

**Gayton Parish Council**  
**Response to the Examiner's 'clarification note' 31 May 2023 (deadline 27 June 2023)**

**Gayton and Gayton Thorpe Neighbourhood Development Plan**  
**Response to Examiner's Clarification Note**  
**Policies**

**Examiner notes and questions regarding Policy G7 - Affordable housing on rural exception sites**

This is a good policy.

Is the final paragraph supporting text rather than a land use policy?

**Parish Council response:** The final paragraph is a key part of the policy as it clarifies how the policy will work in practice and ensures the policy will be implemented as intended. Keeping this detail in the policy text will also be consistent with the approach taken in Policy 4 in the Heacham Neighbourhood Plan (adopted by the Borough of King's Lynn and West Norfolk in June 2022).

**Examiner notes and questions regarding Policy G8 – Land North of Back Street**

I understand the purpose of the policy.

Nevertheless, is it supporting text rather than a land use policy?

**Parish Council response:** The intention is that this policy would apply to schemes coming forward as part of Local Plan Policy G41.1. Adopted planning policies (in both the Neighbourhood Plan and the Borough Local Plan) must be used (as applicable to the scheme) by the local planning authority when a planning application is being considered. Supporting text on the other hand will have much reduced status and possibly no status in the decision-making process.

**Examiner notes and questions regarding Policy G10 – Development and surface water flood risk and Policy G11 – Development and Foul Waste Water**

I understand the purpose of the policy

However, to what extent do these policies bring added value beyond national and local policies? –

**Parish Council response:** Policy G10 applies to development and surface water flood risk. This is because, whilst surface water flood risk is a significant issue in the parish, national and local policy is not particularly helpful with respect to guiding development proposals on land where surface water flood risk exists.

It is useful to note here the officer-level response made on the behalf of the Borough Council at Regulation 14 consultation. This is set out in the Consultation Statement (see page 56) but for ease of reference repeated here:

*"Policy G11 is useful, insofar as this specifically relates to surface water flood risk (as opposed to fluvial flooding, which is addressed through national policy/ NPPF requirements)."*

**National Policy:** Paragraphs 159 to 173 in Chapter 14 in the NPPF 2021 are helpful in providing policy guidance applicable to fluvial flood risk but it is not readily clear how the paragraphs apply to the management of surface water flood risk. Footnote 55 in the NPPF explains when a site-specific flood risk assessment should be required but it is not readily

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clear how this would apply to land at risk of surface water flooding (e.g. would it apply to land falling in areas of low, medium or high risk?).

In August 2022, the Government published planning practice guidance on Planning and Flood Risk. This helps to clarify that that flood risk means all sources as it specifically lists what these sources are.

**Local Policy:** The adopted Core Strategy (adopted 2011) includes policy CS08. This policy sets out standards that new development needs to meet in terms of (amongst others) sustainable design, density, flood risk and climate change and renewable energy.

As part of this it states the Council's Strategic Flood Risk Assessment will be used to guide future developments away from areas of high risk but it doesn't provide any detail that would be helpful to guide a development proposals coming forward specifically in an area of surface water flood risk. The adopted Site Allocations and Development Management Policies DPD includes Policy DM21 – Sites in Areas of Flood Risk. This policy is limited in that it is out of date with respect to national policy on flood risk and it largely applies to sites which are already allocated through the Local Plan process.

The emerging (the version submitted for examination) Local Plan includes Policies LP06 (Climate Change), LP18 (Design and Sustainable Development) and LP25 (Sites in Areas of Flood Risk). Policy LP18 includes two paragraphs on flood risk and climate change. Paragraph 5 reads: *The Council's Strategic Flood Risk Assessment (SFRA) outlines potential flood risk throughout the borough. In order to ensure future growth within the borough is sustainable: the findings of the SFRA will be used to guide planned growth and future developments away from areas of high flood risk, including the coastal area. Development in any location will be expected to manage water sustainably and reduce surface water runoff using multifunctional Sustainable Drainage Systems (SuDS) where possible.*

Policy LP25 takes a much more comprehensive approach than its adopted equivalent (Policy DM21) and reflects more closely up-to-date national policy. The first paragraph of Policy LP25 applies to development proposals coming forward in areas at risk of flooding "as identified by the Council's Strategic Flood Risk Assessment or more recent Environment Agency mapping". The policy requires the preparation of a flood risk assessment and details what needs to be covered in that assessment.

Policy G10 focuses on the management of flood risk that has parish-specific relevance as opposed to borough specific or national specific. Paragraph 3 onwards has a particularly important role by establishing clearly that a surface water drainage strategy will be expected to accompany development proposals that come forward in locations identified as being in areas of low, medium or high surface water flood risk and at areas at risk of groundwater emergence. Here it is noted that the LLFA in their response to the Regulation 16 consultation welcomes "*Policy G10 (Development and Surface water Flood Risk), the connections made with Local Plan Policies such as Policy CS08 (Sustainable Development) and Policy DM 21 (Sites in Areas of Flood Risk) and relevant National Planning policies.*

Together with its supporting text, Policy G10 provides an additional level of detail to that set out in national and local policy. It has an important role in guiding proposals in the parish. As indicated in the "Policy in a Nutshell" box, the intention of the policy is to work alongside borough and national policies relating to flooding but to focus on issues specific to areas that lie are at risk of surface water flooding.

