

OLD HUNSTANTON NEIGHBOURHOOD PLAN 2021 - 2036

Old Hunstanton Neighbourhood Plan Examination
A Report to the Borough Council of King's Lynn and West Norfolk

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

July 2023

Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the Old Hunstanton Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Old Hunstanton Neighbourhood Plan to meet the basic conditions, I confirm that:
 1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 5. the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

- 2 Taking the above into account, I find that the Old Hunstanton Neighbourhood Plan meets the basic conditions¹ and I recommend to the Borough Council of King's Lynn and West Norfolk that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Old Hunstanton Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Old Hunstanton Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Old Hunstanton Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by the Borough Council of King's Lynn and West Norfolk.
- 5 The Neighbourhood Plan would then form part of the relevant development plan and as such, it would be used to determine planning applications and guide planning decisions in the Old Hunstanton Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development."
(Paragraph 29, National Planning Policy Framework)
- 7 As confirmed in Paragraph 2.1.1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Old Hunstanton Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 2.2.1 of the Basic Conditions Statement confirms that the Neighbourhood Plan relates only to the designated Old Hunstanton Neighbourhood Area and that there is no other neighbourhood plan in place in the Old Hunstanton Neighbourhood Area.
- 9 The above meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by the Borough Council of King's Lynn and West Norfolk to conduct the examination of the Old Hunstanton Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have over ten years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have over thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Old Hunstanton Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as “2021 – 2036.”
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Old Hunstanton Neighbourhood Plan.
- 22 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

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

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its 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 (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan, in which Old Hunstanton Parish Council, as the Qualifying Body, sets out how the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:

“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”
(Planning Practice Guidance⁵)

- 32 This process is often referred to as “screening”⁶. If likely environmental effects are identified, an environmental report must be prepared.

- 33 The Borough Council of King's Lynn and West Norfolk produced a Strategic Environmental Assessment Screening Report for the Neighbourhood Plan. This concluded that:

“...there is not the potential for significant environmental effects to arise from the implementation of the proposals in the emerging Neighbourhood Plan for Old Hunstanton. The Old Hunstanton Neighbourhood Plan does not require a Strategic Environmental Assessment (SEA).”

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 34 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted. Historic England and Natural England agreed with the conclusion that there are unlikely to be any significant environmental effects and that a full SEA is not required. The Environment Agency stated that it *“no longer (provides)...advice on screening opinions.”*
- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 In the case *People Over Wind & Sweetman v Coillte Teoranta (“People over Wind”* April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 37 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 38 The Borough Council of King's Lynn and West Norfolk produced a Habitat Regulations Assessment Screening Report alongside the Strategic Environmental Assessment Screening Report referred to above.
- 39 This Report assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on Natura 2000 European sites, of which there are several which effect the Neighbourhood Area.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

40 The Report concluded that:

“After careful consideration and on balance...it is considered unlikely that a HRA will need to be undertaken...The Old Hunstanton Neighbourhood Plan does not require a Habitats Regulations Assessment.”

41 Each of the statutory bodies were consulted as part of the process. As with the SEA Report, Natural England and Historic England agreed with the Borough Council of King's Lynn and West Norfolk's conclusion. The Environment Agency stated that it remains a statutory consultee for scoping opinions but that it does not provide bespoke advice on them.

42 Further to all of the above, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)” (Planning Practice Guidance⁸).

43 The Borough Council of King's Lynn and West Norfolk has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.

44 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Old Hunstanton Neighbourhood Area

Background Documents

- 45 In completing this examination, I have considered various information in addition to the Old Hunstanton Neighbourhood Plan. I also spent an unaccompanied day visiting the Old Hunstanton Neighbourhood Area.
- 46 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2021)
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011) (referred to below as the "*Core Strategy*")
 - Site Allocations and Development Management Policies Plan (2016) (referred to below as the "*SADMP*")
 - Basic Conditions Statement
 - Consultation Statement
 - Supporting Documents
 - Representations received
 - SEA/HRA Screening Report

Old Hunstanton Neighbourhood Area

- 47 The boundary of the Old Hunstanton Neighbourhood Area is identified on a plan on page 4 of the Neighbourhood Plan. It was designated by the Borough Council of King's Lynn and West Norfolk in on 25 July 2018.
- 48 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 49 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 50 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Old Hunstanton Neighbourhood Plan Consultation

- 51 A Consultation Statement was submitted to the Borough Council of King's Lynn and West Norfolk alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*⁹.
- 52 In July 2018, people visiting a local Church flower festival and fete were asked what they liked and disliked about Old Hunstanton. The answers were fed into two pie charts and helped to inform the emerging Neighbourhood Plan.
- 53 In the above regard, the Consultation Statement provides evidence showing questionnaire responses from 53 residents.
- 54 A draft plan was prepared and the Consultation Statement states that the covid pandemic "*meant that no physical consultation could take place.*" An eight week consultation period was held between May and June 2021.
- 55 The consultation period was advertised and the Neighbourhood Plan was made available to see both electronically and as hard copies. Comments were recorded and taken into account.

