

Borough Council of King's Lynn & West Norfolk

Review of Holme Next The Sea Neighbourhood Plan 2016-2036 – Decision Statement

April 2023

Borough Council of
**King's Lynn &
West Norfolk**



Borough Council Decision: Holme Next The Sea Neighbourhood Plan Review

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Holme Next The Sea Neighbourhood Area
Neighbourhood area date of designation	21 st April 2016
Parish Council	Holme Next The Sea Parish Council (HNTSPC)
Commencement of Plan Review	March 2023
Consideration of Review (HNTSPC/ Borough Council of King's Lynn and West Norfolk)	April 2023
Decision	12 th April 2023

1.0 Introduction

- 1.1 The Town and Country Planning Act 1990 (“the 1990 Act”), as amended, states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and to take the plans through a process of examination and referendum. The Localism Act 2011 (Part 6 Section 3) details the Local Planning Authority 's responsibilities under Neighbourhood planning.
- 1.2 The Neighbourhood Planning Act 2017 (Schedule A2) identifies the circumstances that can arise as qualifying bodies seek to review made neighbourhood plans. This new Schedule to the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) Section 38A (11A) introduces a process for the modification of neighbourhood areas where a neighbourhood development order or plan has already been made in relation to that area.
- 1.3 The Holme Next The Sea Neighbourhood Plan passed its referendum with an 89.4% vote in favour on a turnout of 61.1% on 22nd July 2021; the plan was then adopted officially on 27th July 2021. The Neighbourhood Planning Group and Holme Next The Sea Parish Council (HNTSPC) – the Qualifying Body – has undertaken a review of the Neighbourhood Plan, proposing a single amendment to Part C (Glossary of Terms) in the current Plan.
- 1.4 When updating a neighbourhood plan there are three types of modification which can be made which will then determine the process the neighbourhood plan will follow. The modifications are:

- a) Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- b) Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- c) Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

1.5 Assessment and consideration of the three types of modification have been taken within the Neighbourhood Plan review by the Borough Council of King’s Lynn & West Norfolk (BCKLWN), in association with the Qualifying Body. Further details about this process are set out in section 2.0, below.

2.0 Holme Next The Sea Neighbourhood Plan 2016-2036: Review process

2.1 On 10th March 2023, the Chair of Holme Next The Sea Parish Council (HNTSPC) wrote to BCKLWN, proposing a single change to Part C of the Neighbourhood Plan (Glossary of Terms). This change was proposed by the Parish Council, as follows:

Gross Internal Floor Area (GIFA) existing text:	GIFA proposed replacement text:
<i>The total area enclosed by the external walls measured to the internal face of those walls and taking into account every floor in the building</i>	<i>Gross Internal Floor Area in the Neighbourhood Plan means Floor Area as defined in RICS Property Measurement, 2nd Edition, January 2018. For the purposes of interpreting NDP policies ‘IPMS 3 Residential’ should be used. Table 6 of this document sets out items to be included or excluded when measuring floor areas. The document also contains a comprehensive glossary and definitions which should be used to interpret terms used in the NDP in the context of measuring buildings.</i>

- 2.2 During March/ April 2023, BCKLWN discussed the proposed changes to Part C of the Neighbourhood Plan with the Qualifying Body (HNTSPC). These discussions and analysis have allowed for the Borough Council to update the review of the Holme Next The Sea Neighbourhood Plan, as requested by HNTSPC. This Decision Statement confirms that the proposed change to Part C (Glossary of Terms) does not represent a material change to the Neighbourhood Plan and is therefore a minor (non-material) modification (category a), which would not require examination.
- 2.3 Analysis of the proposed change to the Holme Next The Sea Neighbourhood Plan (Part C) is set out in the Annex to this statement (below).

3.0 Decision Statement

- 3.1 The Borough Council considered changes to the Holme Next The Sea Neighbourhood Plan 2016-2036 (Part C), put forward by the Parish Council (Qualifying Body) in March 2023. This Decision Statement represents the Borough Council's formal statement, confirming its decision (as local planning authority) that the proposed modification(s) is/ are minor (non-material) modification(s), which do not represent a material change to policies in the Plan, as made on 27th July 2021.
- 3.2 In accordance with the 2004 Act Schedule A2 paragraph 14, BCKLWN has decided to make the modification to the Neighbourhood Plan, as referred to in the Annex to this statement. This change fulfils the basic conditions for Neighbourhood Development Plans ("Neighbourhood Plans"), set out in legislation.
- 3.3 The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action to take in response to the Review of the Holme Next The Sea Neighbourhood Plan 2016-2026. The Review has been undertaken in accordance with the Neighbourhood Planning Act 2017 (Schedule A2).
- 3.4 The Review of the Holme Next The Sea Neighbourhood Plan 2016-2036 will be "made" by BCKLWN, in accordance with paragraph 10 of Schedule 4A to the 1990 Act in relation to a neighbourhood development plan. The Borough Council has accepted all the modifications to the plan put forward by the Qualifying Body and set out in the Annex to this report, as recommended in Section 38A of the 2004 Act (11A) Schedule A2 Paragraph 14.
- 3.5 Following the modifications made, the Review of the Holme Next The Sea Neighbourhood Development Plan 2016-2036 will meet the basic conditions:
- 1) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - 2) The making of the neighbourhood plan contributes to the achievement of sustainable development;
 - 3) The making of the neighbourhood plan is in general conformity with the strategic policies contained in the King's Lynn and West Norfolk Local Plan - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016);
 - 4) The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and;

- 5) The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

3.6 It is recommended that the Review of the Holme Next The Sea Neighbourhood Plan 2016-2036 be brought into legal force with effect from this decision statement being signed. The reason being that the amended Neighbourhood Plan meets the basic conditions and other legal requirements; and follows the modification route category a (paragraph 1.4, above) whereby examination is not required.

