

**STOKE FERRY NEIGHBOURHOOD PLAN
2022 - 2036**

**The Report of the Independent Examiner to the Borough Council of King's
Lynn and West Norfolk on the Stoke Ferry Neighbourhood Plan**

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15th May 2023

Summary

I was appointed by the Borough Council of King's Lynn and West Norfolk, in agreement with the Stoke Ferry Parish Council, in January 2023 to undertake the Independent Examination of the Stoke Ferry Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 20th March 2023 after resolving my initial enquiries of the Qualifying Body.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Stoke Ferry Neighbourhood Area. There is an evident focus on safeguarding the very distinctive, local character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the King's Lynn and West Norfolk Local Development Framework Core Strategy 2011 and the Site Allocations and Development Management Policies 2016.

Subject to a series of recommended modifications set out in this Report I have concluded that the Stoke Ferry Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

Report Index

	<i>Page</i>
Introduction	3
The Role of the Independent Examiner	3
Stoke Ferry Neighbourhood Area	4
Consultation	5
Representations Received	6
The Neighbourhood Plan	6
Basic Conditions	7
The Plan in Detail:	7
Front Cover	8
Contents Page	8
General Drafting Points	8
1. Introduction to the Neighbourhood Plan	8
2. The parish of Stoke Ferry	9
3. How the Plan was Prepared	9
4. National and Local Policy Context	9
5. Vision and objectives	9
6. Policies and projects	9
7. Community and services	10
8. Housing, design and the historic environment	11
9. Transport and access	14
10. Natural Environment	16
11. Business and employment	21
12. Social and cultural	21
13. Implementation	21
Appendices	22
Stoke Ferry Design Codes	22
EU and ECHR Obligations	23
Conclusions	24
Listing of Recommendations	25

Introduction

1. This report sets out the findings of the Independent Examination of the Stoke Ferry Neighbourhood Plan 2022 - 2036. The Plan was submitted to the Borough Council of King's Lynn and West Norfolk by Stoke Ferry Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

2. Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy. A new NPPF was published in July 2021 and it is against the content of this NPPF that the Plan is examined.

3. This report assesses whether the Stoke Ferry Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Stoke Ferry Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Stoke Ferry Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider Development Plan.

The Role of the Independent Examiner

4. The Examiner's role is to ensure that any submitted Neighbourhood Plan meets the legislative and procedural requirements. I was appointed by the Borough Council of King's Lynn and West Norfolk, in agreement with Stoke Ferry Parish Council, to conduct the Examination of the Stoke Ferry Neighbourhood Plan and to report my findings. I am independent of both the Borough Council of King's Lynn and West Norfolk and Stoke Ferry Parish Council. I do not have any interest in any land that may be affected by the Plan.

5. I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

6. In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Stoke Ferry Neighbourhood Plan is submitted to a referendum; or
- the Stoke Ferry Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Stoke Ferry Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

7. In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

8. These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

9. In undertaking this Examination I have considered the following documents:

- Stoke Ferry Neighbourhood Plan 2022 - 2036 as submitted
- Stoke Ferry Neighbourhood Plan Basic Conditions Statement (August 2022)
- Stoke Ferry Neighbourhood Plan Consultation Statement (August 2022)
- Borough Council of King's Lynn & West Norfolk screening report of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Stoke Ferry Neighbourhood Plan (May 2022)
- Content at: www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/962/stoke_ferry_neighbourhood_plan
- Content at: www.stokeferryplan.co.uk/
- Representations made to the Regulation 16 public consultation on the Stoke Ferry Neighbourhood Plan
- King's Lynn and West Norfolk Local Development Framework Core Strategy 2011
- King's Lynn and West Norfolk Site Allocations and Development Management Policies 2016.
- National Planning Policy Framework (NPPF) (2021)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

10. I carried out an unaccompanied visit to the Neighbourhood Area on 20th March 2023. I looked at all the various sites and locations identified in the Plan document in their rural setting.

11. The legislation establishes that, as a general rule, Neighbourhood Plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Stoke Ferry Neighbourhood Plan could be examined without the need for a public hearing and I advised the Borough Council of King's Lynn and West Norfolk accordingly. The Qualifying Body and the Local Planning Authority have helpfully responded to my enquiries so that I may have a thorough understanding of the facts and thinking behind the Plan, and the correspondence is being shown on the Borough Council of King's Lynn and West Norfolk's Neighbourhood Planning website for the Stoke Ferry Neighbourhood Plan.

Stoke Ferry Neighbourhood Area

12. A map showing the boundary of the Stoke Ferry Neighbourhood Area has been provided within the Neighbourhood Plan. Further to an application made by Stoke Ferry Parish Council, the Borough Council of King's Lynn and West Norfolk approved the designation of the Neighbourhood Area on

24th October 2018. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

13. In accordance with the Neighbourhood Planning (General) Regulations 2012, the Qualifying Body has prepared a Consultation Statement to accompany the Plan.

14. The Planning Practice Guidance says:

“A qualifying body should be inclusive and open in the preparation of its Neighbourhood Plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging Neighbourhood Plan [or Order]
- is made aware of how their views have informed the draft Neighbourhood Plan [or Order].”
(Reference ID: 41-047-20140306)

15. The submitted Consultation Statement notes that in late 2019 the Stoke Ferry Neighbourhood Plan Working Group appointed consultancy support and agreed a communication plan and community engagement plan. There were three stages at which residents and key stakeholders were engaged prior to the Plan submission.

16. The Stage 1 consultation on initial work and key issues in Spring 2020 involved a Working Group workshop to draft aims and vision, later revised after consultation with the community; a Parish workshop for the community to identify key issues and themes in the Parish; stakeholder engagement meetings with a range of organisations and individuals in the area to establish key information to feed into the Neighbourhood Plan; and a business survey via hand delivered questionnaires.

17. Stage 2 beginning Summer 2020 involved further data collection through a household survey sent to all households in the Parish and available online and a Housing Needs Assessment (October 2020) undertaken independently by AECOM. Drafting of the Neighbourhood Plan followed, Summer to Winter 2021.

18. Stage 3 was the pre-submission consultation on the draft Neighbourhood Plan (regulation 14) from 17th March 2022 until 9th May 2022. The draft Plan was sent to statutory agencies and available for residents to comment. The consultation was launched with an exhibition at the Village Hall and all documents were made available at The Corner Shop (hard copy) and on the Parish Council website. Over 120 comments were received in total including 52 responses from local residents. An Appendix to the Consultation Statement details all the comments and the action taken.

19. Accordingly, overall, I am satisfied that the consultation process accords with the requirements of the Regulations and the Practice Guidance and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that the consultation has been inadequate, merely that a test against the Basic Conditions is being applied.

Representations Received

20. Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by the Borough Council of King's Lynn and West Norfolk for six weeks from Friday 30th September until Friday 11th November 2022. I have been passed the representations – just 5 in total – which were generated by the consultation and which are included alongside the submitted Plan on the Borough Council of King's Lynn and West Norfolk's Neighbourhood Planning website. I have not mentioned every representation individually within this Report but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

The Neighbourhood Plan

21. Stoke Ferry Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2036. I can see that a sustained effort has been put into developing a Plan around a vision that: "Stoke Ferry will be a flourishing community in a unique and historic setting on the River Wissey, able to meet local needs and address the ongoing challenges of climate change. The parish will have a balanced housing mix in keeping with the character of the area. Important aspects of the natural and historical environment will be actively protected. Stoke Ferry will continue to be an attractive place where people of all ages choose to live, work, and visit in the future".

22. The Plan document is well presented with a combination of text, maps and Policies that are, subject to the specific points that I make below, well laid out and helpful for the reader. Some effort is apparent to keep the Plan to a manageable length by not overextending the potential subject matter and the coverage of that.