⁹ Neighbourhood Planning (General) Regulations 2012.

- 56 Noting the above and the content of the Consultation Statement, the public engagement and consultation that took place between 2018 and submission of the Neighbourhood Plan in September 2022 was limited, in part due to the covid pandemic. In this regard, I also note that, whilst the Neighbourhood Plan policies include justification/evidence relating to questionnaire responses, the evidence provided in the Consultation Statement is limited to those from attendees at the church flower festival in 2018.
- 57 However, on consideration of the submitted Consultation Statement, it is apparent that there were some opportunities for people to engage with and comment on the emerging Neighbourhood Plan and there is nothing to suggest that the requirements of the Regulations were not met in this regard.

6. The Neighbourhood Plan – Introductory Section

58 For clarity and accuracy, I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:

- **Page 2, last para includes a reference to the Neighbourhood Plan being designated in 2019. Change to: “...the village. *The Neighbourhood Plan was designated on 25 July 2018* (see Map...”**
- **Page 2, the last para is not supported by the Consultation Statement submitted alongside the Neighbourhood Plan. Change to: “...seaward area). *The Neighbourhood Plan was supported by public consultation, as set out in the Consultation Statement published and submitted alongside the Neighbourhood Plan.*” (delete last sentence (“The revised...xx”))**
- **The reference at the bottom of Page 2 is linked to a webpage which states “Norfolk Parishes. Registration has been disabled.” Delete the reference at the bottom of Page 2**

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Policy 1: Village Development Boundary

- 59 Core Strategy CS02 (*"The Settlement Hierarchy"*) identifies Old Hunstanton as a rural village *"which may see some limited growth."* This recognises Old Hunstanton's locally important role of meeting the needs of the immediate village and helping support the surrounding rural area.
- 60 Given this, the wider the aims of Policy 1 in respect of focusing development within the existing village boundary, as defined in the SADMP, are in general conformity with local strategic policy.
- 61 As worded, in the absence of any evidence, it is not clear how the Neighbourhood Plan will *"encourage"* new development in the existing village and again, in the absence of evidence, it is not clear that the approach set out in the Neighbourhood Plan will *"preserve"* a *"compact structure."* To some extent, this part of the Policy appears at odds with reference elsewhere in the Neighbourhood Plan to the village's spacious character.
- 62 Further, it is not clear precisely what it is that Policy 1 would *"protect countryside"* from, noting also that the Policy goes on to refer to supporting various forms of development in the countryside.
- 63 The recommendations set out below seek to address the above matters, with the purpose of enabling Policy 1 to have regard to the national policy requirement for plans to:
- "...contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals."*
(Para 16, the Framework)
- 64 In setting out the recommendations below, I note that Policy 2 of the Neighbourhood Plan seeks to introduce *"settlement breaks"* and given this, there is no need to include a reference to a *"buffer zone"* between Hunstanton and Old Hunstanton in Policy 1.

- 65 As worded, the last paragraph of Policy 1 appears as an informative rather than a land use planning policy and there is no need for the Neighbourhood Plan to repeat national policy provisions.
- 66 The supporting text to this and to other Policies of the Neighbourhood Plan includes references to an outdated version of the Framework and occasionally contains statements unsupported by evidence and/or which are not reflected by the relevant Policy of the Neighbourhood Plan. These are matters addressed by the recommendations set out in this Report.
- 67 Taking all of the above into account, I recommend:
- **Policy 1, change wording to: “*Development in Old Hunstanton should be located within the existing village development boundary shown on Map 2 below.*” (delete the rest of Policy wording)**
 - **Delete second para of Justification (“The Old...Breaks.”) and replace with “*Policy 1 seeks to focus development within the village, with the aim of strengthening Old Hunstanton’s village and rural character.*”**
 - **Delete second bullet point of Evidence, which relates to Policy 2 and is repeated elsewhere.**
 - **Delete third bullet point of Evidence, which is not directly relevant to the Neighbourhood Plan.**
 - **Delete fourth bullet point of Evidence. The recommended changes result in a Policy relating to development within (not outside) the settlement boundary.**
 - **Delete fifth bullet point of Evidence. There is no substantive evidence to demonstrate that the Neighbourhood Plan provides for the Framework’s (Para 60) aim of “*significantly boosting the supply of homes.*”**
 - **Change final bullet point of Evidence to “*The Plan supports the provision of development appropriate to the countryside, including, having regard to Paras 78 and 79 of the NPPF, rural exception housing.*”**

