

# **Burnham Market Neighbourhood Development Plan 2022-2036**

**A report to the Borough Council of King's Lynn and  
West Norfolk on the Burnham Market  
Neighbourhood Development Plan**

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## **Executive Summary**

- 1 I was appointed by the Borough Council of King's Lynn and West Norfolk in April 2023 to carry out the independent examination of the Burnham Market Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 29 May 2023.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its historic character and ensuring control over the occupation and use of properties. It has been prepared in quick order.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Burnham Market Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**25 July 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Burnham Market Neighbourhood Development Plan 2022-2036 (the 'Plan').
- 1.2 The Plan has been submitted to the Borough Council of King's Lynn and West Norfolk (BCKLWN) by Burnham Market Parish Council (BMPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 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 embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and European Convention on Human Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It addresses a series of environmental and community issues.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider statutory development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BCKLWN, with the consent of BMPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BCKLWN and BMPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (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); and
  - the 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.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all the points have been met.

### 3. Procedural Matters

3.1 In undertaking this examination, I have considered the following documents:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA and HRA report;
- the Evidence Base update;
- the Housing Needs Assessment (March 2022);
- the Design Guidance and Codes (June 2022);
- the Local Green Spaces Assessment (December 2022);
- the Views Assessment (2022);
- BMPC's responses to the clarification note;
- the representations made to the Plan;
- the adopted King's Lynn and West Norfolk Core Strategy 2011;
- the adopted King's Lynn and West Norfolk Sites Allocations and Development Management Policies Plan 2016;
- the National Planning Policy Framework 2021;
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the neighbourhood area on 29 May 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. The Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version (Regulation 14) of the Plan (October to November 2022).
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. The initial engagement is set out in paragraph 8 of the Statement. Paragraph 9 summarises the issues raised, and paragraph 10 then advises how the issues were incorporated in the pre-submission Plan. In the round, the Statement addresses these issues in a very clear way.
- 4.4 The Statement provides specific details on the comments received as part of the consultation process that took place on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This approach helps to describe the evolution of the Plan.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

### *Representations Received*

- 4.7 Consultation on the submitted plan at the Regulation 16 stage was undertaken by BCKLWN and ended on 31 March 2023. This exercise generated comments from a range of organisations as follows:

- Roy Properties
- Holkham Estates
- Burnham Thorpe Parish Council
- Historic England
- RSPB East of England
- Natural England
- Norfolk County Council

- National Highways
- Anglian Water

4.8 A representation was also received from a resident.

4.9 Where it is appropriate to do so I make specific references to some representations in the detailed sections of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Burnham Market. Its population in 2011 was 877 persons living in 789 homes (NOMIS: 2011Census). It was designated as a neighbourhood area in October 2021. The parish is in the northern part of the Borough and is within the Norfolk Coast Area of Outstanding Natural Beauty (AONB).
- 5.2 The neighbourhood area is extensive. It includes the village of Burnham Market and its hinterland to the south and west. As the Plan advises the parish is the outcome of the merger of three of the original Burnham villages (Burnham Sutton, Burnham Ulph and Burnham Westgate).
- 5.3 The village of Burnham Market dominates the neighbourhood area. It is an attractive village based around The Green, The Market Place, North Street and Station Road. It is a designated conservation area with many attractive vernacular buildings. It enjoys a series of retail and commercial uses which cater for both local people and visitors alike. Its attractiveness has resulted in its popularity for holiday lets and second homes.

### *Development Plan Context*

- 5.4 The development plan covering the neighbourhood plan area is the adopted King's Lynn and West Norfolk Core Strategy 2011 and adopted King's Lynn and West Norfolk Sites Allocations and Development Management Policies Plan 2016. The Core Strategy sets out a vision, objectives, a spatial strategy and overarching planning policies that guide new development in the Plan period.
- 5.5 Policies CS02 and CS06 of the Core Strategy provides a focus for new development in the neighbourhood area. Burnham Market is identified as a Key Rural Service Centre (CS02) where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported. Policy CS06 continues this approach based on the settlement hierarchy identified in CS02.
- 5.6 The Site Allocation and Development Management Policies Plan 2016 (SADMP) gives effect to and complements the Core Strategy. As its name suggests, it allocated land to meet the development requirements identified in the Core Strategy. In Burnham Market one site is allocated (G.17.1 Land at Foundry Field). That site has been successfully developed. In addition, the SADMP includes a series of development management policies. The following policies are particularly relevant to the submitted Plan:

- DM2 Development boundaries
- DM9 Community Facilities
- DM11 Touring and Permanent Holiday Sites
- DM15 Environment, Design and Amenity
- DM22 Protection of Local Open Space



- 5.7 The Borough Council has embarked on the preparation of a new Local Plan. Significant progress has been made and its examination is ongoing. Nonetheless it is not at a sufficiently advanced stage to play any significant role in the examination of the submitted neighbourhood plan. However, I comment in Section 7 of this report about the relationship between the emerging Local Plan and the monitoring and review process for any 'made' neighbourhood plan.
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the Core Strategy and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