23. It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher-level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of "direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area" (Planning Practice Guidance Reference ID: 41-001-20140306).

24. Individually I can see that the Policies address legitimate matters for a Neighbourhood Plan as identified with the community. I will later look at the Policies in turn so as to ensure that the Basic Conditions are met, which include an obligation to be in general conformity with Core Strategy strategic policies. Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to amendment to variable degrees, proportionate and sustainable. The Plan sets out the community's priorities whilst seeking to identify and safeguard Stoke Ferry's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive vision agreed with

the community. All such difficult tasks were approached with transparency, with input as required and support from the Borough Council of King's Lynn and West Norfolk.

25. However, in the writing up of the work into the Plan document, it is sometimes the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. This is not uncommon in a community-prepared planning document and something that can readily be addressed in most instances. Accordingly, I have been obliged to recommend modifications so as to ensure both clarity and meeting of the 'Basic Conditions'. In particular, Plan policies as submitted may not meet the obligation to "contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" (NPPF para 16). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the 'Basic Conditions'.

Basic Conditions

26. The Independent Examiner is required to consider whether a Neighbourhood Plan meets the "Basic Conditions", as set out in law following the Localism Act 2011; in December 2018 a fifth Basic Condition was added relating to the Conservation of Habitats and Species Regulations 2017. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the Plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

27. The submitted Basic Conditions Statement has very helpfully set out to address the issues in relation to these requirements in the same order as above and has tabulated the relationship between the policy content of the Plan and its higher tier equivalents. I note that the Development Plan comprises the King's Lynn and West Norfolk Local Development Framework Core Strategy 2011 and the Site Allocations and Development Management Policies 2016. From the accompanying Strategic Environmental Assessment and Habitats Regulations Assessment, I am satisfied that the making of the Plan will not breach the Basic Condition relating to the Habitats and Species Regulations 2017.

28. I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Basic Conditions Statement and other available evidence as appropriate.

The Plan in Detail

29. I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics, and I have brought them together as a list at the end of the Report.

Front cover

30. A Neighbourhood Plan must specify the period during which it is to have effect. I note that there is a prominent reference to the Plan period 2022 – 2036 on the front cover. The references to “Submission Version” can now be removed.

Contents Page

31. The content listing will need to be reviewed in the light of my Recommendations below.

Recommendation 1:

1.1 Amend the front cover to remove “Submission version”.

1.2 Review the Contents page in the light of the recommendations in this Report.

General Drafting Points

32. I noted that the end date on the cover of the Plan is 2036 – selected as a date to coincide with the end date for the Local Plan Review. However, at a number of points within the document 2037 is referenced. The Qualifying Body confirmed that the end date should be 2036.

33. I expressed a concern to the Qualifying Body as to the expected status of (and correct title for) the “supporting” document “Stoke Ferry Design Codes” which, within the Plan, is primarily referenced as “Stoke Ferry Design Guidelines and Codes”. Normally, a Plan document would be expected to encompass all the content to which a prospective developer must have access to apply its policies. The Qualifying Body responded that “the correct title for the Design document is Stoke Ferry Design Codes June 2022 Whilst the QB do not have an objection in principle to the Design Codes being incorporated into the Neighbourhood Plan as an annex or appendix, it was produced to be a separate standalone document Keeping them separate allows the Design Codes document to be updated regularly.” I pointed out that such an approach would affect the status of the document within the planning system – outside of the Examination it would become simple Parish guidance. The Qualifying Body agreed that ‘Annex’ would be the appropriate way to link the Design Codes document to the Plan.

Recommendation 2:

2.1 Review the Plan text to ensure that it refers consistently to a 2036 end date.

2.2 Consistently reference the “Stoke Ferry Design Codes June 2022” as such within the Plan and detail it as an ‘Annex’ on the document and the Plan Contents Page.

Introduction

34. I noted that in paragraph 1.5 it is suggested that the Neighbourhood Plan content “Identifies and provides evidence for the use of developer contributions for the future”. Not only is this not the case but I am doubtful that this would be appropriate in a land-use document. The Qualifying Body explained that Paragraph 1.5 “sets out the aims of the Neighbourhood Plan, including its role in guiding development towards delivery of local infrastructure priorities, through S106 agreements and/ or Community Infrastructure Levy (CIL). The final bullet point ought to be re-worded to this effect”. My recommendation will therefore aim to improve clarity.

Recommendation 3:

Under the heading “Introduction”, in paragraph 1.5 amend the last bullet point to read:

'Helps to ensure that development and infrastructure are considered in tandem'.

2. The parish of Stoke Ferry

35. Primarily because the critical content – the Conservation Boundary - is not in colour, Figure 9 is very difficult to read. The Borough Council committed to sourcing a better version for inclusion in the amended plan; the map source should be stated.

36. In relation to Figure 10, the Qualifying Body advised that the map is supplied by the Norfolk Biodiversity Information Service “who always map a buffer around the parish boundary due to the transitory nature of some biodiversity species and that sites outside of the parish may be affected by policies in the Neighbourhood Plan. The map provides additional context It may be appropriate to add explanation to this effect, to the Figure 10 caption (p18)”. I agree that providing the map source and a brief explanation in the caption would be helpful.

Recommendation 4:

4.1 Replace Figure 9 with a map more clearly delineating the boundary for the Conservation Area and provide a source reference (alternatively merge the content of Figures 8 & 9 since both concentrate on the historic core).

4.2 For Figure 10 provide a footnote to briefly explain its broader-than-Neighbourhood Area scale, along these lines: 'A 500m "buffer zone" beyond the Neighbourhood Area boundary has been illustrated by the Biodiversity Information Service recognising that biodiversity considerations do not stop at administrative boundaries.'

3. How the Plan was prepared

37. I noted that, whilst this section is descriptive of the process, it does not have any detail of the ways in which community consultation has influenced/impacted on the drafting and redrafting of the Plan. The Qualifying Body confirmed that these would be added to the referendum version of the Plan and would act as a brief executive summary to the Consultation Statement, in the interests of clarity.

4. National and local planning policy context

38. No comments.

5. Vision and objectives

39. Whilst I noted that the Vision references 2037 – which needs correction to the end date for the Plan - it was unclear why the words “in the future” are included at the end of the statement. The Qualifying Body agreed that the phrase ‘in the future’ appeared to be unnecessary.

Recommendation 5:

5.1 Under the heading “How the Plan was Prepared”, add a brief paragraph summarising the ways in which community consultation has influenced/impacted on the drafting and redrafting of the Plan.

5.2 Under the heading “Vision and objectives”, amend the date reference to 2036 and from the Vision statement delete “in the future”.

6. Policies and projects

40. No comments.

7. Community and Services

41. It is appropriate for Policy SF1 to identify the community facilities in the Neighbourhood Area; I note that the Core Strategy Policy CS13 seems to refer to these as “cultural assets”, but I think that there is no likelihood of confusion. In relation to the Policy wording, I raised a few queries with the Qualifying Body:

- The first bullet point resists detriment to the facility’s “current function” – but a community facility might adapt so that it could be performing a different but equally important community function, perhaps combining more than one function.
- The list of facilities duplicates the list of Local Green Spaces but there seems no value in double listing as the Local Green Spaces are accepted for designation (see later).
- There seems no obvious merit in including the telephone kiosk – the phone content could be stripped out without the need for a planning consent. The same argument applies to the bus shelter.
- Permitted development rights now allow, in certain circumstances, the loss of shops to residences or another commercial use and the loss of takeaways in like manner. Commercial premises are a different category of ‘community facility’ the viability of which will vary significantly over time.
- The inclusion of all the land attached to the pub might be unnecessarily restrictive on its ability to achieve viability.
- The map should be referenced within the Policy (this applies also to Policy SF3) and the numbering made compatible between the two.

42. The Qualifying Body responded helpfully to my queries and it is upon those responses that my recommendations are based.