Policy 2: Settlement Breaks

- 68 Policy 2 seeks to designate “*settlement breaks*” with the aim of maintaining Old Hunstanton’s separate identity and character and of preventing coalescence with other settlements.
- 69 In respect of this latter point, there is no substantive evidence to demonstrate any possibility of Old Hunstanton merging with a settlement to the north or to the east; or that the village’s separate identity or character could be impacted by such.
- 70 To the north of Old Hunstanton is the North Sea and the nearest settlement to the east of Old Hunstanton is a rural settlement some considerable distance away. Given this, in the absence of substantive evidence, it is not clear how Area B and Area C comprise “*settlement breaks.*”
- 71 There is nothing to demonstrate the land identified in Map 3 as settlement breaks comprises “*wildlife and biodiversity land corridors*” as stated in the Policy. Most of the land identified is adjacent to open countryside rather than, for example, adjacent to built development. However, subject to the modifications set out below, this factor does not necessarily change the overall aims of the Policy, which are noted above.
- 72 Map 3 as set out appears confusing. It shows various shading but has no key.
- 73 I recommend:
- **Policy 2, change wording to: “*Land between Old Hunstanton and Hunstanton is designated as a Settlement Break (Map 3) where visual and physical local gaps should be retained.*” (Delete rest of Policy wording)**
 - **Delete all of the Justification text and replace with: “*The Neighbourhood Plan seeks to protect the distinctive character of Old Hunstanton’s village and countryside and to prevent the coalescence of Old Hunstanton with Hunstanton. Policy 2 achieves this through the designation of a Settlement Break, as shown on Map 3 “Settlement Breaks.*”**

- **Evidence, delete fourth and fifth bullet points**
- **Map 3, retain area shown in “A” but delete title “A.” Introduce a Key showing land in purple in this area as a “Settlement Break” and also show/annotate in the key, the settlement boundary and the Neighbourhood Area.**
- **Delete purple areas B and C; and delete dark green shading. The only annotation and key references should be to the Settlement Break, the settlement boundary and the Neighbourhood Area**

Policy 3: Large Scale Development

- 74 Policy 3 seeks to prevent “*large scale development*” in the Neighbourhood Area.
- 75 Whilst the phrase “*large scale development*” is a subjective and consequently, ambiguous term, national planning policy¹⁰ establishes that, in terms of housing, *major* development comprises 10 or more homes.
- 76 As noted earlier in this Report, Paragraph 60 of the Framework seeks to significantly boost the supply of housing. The Neighbourhood Plan promotes development within the settlement boundary and in appropriate circumstances supports the provision of rural exception housing outside the settlement boundary.
- 77 There is no evidence to demonstrate that it would not be possible for any form of major development to comprise sustainable development within the Neighbourhood Area.
- 78 Policy 3 states that, in exceptional circumstances – where there is a demonstrable need to provide housing for Old Hunstanton residents - the development of ten or more homes will be supported. However, there is no substantive evidence that such a need exists or will exist; or that, having regard to Paragraph 16 of the Framework’s requirement for Policies to be deliverable, that this approach is deliverable.
- 79 Taking the above into account, the first part of Policy 3 does not meet the basic conditions.
- 80 The second part of Policy 3 appears largely reliant on a third party, Sport England and seeks to introduce policy requirements that are beyond the powers of the Neighbourhood Plan. The Policy ends with an ambiguous reference to “*protecting*” a football ground and club. The reference provides no indication of what such protection might entail in respect of relevant land use planning policy details.

¹⁰ Glossary, Page 68, the Framework.

- 81 This results in a Policy that appears vague, contrary to national guidance, which requires planning policies to be unambiguous¹¹:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 82 Taking all of the above into account, Policy 3 does not meet the basic conditions. I recommend:

- **Delete Policy 3**
- **Delete all text on Page 11 of the Neighbourhood Plan**

¹¹ Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

Policy 4: Conservation Area

- 83 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," recognises that the nation's heritage assets comprise an irreplaceable resource.
- 84 Paragraph 189 of the Framework requires all heritage assets to:
- "...be conserved in a manner appropriate to their significance..."*
- 85 The Framework goes on to require plans to set out a positive strategy for the conservation and enjoyment of the historic environment and take opportunities to draw on the contribution made by the historic environment to the character of a place.
- 86 The first part of Policy 4, relating to Conservation Areas, has regard to national policy in the above respects, albeit the final sentence of the first paragraph is a statement and not a land use planning policy.
- 87 Paragraph 203 of the Framework requires the effect of an application on the significance of a heritage asset to be taken into account in determining an application and goes on to require the decision-maker to make a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
- 88 In the light of this, Policy 4's requirement for the submission of a heritage statement that sets out how development affecting a non-designated heritage asset would conserve or better reveal its features introduces an additional requirement that is different to and goes beyond national policy.
- 89 Consequently, this part of Policy 4 comprises a requirement over and above the requirements of national policy. It is not supported by any substantive evidence in justification of an approach which does not have regard to national policy.
- 90 Policy 4 does not relate only to the Conservation Area, as per the title, but to heritage assets as a whole.