#### *Unaccompanied Visit*

- 5.9 I visited the neighbourhood area on 29 May 2023. I drove into the neighbourhood area from King's Lynn along the attractive A149. This gave me an initial impression of its setting and the character in general, and its location in the Norfolk Coast AONB.
- 5.10 I parked in the car park in Foundry Place. I saw its attractive layout and the way in which the associated shops, toilets and maps provided an attractive and welcoming entrance to the village.
- 5.11 I walked into the village centre. I saw the attractive historic buildings and the range of local and national shops. I saw the way in which the green spaces in the heart of the village contributed to its attractive character. I also saw the way in which retail uses had occupied historic buildings in a sympathetic fashion.
- 5.12 I then walked along Station Road. I saw that it had a different character to that of The Market Place/North Street/Front Street. In this part of the visit, I saw the very-well maintained Playing Field. I also took the opportunity to walk along Old Railway Yard to look at the former Goods Depot (now converted to a private dwelling house).
- 5.13 I then walked to the south of the village to look at the proposed local green spaces around the junction of Creak Road and Beacon Hill Road. I saw the interesting ruins of the former St Ethelbert's Church, the Village Hall, and the allotments.
- 5.14 I walked back into the village and looked at All Saints Church and the interesting mix of commercial and residential uses along Overy Road.
- 5.15 I then looked at some of the proposed local green spaces (LGSs 1-The Foundry Field Play Area and LGS5-Stubbings Field) in the northern part of the village.
- 5.16 I finished my visit by driving to Stanhoe to the south-west. This part of the visit also helped me to understand further the wider neighbourhood area and its landscape setting.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 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. To comply with 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 development plan in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particularly relevant to the Burnham Market Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy and the SADMP;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available 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 sets out a positive vision for the future of the neighbourhood area within the context of its role in the local settlement hierarchy. It includes a series of policies on the scale and nature of new development. It proposes specific policies to address second homes and holiday accommodation and proposes the designation of a series of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes a policy for furnished holiday lets (Policy 3). In the social dimension, it includes a policy on local green spaces (Policy 9), on a principal residency requirement (Policy 3), and on the protection of community facilities (Policy 13). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It includes specific policies on design (Policy 6), the protection of local views (Policy 10), and the Conservation Area (Policy 15). BMPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in the wider Borough in paragraphs 5.4 to 5.8 of this report.

- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement, BCKLWN undertook a screening exercise (September 2022) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is very thorough and well-constructed. It includes the responses received from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

*Habitats Regulations Assessment*

- 6.16 The screening exercise includes a separate Habitats Regulations Assessment (HRA) of the Plan. It concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such, a full 'Appropriate Assessment' is not required to meet the requirements of the Regulations.
- 6.17 The HRA report is equally thorough and comprehensive. It advises that there are no designated sites (including Natura 2000 wildlife sites) within the neighbourhood area. In this context it advises that the nearest Special Area of Conservation (SAC)/ Special Protection Area (SPA) Ramsar sites are The Wash & North Norfolk Coast SAC/SPA/ Ramsar site(s), to the north of the Neighbourhood Area. The SAC/ SPA/ Ramsar site(s) are also designated a SSSI. The Report notes that a watercourse, which runs through the Burnham Market built-up area, flows into the River Burn which, in turn, drains into the North Sea. The lower reaches of the River Burn lie within the North Norfolk coastal SAC/SPA/ Ramsar site(s)/ SSSI. The format and details of the HRA report provide assurance to all concerned that the submitted Plan has taken appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

### *Human Rights*

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions and operate properly as development plan policies.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and BMPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate fashion. The Plan is presented in a professional way. It makes a very effective use of well-selected maps. A very clear distinction is made between its policies and the supporting text. These parts of the document also highlight the links between the Plan's objectives and its resultant policies. A key success of the Plan is the way in which several of its policies are underpinned by specific studies and/or evidence. This is best practice.
- 7.9 The Introduction comments about the neighbourhood planning process. It sets the scene for the wider neighbourhood plan agenda and comments about the neighbourhood area. Other sections comment about the strategic planning context in the Borough and how the submitted Plan fits into this wider approach.
- 7.10 The Plan also comments about the way in which the local community has been involved in its preparation. This commentary helpfully overlaps with the submitted Consultation Statement.
- 7.11 The Plan's Vision and Objectives are well-considered. The key strength of the approach taken is the way in which the objectives directly stem from the Vision. The Vision is as follows:

*‘Burnham Market is a vibrant community that retains its core village identity which is cherished by local people. It is a good place to live, work and visit.*

*Any future development will be sensitive to the historic nature of the settlement and its location within the North Norfolk Coast AONB. It will be of a high-quality design and tailored to meet the needs of the local community.’*

- 7.12 The neighbourhood area is defined on Figure 2. For completeness, I recommend that the introductory parts of the Plan comment about the Plan period. This will complement the details included on the front cover and comply with the procedural requirements set out in paragraph 2.6 of this report.