43. Policy SF2 appears to be more a plea for funding than a land use policy. Although it is required that “New facilities should have safe and easy access to the village centre”, no assessment is apparent as to the capacity of such sites (if any) to accommodate this range of facilities. No specific locational guidance is given for each. The Qualifying Body raised no objection to the combining of Policies SF1 & SF2.

Recommendation 6:

Under the heading “Community & Services”:

6.1 Add to paragraph 7.6 after “well-being of the wider community” (the important green spaces are now protected as Local Green Spaces under Policy SF15)’ – see later for Policy renumbering.

6.2 Merge Policies SF1 & SF2 and locate the new Policy SF1 in place of Policy SF2; word the combined Policy as follows:

‘Community facilities

1.1 Where a planning consent is required, proposals to redevelop or change the use of an existing community facility as set out in this policy are only supported where:

- i) This would not result in their loss or be detrimental to their community function; or*
- ii) It can be demonstrated that it would not be economically viable or feasible to retain the existing community facility.*

1.2 The following are identified as community facilities and their location is indicated in Figure 19:

1. Village Hall
2. School and Nursery
3. Local retail units
4. The Blue Bell public house
5. Community Centre
6. Community Gardens – Lynn Road and The Hill.

1.3 Proposals that would result in the enhancement or improvement of existing community facilities are supported.

1.4 In principle support is offered for the development of new community facilities with specific support for proposals that would provide: health and medical facilities; school outreach facilities; an outdoor classroom; outdoor recreation facilities; a Post Office; opportunities for shared spaces/multi-use community facilities.'

6.3 Renumber subsequent Policies accordingly.

6.4 Amend Figure 19 to ensure that the facilities and their numbering exactly match with Policy SF1; delete facilities 5, 6, 7, 9, 10, 12 & 13 and amend the numbering of the remaining facilities accordingly.

6.5 Amend Policy SF3 to read: 'A site of 0.38 acres immediately southwest of the existing cemetery at Furlong Drove, as shown in Figure 20, is allocated for use as a cemetery extension.'

As amended Policy SF1 and Policy SF2 (renumbered) meet the Basic Conditions.

8. Housing, Design, and the historic environment

44. The NPPF at paragraph 60 says "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed ..." The thrust of Policy SN4 is appropriate. However, I was obliged to query the assertion at paragraph 8.5, without referencing supporting evidence, that permissions relating to allocations made in 2016 "are more than sufficient to meet Stoke Ferry's needs over the Local Plan period to 2036". The local authority also noted that this paragraph needed updating. The Qualifying Body accordingly provided additional text detail.

45. In relation to the wording of Policy SF4 I raised a number of queries:

- Over time the 2020 HNA will become out of step with changing needs; the Policy needs therefore to allow for more current assessments to replace the 2020 version.
- It is unclear what the phrase "all qualifying sites" is intended to reference; the Qualifying Body suggested that this could be clarified in a footnote.
- It is unclear why the Policy says that 70 per cent of affordable housing should be affordable rented "as maximum"; the Qualifying Body agreed that this should be deleted.

- It is unclear what is intended with the reference to “adaptation to meet the needs of families”; the Qualifying Body explained that the reference was to accessibility standards, which might apply to occupiers other than “families”.
- It is unclear why only “smaller schemes” should “include housing options that would be suitable for purchase by first time buyers”; the Qualifying Body suggested that “smaller schemes” should be defined but I am provided with no evidence to suggest that the restriction to “smaller schemes” only is appropriate.
- It is unclear where in the NPPF it says that affordable housing “should be ‘pepper-potted’ around the site” but, in any event, there is no expectation that NPPF content, which may alter over time, will be referenced in Neighbourhood Plan policies.

My recommendations below are based on the responses received.

46. The NPPF (section 12) lays great emphasis on “achieving well-designed places”; it is therefore appropriate that the Neighbourhood Plan considers what “well-designed” should mean in the local context. Policy SF5 references the Design Guide (the nature of which I have queried above) but then appears to attempt a summary of the Guide in very few words. After including the corrected title for the Stoke Ferry Design Codes June 2022, the Policy should not confuse what the Annex is documenting.

47. In relation to Policy SF6 it is stated that it “is not intended to allocate sites but to instead encourage the implementation of relevant extant planning permissions and to encourage others to come forward for development”. But the Policy does not, and I suggest cannot, do anything practical to effect the implementation of existing permissions; presumably there are issues of demand and/or finance but it would not appear that these have been explored with the site owners. It would have been open to the Qualifying Body to seek Neighbourhood Development Orders for more appropriate site developments, if analysis indicated that the existing permissions fall short of what is required for the sites to progress. But no such analysis is presented. As things stand, it would appear that proposals with planning consent already exist “that would result in the visual enhancement of the character and appearance of current underused/derelict sites through their appropriate redevelopment/regeneration or renewal will be supported”. I noted during my visit to the area that one site, site 2 the Old Station Yard, was under current housing construction and a second one, site 6 Land between Indigo Road and the Grain Store, seemed to provide a natural, green barrier on a piece of land that could not be separately developed.

48. The Qualifying Body responded to my concerns that “it is considered that this policy provides some valuable local specificity and reflects locally expressed concerns through the consultation exercises. Whilst a number of the sites have/have had planning permissions, there has been little activity on most and the policy covers the eventuality that these permissions may lapse and therefore new or amended application will need to be submitted.” However, the nebulous policy wording does not provide what the NPPF (para 16(d)) says is required: “policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. Almost any proposal might be argued to amount to “appropriate redevelopment/regeneration or renewal”. Accordingly, rather than lose this matter of local concern, I recommend altering Policy SF6 to a Community Action since it is not suitable as a land use policy.

49. In relation to Policy SF7 I note that a Conservation Area Appraisal already exists. There is an evident danger that a Policy that doesn’t specifically reference this could lead to confusion. The

Qualifying Body agreed that the Policy could usefully cross reference the Conservation Area Appraisal directly, as a separate policy document. Highways and directional signage are not normally the subject of planning consents and therefore the Design Guide is the more appropriate place to pursue such guidance rather than within a land use policy.

50. I note that Policy SF8 draws heavily on the content of the Conservation Area Appraisal when identifying non-listed buildings of merit. A question arises as to how the additions to those referenced in the Appraisal have been assessed as comparable in significance to those included in the Appraisal. The Qualifying Body explained: “The Group undertook detailed character appraisal of the entire built-up area of settlement, which informed the Design Code work. As part of this work a number of potential NDHA [non-designated heritage assets] were identified. Other buildings were identified by members of the public through the consultation events including the 2020 Household Survey. All suggested NDHA were assessed by the WG Members using the Historic England Criteria. Those candidate NDHA which were considered to meet a number of the criteria were included in the Neighbourhood Plan. The results were consulted on at R14 [Regulation 14 pre-submission] stage and also informally with BCKLWN [Borough Council of Kings Lynn and West Norfolk] at an early stage (pre-Regulation 14) in the plan-making process.” Accordingly, I am satisfied that a proportionate assessment of the extensive list of non-designated assets has been completed.

Recommendation 7:

7.1 In relation to Policy SF4 (now renumbered as SF3):

7.1.1 In paragraph 8.5 replace the first sentence following the bullet points with: ‘In 2020, Stoke Ferry Parish Council appointed AECOM to produce a bespoke Housing Needs Assessment (HNA¹). This highlighted a total need for 68 affordable houses of differing tenures at Stoke Ferry. The replacement Local Plan (paragraph 4.1.5) identified a reduced Local Housing Need (LHN) for the Borough, such that committed site allocations throughout the Borough (as a whole), including consents on sites allocated at Stoke Ferry through the 2016 Site Allocations Development Plan Document (52 dwellings), should be sufficient to cover the LHN for the Borough as a whole, including meeting Stoke Ferry’s needs over the Local Plan period to 2036.’