91 Taking all of the above into account, I recommend:

- **Change the title of the Policy to” *“Heritage Assets”***
- **Policy 4, delete last sentence of first para (“Old...developers.”) which comprises a statement and not a land use planning policy requirement**
- **Policy 4, delete second para and replace with: *“Development proposals affecting a heritage asset, including non-designated heritage assets identified in the Neighbourhood Plan, must be supported by a heritage statement.”***
- **Page 12, change last bullet point reference in Evidence to *“NPPF 190...”***
- **Change title on Page 14 to *“Designated Heritage Assets.”* Remove red band and delete title *“Justification”***
- **Change title in second column on Page 15 to *“Non-Designated Heritage Asset”***

Policy 5: Non-Designated Heritage Assets

- 92 National policy, as set out in Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," requires heritage assets to be conserved in a manner appropriate to their significance.
- 93 As noted above, Paragraph 203 of the Framework sets out how the effect on the significance of a non-designated heritage asset should be taken into account in determining an application.
- 94 Policy 5 seeks to introduce an entirely different approach to conserving non-designated heritage assets to that required by national policy. As set out, Policy 5 would require development to "*preserve*" various features. This would be entirely different to and more onerous than, national policy. No substantive evidence has been provided to justify such a significant departure from national policy.
- 95 Policy 5 does not have regard to national policy and does not meet the basic conditions.
- 96 Notwithstanding the recommendation below, I am mindful that Policy 4 relates to all heritage assets, including non-designated heritage assets.
- 97 I recommend:
- **Delete Policy 5**

Policy 6: Second Homes

- 98 Policy 6 seeks to prevent the development of second homes.
- 99 As noted earlier in this Report, national policy, in Paragraph 60 of the Framework, sets out a requirement to “*significantly boost*” the supply of housing.
- 100 No substantive evidence, for example in the form of evidence of the approach being deliverable, is provided to demonstrate that restricting all new dwellings to occupancy as a principal residence would serve to boost housing supply. In this respect, Policy 6 does not have regard to national policy and it does not meet the basic conditions.
- 101 The Neighbourhood Plan refers to “*55% of questionnaires respondents felt that there should be a limit on holiday lets/second homes ...a policy is required to reflect the, albeit small, majority view.*” However, this is not evidenced in the Consultation Statement and a request for further information received a response from the Qualifying Body that “*overall analysis is covered within the information provided and contained within the Neighbourhood Plan.*”
- 102 The submitted Consultation Statement shows that, of the 53 Neighbourhood Area residents who attended the 2018 church flower festival and answered a questionnaire, only 1 respondent considered second homes to be something they disliked about Old Hunstanton.
- 103 Whilst there is clearly some feeling that holiday lets/second homes should be restricted, evidence supporting the Neighbourhood Plan, in the form of the submitted Consultation Statement, does not set out compelling community support for Policy 6. It suggests that second homes are not an issue of significant concern for the wider community.
- 104 Paragraph 29 refers to neighbourhood planning's role of providing communities with the power to develop:
- “...a shared vision for their area.”*
- 105 The Consultation Statement supporting the Neighbourhood Plan does not demonstrate that Policy 6 is representative of a shared vision.

- 106 Further, whilst the justification for Policy 6 states that applications for large modern buildings are out of character with surrounding buildings and first-time buyers are priced out of the market, there is no evidence to demonstrate that Policy 6 would address these matters.
- 107 In addition to all of the above, Policy 6 would not prevent the existing housing stock being turned into second homes and/or being rented out as holiday lets. Further, there is no information to demonstrate that the onerous requirements Policy 6 seeks to impose on new-build homes would be deliverable.
- 108 It is not clear, in the absence of detailed evidence, how Policy 6 would contribute to the achievement of sustainable development, nor how the Policy would address views expressed in another questionnaire (not provided in the Consultation Statement, but referred to in the Neighbourhood Plan), that *“there should be a limit on holiday lets/second homes.”*
- 109 In setting out the recommendation below I note the Qualifying Body's comments in respect of *“other Neighbourhood Plans”* containing Policies in respect of second home ownership and new dwellings.
- 110 However, whilst made Neighbourhood Plans relating to other Neighbourhood Areas contain the Policies that they do, this examination focuses on the Policies in this Neighbourhood Plans and the evidence base supporting it.
- 111 Taking all of the above into account, I recommend:
- **Delete Policy 6**
 - **Delete all text on Page 19 and delete text above Policy 6 on page 20**

Policy 7: Consultation

112 Policy 7 is not a land use planning policy but is a statement of intent.

113 However, whilst it goes beyond the powers of a Neighbourhood Plan to require engagement with the Parish Council and local population, national policy does recognise the important role of consultation in the planning process, for example Paragraph 40 of the Framework states that:

“Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage...”

114 Taking this into account and in the interest of the Neighbourhood Plan encouraging consultation and engagement, I recommend:

- **Delete Policy 7 and replace with a Community Action, as below**
- **Delete Justification and Evidence at the bottom of Page 20**
- **Replace deleted text with: *“Community Action: Consultation. Old Hunstanton Parish Council will encourage developers to consult and engage with the Parish Council and local people from an early stage in the development process.***

Whilst not a planning policy, this is considered to form an important part of the planning process in the Neighbourhood Area.”