Decision made by:

Geoff Hall
Executive Director Environment and Planning
[email, 12th April 2023]



Holme Next The Sea Neighbourhood Plan Review (April 2023) – BCKLWN feedback (updated)

In March 2023, nearly two years after adoption of the first Neighbourhood Plan for Holme Next The Sea, the Parish Council (Qualifying Body) proposed an amendment to the Holme-Next-The-Sea Neighbourhood Plan 2016-2036 (Part C: Glossary of Terms). This was proposed, to provide improved clarity and certainty regarding the method/ approach that should be used in determining floor areas (specifically, Gross Internal Floor Areas).

Dependent upon the nature of any such review, the legislation allows for three typologies of modifications. These will then determine the process the neighbourhood plan will follow. The modifications are:

- a) Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- b) Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail a design code that builds on a pre-existing design policy. Or a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- c) Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The assessment below will consider the Parish Council's proposed modification(s) in turn, analysing these and providing a conclusion as to which category (a – c, above) should apply.

Section	Proposed modification (with explanation) to the Holme Next The Sea Neighbourhood Plan 2016-2036 (made July 2021), first proposed by Qualifying Body (Holme Next The Sea Parish Council), March 2023	Summary modification	BCKLWN analysis of specific modification	Does BCKLWN agree with the modification?	Typology of modification (1, 2 or 3; above)
<p>PART C: GLOSSARY OF TERMS:</p> <p>Part C- Glossary of Terms</p>	<p>“Since we adopted the Plan, Development Management Officers have expressed concern that there is some confusion about the method we use for determining floor areas. The suggestion has also been made – and to some extent substantiated in a recent appeal decision – that silence on the use of the standard implies that none is being used.”</p> <p>To address the issue, the PC [Parish Council] would like to delete the existing text under Gross Internal Floor Area (GIFA) which states:</p> <p><i>“The total area enclosed by the external walls measured to the internal face of those walls and taking into account every floor in the building”</i></p> <p>and replace it with:</p> <p><i>“Gross Internal Floor Area in the Neighbourhood Plan means Floor Area as defined in RICS Property Measurement, 2nd Edition, January 2018. For the purposes of interpreting NDP policies ‘IPMS 3 Residential’ should be used. Table 6 of this document sets out items to be included or excluded when measuring floor areas. The document also contains a comprehensive glossary and definitions which should be used to interpret terms used in the NDP in the context of measuring buildings.”</i></p>	<p>Suggested modification to Glossary, in the interests of practical clarity and useability of policies HNTS 14- HNTS 17/ Table 6.</p>	<p>The Parish Council assessed the proposed change. This initial assessment concluded that the definitions in the glossary (that of Gross Internal Floor Area – GIFA). Currently used is based on paraphrasing (i.e. simplified wording) the RICS IPMS standard. However, in the Plan, as “made”, this is not stated explicitly in the GIFA definition.</p> <p>Application of the GIFA definition within the Plan has led to a lack of clarity in applying policies HNTS 14-17, in decision making. These policies all make specific references to GIFA, but the Glossary definition does not provide sufficient explanation as to what this means, for decision making purposes.</p> <p>Accordingly, the proposed revision to the GIFA definition provides explicit explanation as to how GIFA should be calculated, with reference to the RICS definition.</p> <p>This would represent a sensible and appropriate change. Initial concerns that the revised definition could (arguably) represent a material change to the Plan are covered by policies 14-17, which make specific references to GIFA. Therefore, it is concluded that the definition does not materially alter Plan policies’ content.</p>	<p>Yes. It is accepted that this change would represent a minor (non-material) modification to the Holme Next The Sea Neighbourhood Plan.</p>	<p>a) minor (non-material) modifications</p>

Conclusions

Holme Next The Sea Parish Council proposed a single change to the Neighbourhood Plan Glossary, in the interests of clarity. No changes to individual Plan policies themselves, are proposed.

The analysis above has been undertaken, to determine whether the proposed change to the Holme Next The Sea Neighbourhood Plan would represent a material change; requiring examination. Policies HNTS 14-17 explicitly refer to Gross Internal Floor Area. Therefore, it is appropriate for the Glossary to provide explanation (cross referencing) as to the source for the definition of GIFA (i.e. RICS).

By contrast, if any of the policies had referred to Gross Internal Area (GIA), the proposed change to the Glossary could be considered to represent a material change to the Plan, given that there are specific differences in definitions, between GIA and GIFA ([Code of measuring practice: definitions for rating purposes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/code-of-measuring-practice-definitions-for-rating-purposes)).

The above analysis concludes that the proposed change to the Glossary would represent a Minor (non-material) modification to the neighbourhood plan, which would not materially affect the policies in the plan. This would function as correcting of a reference to supporting guidance. Therefore, the proposed change would not require examination or a referendum.