be an inevitable impact on openness. Paragraph 16 of the NPPF requires policies to be clear so that it is evident how a decision maker should react to a development proposal. Please can you point me to information in respect of how a decision maker would be expected to respond to a development proposal within a Settlement Break in respect of this Policy.

Might the alternative phrase “*Sustainable development proposals must respect the visual and physical local gaps...*” meet the aims and purposes of the Policy ?

Policy 3

Is the demonstrable need to provide housing for Old Hunstanton residents the exceptional circumstance referred to in the Policy ? Residents of Old Hunstanton already live in the area, please can you point me to evidence in respect of the existing specific need for 10 or more houses for people who already live in Old Hunstanton ?

Is the intention of the Policy to prevent the proposal for 56 dwellings referred to in the supporting text; or is the intention of the Policy to prevent high density development within the settlement boundary ?

If the former, is there a reason why the previous Policies (1 and 2) do not already cover this matter ? If the latter, why would providing housing for Old Hunstanton residents mean that major development, which is stated to be “neither appropriate nor welcomed” would become acceptable.

The supporting text provides little relevant supporting information in the above regard. Please can you point me to any information that might help ?

The reference to “Sport” appears confusing. The Qualifying Body cannot impose requirements on Sport England/consultation and it is not clear what the football ground will be protected from, or how land use planning policies might “protect” a club. Currently, the Policy appears unclear in this regard. Please can you point me to any information that might support inclusion of a Policy that meets the Qualifying Body’s aspirations in respect of “Sport.”

Policy 4

The Policy sets out a very different approach to protecting non-designated heritage assets to that set out in the NPPF. Also, planning application requirements are not a matter controlled by Neighbourhood Plans. Please can you point me to information in support of the approach set out ?

Noting the Borough Council’s comment, please can you confirm that the Conservation Area boundary plan is correct ?

Policy 5

Policy 5 is in direct conflict with national policy, as set out in the heritage chapter of the NPPF (and the Borough Council’s suggested change would also result in a Policy that would not have regard to national policy). Please can you point me to any information justifying this conflicting approach ?

Policy 6

The Policy sets out a requirement that is not supported by substantive evidence to demonstrate that it has regard to the national policy requirement to boost significantly the supply of housing.

Further, the intent set out in the supporting text suggests that the Policy is aimed at preventing holiday lets/second homes. It is not clear how the Policy would achieve this, as the Neighbourhood Plan does not allocate any land for housing and there is very limited scope for new housing to be built in the Neighbourhood Area; yet the Policy cannot control the use of existing private housing in the Neighbourhood Area – the use of which is unrestricted.

Please can you point me to information that demonstrates that the Policy has regard to national policy and contributes to the achievement of sustainable development.

Policy 7

Please can you point me to information demonstrating that Policy 7 is a land use planning policy (rather than a statement of intent) ?

Policy 8

As worded, Policy 8 would allow the loss of any community facility in the Neighbourhood Area if there was “*insufficient demand to justify retention.*” This appears to comprise a very low hurdle to overcome, but notwithstanding this, please can you point me to information as to what level of demand is “insufficient,” who would justify this and on what basis ?

For clarity, is the intention of Policy 8 to protect community facilities; or, as the wording of the Policy appears to do, to encourage their redevelopment for alternative uses ?

Policy 9

Given constraints within the settlement boundary, most new forms of development are likely to be small. It is clear that some houses in the Neighbourhood Area are on large plots and some are on much smaller plots. As the Neighbourhood Plan does not allocate any land for development and purposefully focuses development within the settlement boundary, new development will inevitably lead to an increase in development density within the settlement boundary.

In this regard, whilst parts a) to d) appear to provide for sustainable development that respects character and amenity; the highly restrictive nature of the plot ratio element of the Policy appears aimed at preventing sustainable development from coming forward. Elsewhere, the Neighbourhood Plan refers to a need for smaller homes, an aspiration which would appear to be in direct conflict with the plot ration requirement.

Please can you point me to substantive evidence to justify a minimum plot ratio of 40% given all of the above ?

Please can you also point me to the evidence demonstrating that most dwellings within the settlement boundary have plot ratios of less than 40% ? Does this apply equally in the case of small homes, large homes, flats etc. ?

Policy 10

Please can you point me to substantive evidence in respect of why part b) of this Policy, alone, is not sufficient to ensure that new residential development will be sustainable ?

Please can you point me to substantive evidence to demonstrate that 40% is an appropriate proportion in all circumstances across the whole of the area covered by the settlement boundary ? (In this regard I am mindful that the settlement varies in character).

Please can you point me to information to demonstrate how it would, in all circumstances (other than the Policy exceptions), be possible for a Local Planning Authority to prevent a householder extension that resulted in a dwelling being extended such that it covered more than 40% of its plot.

The Policy does not appear to meet the basic conditions. Please can you confirm (or otherwise) that the intent of the Policy is to safeguard local character and residential amenity and/or to encourage the development of smaller homes ?

Policy 13

Please can you point me to information demonstrating that the Policy requirements are relevant, material and necessary for all forms of development ?

Policy 14

Please can you clarify the types of development the Policy applies to and why its requirements have regard to Paragraph 57 of the NPPF in respect of planning obligations ?

The Policy appears very wide-ranging and its intent is difficult to understand. Please could you clarify the aim/purpose of the Policy ?

Policy 15

Please can you confirm what forms of development the Policy is meant to apply to ?

Policy 16

Is it the intention of part of Policy 16 to prevent any business development adjacent to the AONB, as stated ?

Is it the intention of Policy 16 for business development to look the same as existing business development in the Neighbourhood Area ?

Please can you point me to information in respect of what “adequate parking” comprises for employees, customers, deliveries and any vehicles/additional traffic generated. Also, how might additional traffic generated be calculated/monitored – and whose role might this be ? Also, how has the existing “free-flow” of traffic been measured, what is this and how might changes to this be measured ?

Policy 17

Please can you point me to any evidence supporting the prevention of signage at any location other than “*at points of access.*”

Policy 18

Please can you point me to information in respect of how the first sentence of the Policy has regard to Paragraph 57 of the Framework and why this part of the Policy is deliverable, as required by Paragraph 16 of the Framework.

Please can you point me to information demonstrating why development adjacent to the AONB should enhance the AONB and how this requirement is deliverable ?

Policy 19

Taking into account that most forms of lighting do not require planning permission, please can you point me to information demonstrating how the requirements of Policy 19 can be lawfully implemented by the Local Planning Authority ?

Policy 20

The NPPF provides for the designation of Local Green Space. This is a very specific designation, not dissimilar to Green Belt. Is it the intention of Policy 20 to designate Local Green Space ?

Please can you point me to information supporting a requirement for the maintenance and enhancement of Local Green Space ?

Thank you for your consideration of all of the above.

Please note that the purpose of the above is not to criticise the Neighbourhood Plan, but to help my understanding of the Policies and to help to support the Neighbourhood Plan's positive examination against the basic conditions.

Thank you.