Policy 8: Community Facilities

115 Paragraph 92 of the Framework states that:

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places...”

116 Further, Paragraph 93 of the Framework goes on to require planning policies and decisions to:

“...plan positively for the provision and use of...community facilities (such as local shops, meeting places...cultural buildings, places of worship) and other local services to enhance the sustainability of communities and residential environments (and) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community...”

117 Core Strategy Policy CS13 (“Community and Culture”) recognises the importance of community facilities and seeks to protect cultural assets.

118 In general terms, Policy 8 seeks to safeguard the provision of community services and facilities in the Neighbourhood Area and in this way, it has regard to national policy and is in general conformity with the Core Strategy.

119 However, as presented, Policy 8 relies on a vague reference to a requirement for developers to demonstrate “insufficient demand” in order to achieve a change of use. In the absence of definition and evidence in respect of how “insufficient demand” might be measured and the basis on which this might be judged, there is scope for wide interpretation and subjectivity in respect of this part of the Policy.

120 Consequently, Policy 8 is not clearly written and unambiguous and does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.

121 The final sentence of the Policy includes an unnecessary cross-reference to other Policies in the Neighbourhood Plan and this is a matter addressed in the recommendations below.

122 Taking all of above into account and noting, with regard to the need for the development plan to be considered as a whole, that, I recommend:

- **Policy 8, change part a) to: “*following at least 12 months active marketing, it can be demonstrated that the facility is no longer viable; or*”**
- **Policy 8, last sentence, delete “...and would be consistent with other policies in the development plan...”**

Policy 9: Infill Development

- 123 Policy 1 of the Neighbourhood Plan promotes development within Old Hunstanton's settlement boundary.
- 124 In general terms, Policy 9 seeks to ensure that residential development within the settlement boundary respects local character, residential amenity and highway safety.
- 125 In this respect, the Policy has regard to the national policy aim of achieving well-designed places, as required by Chapter 12 of the Framework.
- 126 The first part of Policy 9 includes vague references, including to "*small groups of dwellings*" without any indication of what the size or number of such groups might be; to "*impact on the street scene*" without reference to what might entail positive, negative or neutral impacts; and "*unacceptable detrimental impact*" on living conditions and highway safety without reference to how unacceptable might be measured, who by or on what basis.
- 127 In the above respect, the Policy is open to wide and subjective interpretation and appears contrary to the requirements of national policy and advice in respect of the need for planning policies to be clear and unambiguous. These are matters addressed in the recommendations set out below.
- 128 The Policy briefly references the Conservation Area, but does so in a way that it conflicts with and is considerably less detailed than, national policy.
- 129 Policy 9 goes on to require all new residential development "*not to exceed 40% of the plot area.*" The Evidence refers to illustrative maps showing that "*most dwellings in the village take up less than 40% of their plot,*" but there are no such maps in the Neighbourhood Plan and little other substantive evidence in this regard.
- 130 Notwithstanding this, whilst the Neighbourhood Plan states that there is a need for the development of smaller homes and affordable homes, the Neighbourhood Plan does not allocate any land for residential development.

- 131 Setting aside that Policy 9 is intended to restrict the delivery of new homes to owner occupation as a principal residence only, there is no evidence to demonstrate that a requirement for all dwellings to take up less than 40% of their plot is deliverable - such as for example, evidence of available sites meeting this criteria; and there is nothing to demonstrate (such as for example, evidence of viability) that a requirement for all dwellings not to exceed 40% of their plot area would support the delivery of smaller homes, affordable homes or any homes.
- 132 In the absence of any substantive evidence to the contrary, the significant restrictions set out in Policy 9 would appear to place an obstacle in the way of the achievement of sustainable development.
- 133 Further, the Justification to Policy 9 appears contradictory and is unclear. The Neighbourhood Plan does not allocate any land for development but directs new development to within the settlement boundary. It thus appears to be an inevitable consequence of infill development that it will increase the density of development within Old Hunstanton village.
- 134 The Justification states that within the village *“space is limited, so there is a tendency for existing dwellings to extend, and new dwellings to be squeezed into gardens...making everything look cramped...interfering with neighbours’ privacy...exacerbating parking problems...”*
- 135 However, the Justification then goes on to suggest that a policy of increasing development in the village by promoting infilling with *“footprint limited to 40% of the plot will maintain the existing, uncramped feel of the village...”* This latter statement conflicts with the preceding paragraph.
- 136 In addition to the above, the Justification states that there is a tendency for existing dwellings to extend. Policy 9 seeks to prevent the extension of existing dwellings where this would result in footprints exceeding 40% of plot area.
- 137 In the absence of any evidence, it is unclear how this approach might work in respect of conflict with permitted development rights or how and why it would contribute to the achievement of sustainable development.