¹ https://www.west-norfolk.gov.uk/download/downloads/id/7447/stoke_ferry_hna_november_2020.pdf

7.1.2 Amend the wording of the Policy as follows:

7.1.2.1 In the second paragraph after “(HNA) 2020,¹³” add ‘or successor document’.

7.1.2.2 In the third paragraph replace “qualifying sites” with ‘sites meeting the affordable housing obligation’.

7.1.2.3 Under the heading “Affordable Housing” remove the bullet point and delete “maximum”.

7.1.2.4 Under the heading “Open market housing” amend the first bullet point to read: ‘housing, such as bungalows, to allow for downsizing and to meet the particular needs of those requiring housing adaptations’.

7.1.2.5 Under the heading “Open market housing” amend the second bullet point to read: ‘housing options that would be suitable for purchase by first time buyers’.

7.1.2.6 In the final paragraph delete: “to encourage social integration within the development, in line with National Planning Policy Framework (NPPF)”.

7.2 In relation to Policy SF5 (now renumbered as SF4) amend the Policy wording by:

7.2.1 In the second paragraph, quoting the corrected document title: ‘Stoke Ferry Design Codes June 2022’.

7.2.2 Deleting the third paragraph.

7.3 In relation to Policy SF6 amend this to a Community Action, which should be clearly distinguished from Policy content with a different presentation, as follows:

7.3.1 Delete site 2 from the lists and Figure 21; renumber the remaining sites accordingly.

7.3.2 Retitle Policy SF6 as a Community Action, renumber subsequent Policies accordingly, and amend the subsequent wording as follows:

7.3.2.1 Delete the first paragraph.

7.3.2.2 Amend the opening of the second paragraph to (and delete item 2 on the list as above):

‘Measures to improve the visual appearance of these sites are encouraged and the Parish Council will work with interested parties as required to achieve these.’

7.3.2.3 In the third paragraph replace “will” with ‘should’ and amend “SF7 to ‘SF5’.

7.4 In relation to Policy SF7 (now renumbered as SF5):

7.4.1 Add a specific reference to the “Stoke Ferry Conservation Area Character Statement 1992” in paragraph 8.34 and add to the first paragraph of Policy SF5 (as renumbered) ‘with specific regard to the Stoke Ferry Conservation Area Character Statement 1992’.

7.4.2 From the third paragraph of the Policy delete “(including highways and directional signage)”.

7.5 Renumber Policy SF8 as Policy SF6.

As amended (and renumbered) Policies SF3 to SF6 meet the Basic Conditions.

9. Transport and Access

51. The particular local feature of Policy SF9 is that it seeks to identify the routes of historic “droves”. The evidence for these is said to be “through local knowledge and historical records” but no detail of the research is provided. It is unclear whether any or all of the droves are already public rights of way. There is no legal power for a Neighbourhood Plan to designate new rights of way – other legislation is engaged for that. The Qualifying Body provided a revised version of Figure 23 that distinguishes between droves that are Public Rights of Way and those, in the majority, that are identified as “green access opportunities”. It is therefore wrong for Policy SF9 to conflate public footpaths and “droves” as if they are of equal status. In the absence of proportionate evidence it is

not possible to consider the droves as non-designated heritage assets. Accordingly, Policy SF9 (now renumbered as SF7) must be reworded to reflect the true status of “droves” that are not Public Rights of Way. The Qualifying Body agreed that “the policy and/ or supporting text should be amended to highlight that developers and the Borough Council would need to work closely with landowners to deliver green infrastructure/ access opportunities that drove routes could offer.” However, the revised Figure 23 shows that none is well related to development opportunities that would be policy compliant. My recommendation is therefore that, rather than lose this matter of local interest, part of Policy SF9 (as set out in the Recommendation below) should become a Community Action since it is not suitable as a land use policy.

52. Policy SF10 appears to restate what is already in the Stoke Ferry Design Codes June 2022; the latter would be the most appropriate place for guidance since it would help to ensure the integrated design that is required. The Qualifying Body noted that “The Design Codes document does cover this issue although it does not refer to the Norfolk County Council guidance, which it will need to do if the policy is to be deleted”. Accordingly, my recommendation is that, whilst the Policy is deleted, the Design Codes document is appropriately amended.

53. I note that Policy SF11 relates to an allocated site that “has not yet come forward and is linked to a specific planning permission on an adjacent site where construction has begun but has not been completed”. The Qualifying Body has subsequently explained that for the site to come forward it is likely to require new applications to be submitted. “The car park is allocated in the Site Allocations DPD which runs to 2026 (site allocation G88.3). The Borough Council is currently reviewing sites in the 2016 Site Allocations DPD to assess their deliverability, and whether these should be retained in the emerging replacement Local Plan, going forward. There is no certainty that G88.3 will be retained, so Policy SF11 effectively functions as a contingency to ensure delivery of the car-parking element of the allocated site in the event this site is deallocated.” This is therefore the basis for my recommendation.

Recommendation 8:

8.1 In relation to Policy SF9 (now renumbered as SF7):

8.1.1 Amend the Policy wording under the heading “Public Rights of Way” by removing “and ‘droves’” from the title and “, including bridleways and historic routes such as ‘droves’” from the first paragraph; also move the listing of droves as below.

8.1.2 Add after the amended Policy a Community Action, clearly distinguished from Policy content with a different presentation, as follows:

‘The Parish Council recognises and will work to retain and, where appropriate, enhance the routes of the historic ‘droves’ identified below and on Figure 23, only a few which have Public Right of Way status: [add back in here the listing of droves].’

8.1.3 Replace Figure 23 with the revised version submitted by the Borough Council within the joint email dated 18th April 2023.

8.2 Delete Policy SF10 (but retain the supporting text); amend the Stoke Ferry Design Codes June 2022 to include appropriate reference to the Norfolk Parking Standards 2007 (updated 2020) at MV.04; amend subsequent Policy numbering accordingly.

8.3 Renumber Policy SF11 as SF8.

As amended (and renumbered) Policies SF7 and SF8 meet the Basic Conditions.

10. Natural Environment

Development boundary and strategic gap

54. Policy SF12 – as with all Policy statements – needs to be self-contained so that it can readily be quoted in Officer reports, etc.; the cross-reference to supporting text is inappropriate. There is no need for the Neighbourhood Plan to define what is already defined elsewhere in the Development Plan (Policy DM2) , but if it is felt that the development boundary might be lost with the Local Plan Review then it is appropriate that the Neighbourhood Plan relies on the original methodology for defining the boundary, provided this is referenced. To avoid any unintended conflict with the strategic policy (DM2) the wording of that should be a model for Policy SF 9 (as renumbered).

55. Having visited the area, I formed as view that any prospective merging between Stoke Ferry and Wretton would be significantly beyond the Neighbourhood Area boundary. Since the development boundary establishes that countryside policies apply between the settlement and the Neighbourhood Area boundary, that of itself establishes that any merger is inappropriate. The Qualifying Body concurred with this assessment.

Important views

56. Whilst it is legitimate for the Plan to identified valued views, it is unrealistic for Policy SF13 to suggest that a decision on the acceptability of development proposals pivots around how they “adversely affect” an identified public view. Quite apart from the difficulty of judging a positive from a negative impact, views change naturally over time and impacts can be mitigated. I note that there is no evaluation of views which might allow a prospective developer to identify what is valued about any individual view. It is proportionate to require that development proposals within the ambit of a valued view, assess and address their impacts with mitigation as appropriate. This allows proposers to explain their approach to addressing the views and the planning judgement is then about the adequacy of the approach. The Qualifying Body agreed that this should be the basis for an amended Policy SF10 (as renumbered).