### Policy G11.

Together with its supporting text, Policy G11 provides an additional level of detail to that set out in national and local policy. Its inclusion in the Neighbourhood Plan is a response to

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community feedback provided at early plan-making stage and the historical flood events that have occurred in the parish.

The Borough Core Strategy includes Policy CS14 (Infrastructure Provision). This policy doesn't specifically refer to requirements for developments to be supported by adequate waste water management infrastructure although it provides a clear hook for this. However, emerging Policy LP25 (submission version) includes in paragraph 7b a requirement for development proposals to demonstrate that adequate foul water treatment and disposal exists or can be provided in time to serve the development.

The second paragraph set out in Policy G11 supports in principle measures incorporated into schemes to reduce foul water discharge. This is not covered elsewhere in the Local Plan.

**Examiner notes and questions regarding Policy G14 – Fibre connections**

The first part of the policy has now been overtaken by Part R of the Building Regulations. As such, I am minded to recommend its deletion and to address the issues in the supporting text.

**Parish Council response:** Accepted

**Examiner notes and questions regarding Policy G15 – Local Green Spaces**

I looked at the proposed Local Green Spaces (LGSs) very carefully during the visit.

The Local Green Spaces Report is very comprehensive and its is clear that engagement has taken place with the owners of the proposed LGSs.

**What are the sizes of LGSs 1,13 and 14?**

**Parish Council response:** LGS 1 is 0.998 hectares, LGS 13 is 2.464 hectares and LGS14 is 2.206 hectares

**Examiner notes and questions regarding Policy G16 – Development and open space provision**

To what extent does this policy bring added value beyond the content of Local Plan policy DM16?

**Parish Council response:** The three considerations set out in Policy G16 reflect good practice and are not included or covered in Policy DM16, which is a more strategic policy, focusing on quantitative standards. The considerations are a response to concerns that the application of Policy DM16 on small and medium residential schemes in the parish could result in poorly thought-through spaces.

**Examiner notes and questions regarding Policy G19 – Preserving the landscape character**

Is this policy intended to be applied proportionately? Plainly individual proposals will have different impacts on the landscape in the parish.

**Parish Council response:** The intention is that all proposals should be sensitive to the parish's distinctive landscape and settlement character and contribute positively to that character wherever possible. It is recognised however there will not be *available* opportunities for each development scheme to enhance applicable landscape characteristics listed in the policy. The first paragraph could be made clearer by referring to "available opportunities".

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Clarity in the policy can also be improved by amending clause c) and iv) so they refer directly to the key landscape features which are described in Appendix C to the NP. Clause c) could read

'The key features of the defined visually important gaps and defined locally valued views (see Policy Map 6 below and description Appendix C)'

Clause iv) could read:

'The key features of the defined visually important gap and defined locally valued views (see Policy Map 7 below...)

### **Examiner notes and questions regarding Policy G22 – Sustainable link between Gayton and Gayton Thorpe**

I understand the thinking behind the middle section of the policy.

However, it reads as supporting text and not as a land use policy as it speculates about circumstances which may not arise (and in any event which would need to be determined on its own merit). Please can the Parish Council comment about its thinking on this matter?

#### **Parish Council response:**

Wished for Route 1 is the most straightforward route to provide a sustainable link between Gayton and Gayton Thorpe. Liaison with Highways for the purpose of considering the feasibility of this route is ongoing. However, it can only be delivered if a link is provided through the existing Seed Factory/Gayton Mill site.

The planning application 17/02233/OM referred to in paragraph 9.2.15 of the NP has now expired and as at November 2022, the site has the benefit of a new outline planning consent, reference 21/02066/OM. Permission is granted for: *Erection of up to 33 dwellings, works to the existing access, estate roads, driveways, parking areas, open space, external lighting, pumping station and associated infrastructure.*

Details of the means of layout, scale, appearance and landscaping are to be determined at the reserved matters stage.

The middle section of this policy is therefore highly relevant but consideration can be given to updating the wording to reflect current circumstances. For example:

*The following site-specific considerations and requirements will apply to reserved matter applications and any future applications on Seed Factory/Gayton Mill Site:*

- *The provision of a pedestrian and cycling route through the site to link in with the future proposed walking and cycling route – Gayton to Gayton Thorpe Green Highway (see Map in Figure 36). If the Green Highway has been established to be unfeasible at the time of the application, then this requirement does not apply.*
- *Provision of footways, as necessary to allow for safe, direct and accessible pedestrian routes into Gayton village*