138 I recommend:

- Delete all of the wording of Policy 9 and replace with: ***“Infill development within the settlement boundary of Old Hunstanton must respect local character and the amenity of neighbouring occupiers; and must not harm highway safety. Development in Old Hunstanton must not appear cramped or inappropriate in its village setting.”***
- Delete all of the Justification text and replace with ***“The Neighbourhood Plan promotes infill development in Old Hunstanton Village. The Neighbourhood Plan requires development to respect its surroundings.”***

Policy 10: Demolition and Replacement Dwellings

139 Policy 10 effectively seeks to add detail to Policy 9 above and is predicated on development meeting the requirements of Policy 6 above. Similarly to these Policies, both of which are recommended for deletion, it is not supported by evidence, such as evidence of being deliverable, having regard to Paragraph 16 of the Framework.

140 There is no substantive evidence to demonstrate that Policy 10 will contribute to the achievement of sustainable development.

141 The Policy does not meet the basic conditions.

142 In making the recommendation below, I note that Policy 10 requires development to respect local character. It is unnecessary to repeat this provision as the development plan should be considered as a whole.

143 I recommend:

- **Delete Policy 10**
- **Delete all text on Page 26**

Policy 11: Design, Style and Materials

144 National policy, in Chapter 12 of the Framework, "*Achieving well-designed places,*" recognises the importance of identifying the special qualities of a place and requires planning policies:

"...to ensure that developments...are sympathetic to local character."
(Paragraph 130, the Framework)

145 The Framework also recognises that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
(Paragraph 126, the Framework)

146 Core Strategy Policy CS08 ("*Sustainable Development*") requires all new development to be of high quality design.

147 Policy 11 seeks to promote well-designed residential development and in this respect, has regard to national policy and is in general conformity with the Core Strategy.

148 As worded, the Policy requires all residential development to "*blend in*" with adjacent properties to "*maintain*" existing character. However, at the same time, the Policy states that there may be "*exceptions to this rule*" in line with national policy. No indication is provided of what or when such exceptions might comprise and consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 16 of the Framework.

149 Policy 11 states that development should "*particularly*" blend in with the Conservation Area but does not provide any indication of how a decision maker should differentiate between proposals in this way, nor how or why, having regard to national policy, the Conservation Area might be treated differently to its setting.

150 No indication is provided of how the use of "*low ecological impact materials and techniques*" would be encouraged or of what these are, how they are rated or by who. This part of the Policy appears imprecise.

151 I recommend:

- **Change wording of Policy 11 to “Residential development should be of a design, style and constructed of materials to ensure that it respects local character. The use of traditional materials, including sustainable locally sourced materials and the use of sustainable construction techniques will be supported.”**
- **Evidence, fourth bullet point, replace the NPPF paragraph reference to “176”**
- **Evidence, fourth bullet point, delete second sentence (“The highest...Area.”) There is no indication of what “the highest design standards” are and no indication of how a decision-maker might “particularly” apply such standards in the Conservation Area and/or not “particularly” apply them elsewhere.**
- **Evidence, change fifth bullet point to “See the Evidence supporting the Heritage Assets Policy earlier in the Neighbourhood Plan for details of local....Statement.”**

Policy 12: Height of Replacement and New Buildings

152 Policy 12 seeks to ensure that replacement buildings do not harm local character by introducing new buildings that fail to respect their surroundings and/or appear incongruous alongside neighbouring properties.

153 The Policy is in general conformity with Core Strategy Policy CS08, which states that new development will be required to:

“...respond to the context and character of places in West Norfolk by ensuring that the scale...will enhance the quality of the environment;”

154 As worded, the Policy's reference to *“will only be acceptable”* does not allow for the balanced consideration of all relevant matters and runs the risk of the Neighbourhood Plan not contributing to the achievement of sustainable development.

155 I recommend:

- **Policy 12, change wording to: *“The height of new and replacement buildings must be in keeping with the height of adjacent buildings and the character of the surrounding area; and must respect the amenity of neighbouring occupiers.”***

Policy 13: Water and Drainage

156 Policy 13 seeks to ensure that development takes account of flood risk, having regard to Chapter 14 of the Framework, *“Meeting the challenge of climate change, flooding and coastal change”* and has regard to the basic conditions.

157 As set out, the Policy contains a number of statements rather than land use planning requirements. Whilst the Policy refers to sustainable urban drainage systems, SuDS is an acronym for sustainable drainage systems.