River Wissey corridor

57. In relation to Policy SF14 it seems that “development” pressure on the spaces identified is unlikely, whereas the value that is being protected is the linear and connected nature of the spaces. The second part of the Policy seems ambiguous when it encourages “Proposals that would provide opportunities to increase public access” – a car park, a café, a visitor centre could all increase public use but would probably be seen as a poor use of the open ground identified. The Qualifying Body proposed revised wording to address this issue and this has provided the basis for my recommendation. The text references two bridleways but these are not identified in the key to Figure 27.

Drainage and flood risk

58. The source reference for Figure 28 needs to be the data source (rather than the map source) so that, as the data is updated, Plan readers can access the most recent version. The County Council as LLFA also recommend the inclusion of surface water flooding maps representative of the entire Neighbourhood Area but, given the duplication involved and the rate at which such documents are reviewed, I feel that the County Council advised reference to “Norfolk County Council (NCC) – Lead

Local Flood Authority (LLFA) Statutory Consultee for Planning: Guidance Document” should be sufficient and more appropriate.

59. The NPPF (paragraph 153) expects that “Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts”. I can see that efforts have been made to address and reflect local conditions within Policy SF15. However:

- It is unclear how it is envisaged that local developments might achieve “*lower than greenfield runoff rates*” [*my emphasis*] – the Qualifying Body suggested a more general reference.
- It is unclear where “Bridleway 8 and 9, land adjacent to the railway station and land between the bridge and Little Man’s Way” and “the New Drain (Dutch Drain)” are located since there is no related map; the Qualifying Body suggested that references to the bridleways might be replaced by a general reference to public rights of way.
- The “areas of localised flooding” are said to have been identified “anecdotally” – this does not amount to the “adequate and proportionate” evidence required by the NPPF (paragraph 31). I must compare this content with the County Council comment: “According to LLFA datasets (extending from 2011 to April 2022), we have 1 record of internal flooding (July 2021) and 1 record of external/anecdotal flooding (September 2017) in the Parish of Stoke Ferry.” This aspect of the Policy should therefore be deleted, along with Figure 29.
- The fourth paragraph of the Policy seems to be a significant oversimplification of the issues highlighted and the Qualifying Body agreed that the last line of policy can be removed as the Design Codes document does contain specific guidance.

Light pollution and dark skies

60. It seems to me that each paragraph of Policy SF16 says broadly the same thing with different words and a shifting emphasis. Whilst it should not be suggested that a development proposal will be “supported” solely on the basis of its lighting proposals, the sentiment of the first paragraph is, by my assessment, the clearest all-encompassing statement of what is being sought.

Biodiversity

61. I queried with the Qualifying Body whether Policy SF17, given the existence of a Design Guide to inform local design choices, adds anything that is not already in national or local planning policy. They responded: “It is considered that this policy does provide a local dimension with its references to the River Wissey, the cut-off channel, and the specific landscape features of the Fens landscape character. It is noted that this also provides a policy “hook” between the natural landscape and Design Codes.” Having considered this response, I am making just one recommendation.

Local Green Spaces

62. The NPPF paragraphs 101 – 103 provide the criteria for the designation of Local Green Spaces. The appraisal of these spaces for the purposes of the Neighbourhood Plan is often quite perfunctory and Plan paragraph 10.38 suggests that criteria wider than those required by the NPPF may have been included. There seemed to have been some confusion between spaces that have a “particular” significance and those that have a general role as an incidental open space; my visit to the area confirmed that this was the case. And spaces need to have a “particular” significance in their own right, not because they are adjacent to something which holds the significance.

63. Some confusion is evident about space 6. The list in the Policy says: “Four areas of land/woodland within the Parish Boundary that are owned by Charity. Two within the village and one north and one south of Littleman’s Way”. But the map and the appraisal show a single space.

64. There are also matters of accuracy; the appraisal of the spaces numbered 8 refers to buildings to become “designated heritage assets” but these are actually to be non-designated heritage assets. I note that it has been agreed, at the owner’s request, that “Footnote 26 should apply to both 5 and 6 in the list in Policy SF18 and Church of All Saints should be qualified as ‘Former’ Church of All Saints”. I further note that the County Council has added factual detail in relation to space 9: “it should be noted that local green space “The Common” is 9.9 hectares and is underlain by sand and gravel resource Since the allocation is for local green space, it does not sterilise the mineral resource underlain.”

65. Therefore, considering the proposed spaces in turn:

1. The Common: I queried with the Qualifying Body how the boundaries of this space, on the ground apparently adjacent to the designated Common, had been defined; they acknowledged that the space is some distance from the Stoke Ferry community and already protected by an existing designation. This space should therefore be deleted.
2. The Playing Field: the criteria are met.
3. Cemetery on Furlong Drove (plus the Cemetery extension): whilst the existing Cemetery meets the criteria, the extension does not as it is presently unused space. The extension should therefore be deleted.
4. Victorian Cemetery: the criteria are met.
5. All Saints Church graveyard: the criteria are met by the graveyard but the related Figure 31 inappropriately includes the footprint of the former Church.
6. 4 pieces of land owned by Charity (two in the village and one south and one north of Littleman’s Way): the Qualifying Body acknowledged that there should be a single space as identified on Figure 31 and they subsequently agreed that for that space the criteria are not met in full. This space should therefore be deleted.
7. Three Acre field, Rear of Ashpond House, Oxborough Road: the Qualifying Body acknowledged that the criteria are not met at this time. This space should therefore be deleted.
8. Buckenham Drive – 5 grassed amenity areas: the Qualifying Body acknowledged that these “amenity areas” do not meet the criteria in full. These spaces should therefore be deleted.
9. Grassed area at Oak Road: the Qualifying Body acknowledged that this “amenity area” does not meet the criteria in full. This space should therefore be deleted.
10. Land behind Buckenham Drive between the Playing Field and 2Agriculture: this public right of way is already protected and the Qualifying Body acknowledged that. This space should therefore be deleted.

My recommendations are based on these assessments made after a visit to each site.

Energy efficiency and sustainability

66. Policy SF19 seems to be nebulous, unrelated to the Neighbourhood Area and often poorly detailed: “reduce carbon”, “UK energy - 15 per cent overall electricity generation by 2020; 10 per cent for transport”. Paragraph one relates to “all development” but paragraph two says it relates to “a domestic scale”, including solar panels “on domestic dwellings”, without explaining why other types of development are excluded. No mention is made of improved insulation. Given the, generally better expressed, local and national framework within which this Policy exists, I consider that the Design Guide for Stoke Ferry is sufficient to provide practical guidance as to how appropriate measures can successfully be incorporated within new and existing dwellings. My recommendation is therefore that this Policy should be deleted.

Recommendation 9:

9.1 With regard to Policy SF12 (as renumbered SF9):

9.1.1 Add to the first sentence of paragraph 10.1: ‘established in accordance with Policy Approach set out on page 18 of the Site Allocations and Development Management Policies Plan 2016 [provide a footnote source reference].’

9.1.2 Delete paragraphs 10.7 & 10.8 and renumber subsequent paragraphs accordingly.

9.1.3 Amend and reduce the Policy wording to:

‘The development boundary for Stoke Ferry is shown on Figure 25. Development within the development boundary is supported in principle but the areas outside the development boundary (excepting specific allocations for development) are treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the Development Plan.’

9.1.4 Delete the related footnotes.

9.2 With regard to Policy SF13 (as renumbered SF10) reword the second paragraph of the Policy as follows:

‘Development proposals within the ambit of a valued view must assess and address their impacts to ensure acceptability within the landscape, with mitigation as appropriate. Proposals that would result in a visual enhancement to an approach to the village will be supported.’

9.3 With regard to Policy SF14 (as renumbered SF11):

9.3.1 Amend the opening sentence of the Policy to read:

‘Development that may adversely affect the visual, scenic and undeveloped nature of the River Wissey corridor within the Parish (figure 27) should demonstrate regard for:’

9.3.2 Amend the second paragraph of the Policy to read:

‘Subject to the above, proposals to provide/ improve public access will be supported.’