158 I recommend:

- **Policy 13, delete wording and replace with: *“Development should seek to reduce surface water run-off and incorporate sustainable drainage systems (SuDS) such as permeable driveways and parking areas, water harvesting and storage, green roofs and soakaways.”***

Policy 14: Groundwater, the River Hun, Ditches and Ponds

- 159 Policy 14 requires all development affecting standing or flowing water to preserve *and* enhance water quality, quantity, drainage, biodiversity, flood risk management and recreational value where the public have access.
- 160 No substantive evidence has been provided to demonstrate that this requirement for enhancement is deliverable or that, having regard to Paragraph 57 of the Framework, it would in all circumstances be necessary to make development acceptable in planning terms, be directly related to development and be fairly and reasonably related in scale and kind to development.
- 161 The Qualifying Body is not the decision-making local planning authority and the Neighbourhood Plan cannot permit or not permit development proposals. Similarly, water management byelaws and land drainage consents are matters outside the scope of the Neighbourhood Plan.
- 162 Taking the above into account, I recommend:
- **Policy 14, change first paragraph to: “*The protection and/or enhancement of the water quality, quantity, drainage, biodiversity, flood risk management and recreational value of groundwater, the River Hun, ditches and ponds throughout the Parish will be supported.*”**
 - **Policy 14, delete last sentence (“Consideration...Consent.”)**
 - **Justification, change last sentence to: “...charm. *The Parish Council will seek to ensure the protection and improvement of these and other water features.*”**

Policy 15: Mobile Phone and Broadband Provision

163 National policy recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It states that planning policies should:

“...support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”

(Paragraph 114, the Framework)

164 In general terms, Policy 15 promotes the provision of high-speed communications infrastructure and has regard to national policy.

165 As set out, the Policy seeks to introduce a new planning application information requirement. The Qualifying Body is not the local planning authority and cannot introduce planning application information requirements. Notwithstanding this, Paragraph 44 of the Framework requires that:

“Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”

166 Also, noting that the majority of planning applications are for small forms of development, for example householder applications or advertisements, no information has been provided to demonstrate that a requirement for a Connectivity Statement would meet the above requirements or would be deliverable in respect all development proposals.

167 The final sentence of Policy 15 comprises a Parish Council statement of intent and not a land use planning policy.

168 I recommend:

- **Policy 15, delete all wording and replace with: “New dwellings must be capable of providing for high speed broadband. Development of “Fibre to the Premises” and connectivity speeds of at least 25Mbps, with potential to be upgraded, will be supported.”**

- **Add sentence after second sentence in Justification: *“The Parish Council will seek to lobby the Borough Council of Kings Lynn and West Norfolk to encourage shared network access among mobile phone operators where new or extended base stations are proposed.”***

Policy 16: Existing and New Businesses

169 National planning policy seeks to build a strong, competitive economy and in so doing, it states that:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity...”
(Paragraph 81, the Framework)

170 Core Strategy Policy CS10 (*“The Economy”*) promotes the sustainable development of the local economy.

171 Subject to various criteria, Policy 16 supports business-related development within Old Hunstanton's settlement boundary.

172 As set out, the Policy does not support development of existing or new business outside the settlement boundary. This does not have regard to Paragraph 84 of the Framework which requires planning policies to enable:

“...the sustainable growth and expansion of all types of business in rural areas...the development and diversification of agricultural and other land-based rural businesses; sustainable tourism and leisure developments which respect the character of the countryside...”

173 Parts of the Policy appear vague and unsupported by relevant detail in places, for example no information is provided in respect of what *“adequate off-street”* parking would comprise or the basis on which this would be judged and consequently, the Policy appears vague and imprecise.

174 The final paragraph of the Policy appears as a general statement and includes a reference to the Parish Council and a right of approval, whereas the Parish Council is not the local planning authority.

175 Taking all of the above into account, I recommend:

- **Policy 16, delete wording and change to: *“The development of existing and new business within the settlement boundary and the sustainable growth of business throughout the Parish will be supported subject to development respecting local character, residential amenity and highway safety. Development should not appear prominent or intrusive within the AONB or its setting.”***

- **Add to end of Justification: *“The Parish Council will seek to object to proposals for caravan parks that exceed Certified Location criteria (small sites for a maximum of five caravans for up to 28 days).”***

Policy 17: Advertising and Signage

176 Paragraph 136 of the Framework states that:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

177 Whilst Policy 17 aims to prevent inappropriate signage, as set out it introduces an approach and requirements that conflict with national policy, as set out above.

178 The Policy includes several vague references (eg, “*where appropriate...should normally...minimise their visual effect...kept to a minimum...unavoidable*”), usurps control from the local planning authority (“*will not be permitted*”) and begins with a general statement not a land use planning requirement.

179 The Justification and Evidence appear as confusing requirements rather than as justification and evidence.

180 I recommend:

- **Delete the wording of Policy 17 and replace with: “*Advertising and signage in Old Hunstanton should not harm visual amenity.*”**
- **Delete the Justification and replace with: “*The Parish Council will encourage businesses to ensure that signs and advertisements are kept to the minimum necessary and are designed and sited in a manner that ensures that they Old Hunstanton’s rural character.*”**
- **Delete the last sentence of Evidence (“Signage...Hunstanton.”)**

Policy 18: Protection and Enhancement of the Natural Environment and Landscape

181 The Framework requires planning policies to contribute to and enhance the natural environment by:

“...minimising impacts on and providing net gains for biodiversity...”
(Paragraph 174, the Framework)

182 It goes on to require policies to recognise the intrinsic character and beauty of the countryside (Paragraph 174); require development in AONB's and their setting to be sensitively located and designed (Paragraph 176); and to protect ancient woodlands (Paragraph 180).