9.3.3 Add to Figure 27 and its key the two bridleways referenced in the supporting text.

9.4 With regard to Policy SF15 (as renumbered SF12):

9.4.1 Add a data source reference to Figure 28.

9.4.2 Add to paragraph 10.21 a reference to “Norfolk County Council (NCC) – Lead Local Flood Authority (LLFA) Statutory Consultee for Planning: Guidance Document” and provide a source reference footnote.

9.4.3 Within the Policy wording:

9.4.3.1 In the first paragraph replace “seek to achieve lower than greenfield runoff rates” with ‘take account of the impacts of climate change’.

9.4.3.2 In the second paragraph delete the content after “Borough Council’s Strategic Flood Risk Assessment” and provide a source reference for that document.

9.4.3.3 In the third paragraph delete the content after “e.g. the New Drain (Dutch Drain)”.

9.4.3.4 Replace the fourth paragraph with ‘Development proposals should demonstrate regard for the related design guidance in the Stoke Ferry Design Codes June 2022.’

9.4.4 Delete Figure 29 and renumber subsequent Figures accordingly.

9.5 With regard to Policy SF16 (as renumbered SF13) reword the entire Policy as follows:
‘Development proposals should address light spillage and eliminate all unnecessary forms of outdoor lighting to appropriately maintain dark skies throughout the Parish.’

9.6 With regard to Policy SF17 (as renumbered SF14) replace the last line (but not in bold) with:
‘Development proposals should demonstrate regard for the related design guidance in the Stoke Ferry Design Codes June 2022.’

9.7 With regard to Policy SF18 (as renumbered SF15):

9.7.1 Correct the quote from the NPPF at paragraph 10.36 replacing “relatively” with ‘reasonably’.

9.7.2 Amend paragraph 10.41 to ‘4’ spaces instead of “10”.

9.7.3 Amend Appendix C to delete the assessments where it is now agreed that the criteria are not met, to exclude the cemetery extension from the Cemetery space and to correct the following factual inaccuracies:

- The Church of All Saints should be qualified as ‘Former’ Church of All Saints.
- Exclude the footprint of the former Church from the map of the graveyard.

9.7.4 Revise the Policy wording to:

9.7.4.1 Remove space 1, the extension part of 3, and spaces 6-10 and renumber the list accordingly.

9.7.4.2 Retitle space 5 as ‘Former’ Church of All Saints.

9.7.4.3 Remove the NPPF reference (but not the footnote) from the final paragraph.

9.7.5 Revise footnote 26 to apply to both spaces 5 and 6 in the list and to make it clear that not only is there no public access but that both spaces are in private ownership.

9.7.6 Revise Figure 31 and its key to bring the spaces and their numbering in line with the Policy; exclude the cemetery extension from the Cemetery space and the footprint of the former Church from the graveyard space.

9.8 With regard to Policy SF19:

9.8.1 Delete paragraph 10.45 and renumber subsequent paragraphs accordingly.

9.8.2 Delete Policy SF19 and renumber subsequent Policies accordingly.

As amended (and renumbered) Policies SF9 and SF15 meet the Basic Conditions.

11. Business and Employment

67. Sentences such as “Anecdotal evidence suggests the number of people employed at 2Agriculture who live in Stoke Ferry is low” (para 11.2) will not help to give the appropriate level of authority to the Plan that it needs.

68. Taking out some of the subclauses in paragraph two of Policy SF20 (renumbered as SF16), it reads: “Proposals that would result in the provision of new [business] accommodation which would be suitable foradaptation for homeworking will be supported.” It is unclear why accommodation that is “new” would need “adaptation”. The Qualifying Body responded: “It is accepted that Policy SF20 needs some modifications, to differentiate between new-build business premises and conversion of existing buildings.”

Recommendation 10:

Reword the second paragraph of Policy SF20 (as renumbered SF16) as follows:

‘Development proposals suitable for small businesses or homeworking, including shared spaces, are supported in principle.’

As amended and renumbered Policy SF16 meets the Basic Conditions.

12. Social and cultural

69. Policy SF21 is explicitly about “the change of use or conversion of existing buildings” but this might entail the loss of or compromising of existing facilities whereas new buildings or extensions might add to existing facilities, if there is site capacity to achieve this. In wording terms, I believe that the latter part of the sentence is intended to read: ‘uses including digital, artisanal, or creative facilities, school outreach, or rehearsal spaces’. It would appear that these uses have been identified as potentially attractive to the earlier mentioned “13-19-year age range”. The Qualifying Body concurred that amended wording was required.

Recommendation 11:

Reword Policy SF21 (as renumbered SF17) as follows:

‘Proposals for new buildings and extensions or the change of use or conversion of existing buildings providing spaces or facilities for community cultural or creative uses including digital, artisanal, or creative facilities, school outreach, or rehearsal spaces will be supported in principle.’

As amended and renumbered Policy SF17 meets the Basic Conditions.

13. Implementation

70. Paragraph 13.3 says “Some of the policies included within the Stoke Ferry Neighbourhood Plan have a delivery element, often a requirement of development or ‘planning obligation’”. It is not evident that this is the case. In response the Qualifying Body and Borough Council jointly devised a table setting out those policies that seek delivery of new infrastructure. Since the proposed table highlights policies with a delivery element, it can helpfully explain/ summarise the main mechanisms for delivery.

Policy ref	Policy title	Main delivery mechanism(s)
SF1	Protection and enhancement of existing community facilities	CIL – priority infrastructure identified (Regulation 123 list/ current guise)
SF2	New community facilities	CIL – priority infrastructure S106 – where specific infrastructure is required (e.g. open space, additional classrooms) to service new development
SF3	Cemetery extension at Furlong Drive	CIL – priority infrastructure
SF4	Housing mix	S106 – affordable housing contributions
SF9	Accessibility	CIL – priority infrastructure; e.g. improved accessibility to droves/ opening up PROWs S106 – provision for walking and cycling, to service development
SF11	Village Hall car park	CIL – priority infrastructure
SF20	New and existing business	CIL – priority infrastructure – high-speed broadband

Recommendation 12:

Under the heading “13. Implementation”, break paragraph 13.3 before “Planning obligations ...”, thus creating an additional paragraph 13.4 (renumber subsequent paragraphs accordingly). To the truncated paragraph 13.3 add ‘- see table below:’ and insert the table supplied with the Local Authority’s email dated 18th April 2023 (and as shown above). Renumber Policy references and titles in the table accordingly.

Appendices

71. The content of the Appendices generally seems appropriate, subject to earlier recommendations regarding Appendix C: Local Green Space justification.

Stoke Ferry Design Codes

72. As a generously illustrated document I assess the Design Codes document as very useful, subject to my comments above about the clarity/accuracy of its title and its integration with the Plan as an Annex. An earlier recommendation addressed the need for references to the County Parking Standards. I note that it has been agreed by the Qualifying Body that references to Anglian Water need correction. It is unfortunate that the Annex document doesn’t show the Parish boundary, perhaps suggesting a wider application than is in fact the case.

Recommendation 13:

With regard to the Annex titled Stoke Ferry Design Codes June 2022:

13.1 Insert a map of the Parish to clarify the area of application.

13.2 Factual amendments required to correctly refer to Anglian Water Assets.

13.3 Figure 76 – Character Area CA6: Factual amendments required to correctly refer to Anglian Water Assets.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

73. A further Basic Condition, which the Stoke Ferry Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

74. There is no legal requirement for a Neighbourhood Plan to have a sustainability appraisal. The Borough Council of King's Lynn & West Norfolk screening report of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the emerging Stoke Ferry Neighbourhood Plan (May 2022) was prepared in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. In accordance with Regulation 9 of the SEA Regulations 2004, the Council concluded: "On the basis of feedback from the relevant statutory consultation bodies, the Borough Council has concluded that:

- The Stoke Ferry Neighbourhood Plan does not require a full Strategic Environmental Assessment (SEA); and
- The Stoke Ferry Neighbourhood Plan does not require an Appropriate Assessment, under the Habitat Regulations."