183 In general, Policy 18 seeks to protect and enhance biodiversity, landscape character, the AONB and trees. However, the wording of the Policy is imprecise.

184 Taking the above into account along with the need, identified earlier in this Report, for planning policies to be unambiguous and precise, I recommend:

- **Policy 18, delete wording and replace with: “*Development should protect and enhance biodiversity and conserve natural landscape features, including ancient woodland, trees and hedgerows. Development must conserve and enhance the Area of Outstanding Natural Beauty (AONB) and development within its setting must respect the landscape character of the AONB.*”**

Policy 19: Dark Night Skies

185 Policy 19 seeks to impose various planning conditions.

186 The imposition of planning conditions is a matter for the Local Planning Authority. The Neighbourhood Plan cannot impose planning conditions.

187 Notwithstanding the above, very few forms of lighting require planning permission. Many of the types of lighting referred to in Policy 19, including internal lighting, fall outside planning controls.

188 Taking account of the supporting text, I recommend:

- **Delete Policy 19**
- **Delete headings “Justification” and “Evidence” but retain text.**
- **Replace Justification heading with “Community Action: Dark Skies”**
- **Add new text above sentence “Light pollution can...”: “*The Parish Council will seek to encourage development to minimise light pollution and will lobby the Borough Council of King’s Lynn and West Norfolk to control light pollution via planning conditions, where possible.*”**

Policy 20: Green Spaces

189 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

190 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.

191 As set out, Policy 20 simply refers to green spaces rather than the specific Local Green Space designation. The Qualifying Body has confirmed that it was its intention to designate Local Green Spaces in the Neighbourhood Plan.

192 Policy 20 refers to a number of long linear public rights of way and permissive paths. These are footpaths and there is no substantive evidence justifying their inclusion as areas of Local Green Space. I note that public rights of way are, by their very nature, protected.

193 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable. Map 10 on page 45 does not identify each area of Local Green Space in a precise and clearly identifiable manner, thus preventing scope for dispute in respect of the location of boundaries and this is a matter addressed in the recommendations below.

194 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.

- 195 The Hall and Park, the Sand Dunes, Ringstead Downs and the Golf Club all comprise extensive tracts of land relative to the overall size of the Neighbourhood Area. In the absence of any substantive evidence to the contrary, these sites do not meet the relevant policy tests for the designation of Local Green Space (see preceding paragraph).
- 196 The Neighbourhood Plan provides evidence to demonstrate why the Churchyard, Duck Pond, Allotments, Playground and Football Ground are demonstrably special. The designation of these sites meets the national policy tests set out in the Framework.
- 197 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. National Green Belt policy is precise. Policy 20's requirements for development to help maintain and enhance areas of Local Green Space is not consistent with Green Belt policy and does not have regard to national policy.
- 198 I recommend:
- **Change title of Policy to “Local Green Space”**
 - **Delete wording of Policy 20 and replace with: “The following sites, identified on Map 10, are designated as Local Green Space where development will not be permitted except in very special circumstances:
Churchyard;
Duck Pond;
Allotments;
Playground; and
Football Ground.”**
 - **Provide a new Map 10, clearly identifying the precise boundaries of each of the above sites**
 - **Justification, end of second sentence change to: “...generations (NPPF 101 to 103).”**
 - **Change third sentence to “Local Green Space in Old Hunstanton (shown on Map 10) has been identified having regard to National Planning Policy Framework criteria (para 102) as below:”**

- **Delete the rest of the Justification (“The Neighbourhood Plan...green space policy.”)**
- **Evidence: delete third and fourth bullet points**
- **Evidence: delete Golf Club, Hall and Park, Sand Dunes, Ringstead Downs and Footpaths references from Table**
- **Delete photo on Page 44**
- **Delete Map 11**

8. The Neighbourhood Plan: Other Matters

199 The recommendations made in this Report will have a subsequent impact on Contents, including Policy, Page and Map numbering.

200 I recommend:

- **Update the Contents, Policy, Page and Map numbering to take into account the recommendations contained in this Report**

9. Referendum

201 I recommend to the Borough Council of King's Lynn and West Norfolk that, subject to the recommended modifications, **the Old Hunstanton Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

202 I am required to consider whether the Referendum Area should be extended beyond the Old Hunstanton Neighbourhood Area.

203 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

204 Consequently, I recommend that the Plan should proceed to a Referendum based on the Old Hunstanton Neighbourhood Area approved on 25 July 2018.

Nigel McGurk, July 2023
Erimax – Land, Planning and Communities