75. Particularly in the absence of any adverse comments from the statutory body or the Local Planning Authority (either at the Screening or the Regulation 16 Consultation) I can confirm that the Screening undertaken was appropriate and proportionate, and that the Plan has sustainability at its heart.

76. In regard to the European Convention on Human Rights, the Basic Conditions Statement that accompanies the Neighbourhood Plan states: "the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The accompanying Consultation Statement sets out the process followed in terms of community involvement." No evidence has arisen or been put forward to demonstrate that this is not the case.

77. Taking all of the above into account, I am satisfied that the Stoke Ferry Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

Conclusions

78. This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

79. I therefore conclude that, subject to the modifications recommended, the Stoke Ferry Neighbourhood Plan:

- 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 Plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations;
- does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

80. On that basis I *recommend* to the Borough Council of King's Lynn and West Norfolk that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Stoke Ferry Neighbourhood Plan to proceed to referendum.

Referendum Area

81. As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Borough Council of King's Lynn and West Norfolk on 24th October 2018.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Rec	Text	Reason
1	<p>1.1 Amend the front cover to remove “Submission version”.</p> <p>1.2 Review the Contents page in the light of the recommendations in this Report.</p>	For clarity and accuracy
2	<p>2.1 Review the Plan text to ensure that it refers consistently to a 2036 end date.</p> <p>2.2 Consistently reference the “Stoke Ferry Design Codes June 2022” as such within the Plan and detail it as an ‘Annex’ on the document and the Plan Contents Page.</p>	For clarity and accuracy
3	<p>Under the heading “Introduction”, in paragraph 1.5 amend the last bullet point to read: ‘Helps to ensure that development and infrastructure are considered in tandem’.</p>	For clarity and accuracy
4	<p>4.1 Replace Figure 9 with a map more clearly delineating the boundary for the Conservation Area and provide a source reference (alternatively merge the content of Figures 8 & 9 since both concentrate on the historic core).</p> <p>4.2 For Figure 10 provide a footnote to briefly explain its broader-than-Neighbourhood Area scale, along these lines: ‘A 500m “buffer zone” beyond the Neighbourhood Area boundary has been illustrated by the Biodiversity Information Service recognising that biodiversity considerations do not stop at administrative boundaries.’</p>	For clarity and accuracy
5	<p>5.1 Under the heading “How the Plan was Prepared”, add a brief paragraph summarising the ways in which community consultation has influenced/impacted on the drafting and redrafting of the Plan.</p> <p>5.2 Under the heading “Vision and objectives”, amend the date reference to 2036 and from the Vision statement delete “in the future”.</p>	For clarity and accuracy
6	<p>Under the heading “Community & Services”:</p> <p>6.1 Add to paragraph 7.6 after “well-being of the wider community” ‘(the important green spaces are now protected as Local Green Spaces under Policy SF15)’ – see later for Policy renumbering.</p> <p>6.2 Merge Policies SF1 & SF2 and locate the new Policy SF1 in place of Policy SF2; word the combined Policy as follows: ‘Community facilities 1.1 Where a planning consent is required, proposals to redevelop or change the use of an existing community facility as set out in this policy are only supported where:</p>	For clarity and accuracy and to meet Basic Condition 1

	<p>i) This would not result in their loss or be detrimental to their community function; or</p> <p>ii) It can be demonstrated that it would not be economically viable or feasible to retain the existing community facility.</p> <p>1.2 The following are identified as community facilities and their location is indicated in Figure 19:</p> <ol style="list-style-type: none"> 1. Village Hall 2. School and Nursery 3. Local retail units 4. The Blue Bell public house 5. Community Centre 6. Community Gardens – Lynn Road and The Hill. <p>1.3 Proposals that would result in the enhancement or improvement of existing community facilities are supported.</p> <p>1.4 In principle support is offered for the development of new community facilities with specific support for proposals that would provide: health and medical facilities; school outreach facilities; an outdoor classroom; outdoor recreation facilities; a Post Office; opportunities for shared spaces/multi-use community facilities.’</p> <p>6.3 Renumber subsequent Policies accordingly.</p> <p>6.4 Amend Figure 19 to ensure that the facilities and their numbering exactly match with Policy SF1; delete facilities 5, 6, 7, 9, 10, 12 & 13 and amend the numbering of the remaining facilities accordingly.</p> <p>6.5 Amend Policy SF3 to read: ‘A site of 0.38 acres immediately southwest of the existing cemetery at Furlong Drive, as shown in Figure 20, is allocated for use as a cemetery extension.’</p>	
7	<p>7.1 In relation to Policy SF4 (now renumbered as SF3):</p> <p>7.1.1 In paragraph 8.5 replace the first sentence following the bullet points with: ‘In 2020, Stoke Ferry Parish Council appointed AECOM to produce a bespoke Housing Needs Assessment (HNA¹). This highlighted a total need for 68 affordable houses of differing tenures at Stoke Ferry. The replacement Local Plan (paragraph 4.1.5) identified a reduced Local Housing Need (LHN) for the Borough, such that committed site allocations throughout the Borough (as a whole), including consents on sites allocated at Stoke Ferry through the 2016 Site Allocations Development Plan Document (52 dwellings), should be sufficient to cover the LHN for the Borough as a whole, including meeting Stoke Ferry’s needs over the Local Plan period to 2036.’</p>	For clarity and accuracy and to meet Basic Conditions 1 & 3

¹ https://www.west-norfolk.gov.uk/download/downloads/id/7447/stoke_ferry_hna_november_2020.pdf

7.1.2 Amend the wording of the Policy as follows:

7.1.2.1 In the second paragraph after “(HNA) 2020,13” add ‘or successor document’.

7.1.2.2 In the third paragraph replace “qualifying sites” with ‘sites meeting the affordable housing obligation’.

7.1.2.3 Under the heading “Affordable Housing” remove the bullet point and delete “maximum”.

7.1.2.4 Under the heading “Open market housing” amend the first bullet point to read: ‘housing, such as bungalows, to allow for downsizing and to meet the particular needs of those requiring housing adaptations’.

7.1.2.5 Under the heading “Open market housing” amend the second bullet point to read: ‘housing options that would be suitable for purchase by first time buyers’.

7.1.2.6 In the final paragraph delete: “to encourage social integration within the development, in line with National Planning Policy Framework (NPPF)”.

7.2 In relation to Policy SF5 (now renumbered as SF4) amend the Policy wording by:

7.2.1 In the second paragraph, quoting the corrected document title: ‘Stoke Ferry Design Codes June 2022’.

7.2.2 Deleting the third paragraph.

7.3 In relation to Policy SF6 amend this to a Community Action, which should be clearly distinguished from Policy content with a different presentation, as follows:

7.3.1 Delete site 2 from the lists and Figure 21; renumber the remaining sites accordingly.

7.3.2 Retitle Policy SF6 as a Community Action, renumber subsequent Policies accordingly, and amend the subsequent wording as follows:

7.3.2.1 Delete the first paragraph.

7.3.2.2 Amend the opening of the second paragraph to (and delete item 2 on the list as above):

‘Measures to improve the visual appearance of these sites are encouraged and the Parish Council will work with interested parties as required to achieve these:’.

	<p>7.3.2.3 In the third paragraph replace “will” with ‘should’ and amend “SF7 to ‘SF5’.</p> <p>7.4 In relation to Policy SF7 (now renumbered as SF5):</p> <p>7.4.1 Add a specific reference to the “Stoke Ferry Conservation Area Character Statement 1992” in paragraph 8.34 and add to the first paragraph of Policy SF5 (as renumbered) ‘with specific regard to the Stoke Ferry Conservation Area Character Statement 1992’.</p> <p>7.4.2 From the third paragraph of the Policy delete “(including highways and directional signage)”.</p> <p>7.5 Renumber Policy SF8 as Policy SF6.</p>	
8	<p>8.1 In relation to Policy SF9 (now renumbered as SF7):</p> <p>8.1.1 Amend the Policy wording under the heading “Public Rights of Way” by removing “and ‘droves’” from the title and “, including bridleways and historic routes such as ‘droves’” from the first paragraph; also move the listing of droves as below.</p> <p>8.1.2 Add after the amended Policy a Community Action, clearly distinguished from Policy content with a different presentation, as follows: ‘The Parish Council recognises and will work to retain and, where appropriate, enhance the routes of the historic ‘droves’ identified below and on Figure 23, only a few which have Public Right of Way status: [add back in here the listing of droves].’</p> <p>8.1.3 Replace Figure 23 with the revised version submitted by the Borough Council within the joint email dated 18th April 2023.</p> <p>8.2 Delete Policy SF10 (but retain the supporting text); amend the Stoke Ferry Design Codes June 2022 to include appropriate reference to the Norfolk Parking Standards 2007 (updated 2020) at MV.04; amend subsequent Policy numbering accordingly.</p> <p>8.3 Renumber Policy SF11 as SF8.</p>	For clarity and to meet Basic Condition 1
9	<p>9.1 With regard to Policy SF12 (as renumbered SF9):</p> <p>9.1.1 Add to the first sentence of paragraph 10.1: ‘established in accordance with Policy Approach set out on page 18 of the Site Allocations and Development Management Policies Plan 2016 [provide a footnote source reference].’</p> <p>9.1.2 Delete paragraphs 10.7 & 10.8 and renumber subsequent paragraphs accordingly.</p> <p>9.1.3 Amend and reduce the Policy wording to: ‘The development boundary for Stoke Ferry is shown on Figure 25. Development within the development boundary is supported in principle but the areas outside the development boundary (excepting specific allocations for development) are treated as</p>	For clarity and to meet Basic Conditions 1 & 3

	<p>countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the Development Plan.’</p> <p>9.1.4 Delete the related footnotes.</p> <p>9.2 With regard to Policy SF13 (as renumbered SF10) reword the second paragraph of the Policy as follows: ‘Development proposals within the ambit of a valued view must assess and address their impacts to ensure acceptability within the landscape, with mitigation as appropriate. Proposals that would result in a visual enhancement to an approach to the village will be supported.’</p> <p>9.3 With regard to Policy SF14 (as renumbered SF11):</p> <p>9.3.1 Amend the opening sentence of the Policy to read: ‘Development that may adversely affect the visual, scenic and undeveloped nature of the River Wissey corridor within the Parish (figure 27) should demonstrate regard for:’.</p> <p>9.3.2 Amend the second paragraph of the Policy to read: ‘Subject to the above, proposals to provide/ improve public access will be supported.’</p> <p>9.3.3 Add to Figure 27 and its key the two bridleways referenced in the supporting text.</p> <p>9.4 With regard to Policy SF15 (as renumbered SF12):</p> <p>9.4.1 Add a data source reference to Figure 28.</p> <p>9.4.2 Add to paragraph 10.21 a reference to “Norfolk County Council (NCC) – Lead Local Flood Authority (LLFA) Statutory Consultee for Planning: Guidance Document” and provide a source reference footnote.</p> <p>9.4.3 Within the Policy wording:</p> <p>9.4.3.1 In the first paragraph replace “seek to achieve lower than greenfield runoff rates” with ‘take account of the impacts of climate change’.</p> <p>9.4.3.2 In the second paragraph delete the content after “Borough Council's Strategic Flood Risk Assessment” and provide a source reference for that document.</p> <p>9.4.3.3 In the third paragraph delete the content after “e.g. the New Drain (Dutch Drain)”.</p> <p>9.4.3.4 Replace the fourth paragraph with ‘Development proposals should demonstrate regard for the related design guidance in the Stoke Ferry Design Codes June 2022.’</p> <p>9.4.4 Delete Figure 29 and renumber subsequent Figures accordingly.</p>	
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	<p>9.5 With regard to Policy SF16 (as renumbered SF13) reword the entire Policy as follows: ‘Development proposals should address light spillage and eliminate all unnecessary forms of outdoor lighting to appropriately maintain dark skies throughout the Parish.’</p> <p>9.6 With regard to Policy SF17 (as renumbered SF14) replace the last line (but not in bold) with: ‘Development proposals should demonstrate regard for the related design guidance in the Stoke Ferry Design Codes June 2022.’</p> <p>9.7 With regard to Policy SF18 (as renumbered SF15):</p> <p>9.7.1 Correct the quote from the NPPF at paragraph 10.36 replacing “relatively” with ‘reasonably’.</p> <p>9.7.2 Amend paragraph 10.41 to ‘4’ spaces instead of “10”.</p> <p>9.7.3 Amend Appendix C to delete the assessments where it is now agreed that the criteria are not met, to exclude the cemetery extension from the Cemetery space and to correct the following factual inaccuracies:</p> <ul style="list-style-type: none"> • The Church of All Saints should be qualified as ‘Former’ Church of All Saints. • Exclude the footprint of the former Church from the map of the graveyard. <p>9.7.4 Revise the Policy wording to:</p> <p>9.7.4.1 Remove space 1, the extension part of 3, and spaces 6-10 and renumber the list accordingly.</p> <p>9.7.4.2 Retitle space 5 as ‘Former’ Church of All Saints.</p> <p>9.7.4.3 Remove the NPPF reference (but not the footnote) from the final paragraph.</p> <p>9.7.5 Revise footnote 26 to apply to both spaces 5 and 6 in the list and to make it clear that not only is there no public access but that both spaces are in private ownership.</p> <p>9.7.6 Revise Figure 31 and its key to bring the spaces and their numbering in line with the Policy; exclude the cemetery extension from the Cemetery space and the footprint of the former Church from the graveyard space.</p> <p>9.8 With regard to Policy SF19:</p> <p>9.8.1 Delete paragraph 10.45 and renumber subsequent paragraphs accordingly.</p> <p>9.8.2 Delete Policy SF19 and renumber subsequent Policies accordingly.</p>	
10	Reword the second paragraph of Policy SF20 (as renumbered SF16) as follows:	For clarity and accuracy

	'Development proposals suitable for small businesses or homeworking, including shared spaces, are supported in principle.'	and to meet Basic Condition 1
11	Reword Policy SF21 (as renumbered SF17) as follows: 'Proposals for new buildings and extensions or the change of use or conversion of existing buildings providing spaces or facilities for community cultural or creative uses including digital, artisanal, or creative facilities, school outreach, or rehearsal spaces will be supported in principle.'	For clarity and accuracy and to meet Basic Condition 1
12	Under the heading "13. Implementation", break paragraph 13.3 before "Planning obligations ...", thus creating an additional paragraph 13.4 (renumber subsequent paragraphs accordingly). To the truncated paragraph 13.3 add '- see table below:' and insert the table supplied with the Local Authority's email dated 18th April 2023 (and as shown above). Renumber Policy references and titles in the table accordingly.	For clarity and accuracy
13	With regard to the Annex titled Stoke Ferry Design Codes June 2022: 13.1 Insert a map of the Parish to clarify the area of application. 13.2 Factual amendments required to correctly refer to Anglian Water Assets. 13.3 Figure 76 – Character Area CA6: Factual amendments required to correctly refer to Anglian Water Assets.	For clarity and accuracy