*After the first sentence of paragraph 20 add: ‘The Plan period is 2022 to 2036.’*

- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

### **Policy 1 Housing Mix**

- 7.14 This policy seeks to ensure that housing proposals reflect local needs. It comments that 90% of new homes should have three bedrooms or less unless this approach would affect the scheme’s viability. The policy is underpinned by the submitted Housing Needs Assessment (March 2022).
- 7.15 The Holkham Estate comments that the policy is very prescriptive. It suggested that the 90% figure is reduced to 75%.
- 7.16 I have considered the details of the policy and the representation very carefully. Paragraph 49 of the Plan explains the way in which BMPC has filtered the information in the Housing Needs Assessment and produced the details in the policy. On this basis I am satisfied that the policy has taken a balanced and proportionate approach. Importantly it acknowledges the need for flexibility where the housing mix in the policy would otherwise make a residential development of the site unviable. This will be a matter which the BCKLWN will be able to assess on a case-by-case basis.
- 7.17 I recommend that the reference to the applicability of the use of the Housing Needs Assessment as evidence for the submission of planning applications is repositioned into the supporting text. I also recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF. I also recommend a consequential modification to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**In the first part of Policy 1 delete the second sentence.**

**In the second part of the policy delete ‘where justified’ and after ‘unviable’ add ‘by the delivery of this housing mix’**

*At the end of paragraph 49 add: ‘Policy 1 sets out the Plan’s approach to this matter. Where developers wish to set out the extent to which their proposals address local housing need reference to the Housing Needs Assessment will be considered as acceptable evidence.’*

### **Policy 2 Affordable Housing**

- 7.18 This policy sets out specific requirements for the type of affordable which is delivered (70% affordable rented; 25% First Homes; 5% rent to buy homes). The approach taken reflects the information in the Housing Needs Assessment.
- 7.19 I have considered the policy carefully. On the one hand, it is evidence-based and takes account of specific needs in the parish. On the other hand, it is very specific and its approach may present practical issues where any affordable housing delivered as part of a private housing development is modest in number. I recommend that this tension is resolved by modifying the policy in such a way to acknowledge the scale and location of the development concerned and the practicability of delivering affordable housing to the specification included in the policy.
- 7.20 The second part of the policy sets out specific requirements for the allocation of affordable housing. Whilst this is an important issue, it is one which the BCKLWN will administer through its powers under the Housing Acts rather than under the Planning Acts. As such I recommend that it is deleted and relocated into the supporting text. In reaching this conclusion I have taken account of BMPC’s response to the clarification note. Whilst national policy provides advice on First Homes, the submitted policy addresses the wider issue of affordable housing rather than simply First Homes.
- 7.21 The Holkham Estate suggests that the policy should include an additional section on the acceptability of rural exception schemes. Plainly such schemes could bring forward affordable housing to meet local needs. However, there is no need for a neighbourhood plan to repeat or restate a matter which is already addressed in national and local planning policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**At the beginning of the first part of Policy 2 add: ‘Where it is practicable to do so based on the size and location of the development concerned’**

**Delete the second part of the policy.**

*Replace the deleted element of the policy at the end of paragraph 58.*

### **Policy 3 Second Homes and furnished holiday lets**

- 7.22 This is an important policy in the Plan. It has two elements as follows:
- any new homes should have a Principal Residency Requirement (PRR); and



- changes of use from dwellings (Use Class C3) to furnished holiday lets will not normally be supported.

7.23 In their different ways the two elements of the policy seek to address the issues which the popularity of Burnham Market as a destination has created for the local housing market.

#### *Second homes*

7.24 I have considered the policy's approach to a PRP very carefully. In doing so, I have taken account of the representation from the Holkham Estate and the reports referenced in its comments. On the balance of the evidence, I am satisfied that the policy has taken an appropriate and evidence-based approach to this important matter. The supporting text comments in detail about the number of second homes. This analysis is reinforced in the information in paragraph 5.1 of this report (NOMIS) which highlights the number of dwellings which do not have a usual resident. I have considered the information in the Holkham Estate representation about the way in which North Norfolk District Council has addressed this matter. Nevertheless information (and local judgements) cannot be directly applied between different areas. In addition, similar policies apply in other neighbourhood plans in the KLWN Borough. I have also taken account of the comments in the representation that a PRP will only apply to new homes. Nevertheless, a PRP is a way of ensuring that the concentration of second homes is not increased through the ability of people buying new homes to use the property as a holiday home.

7.25 The supporting text takes a balanced approach to the social issues which arise from the popularity of the parish to people looking to buy a second home. However, the popularity of the neighbourhood area creates a skewed housing market which has the very real potential to disadvantage local people.

7.26 I am satisfied that the policy provides sufficient clarity for the BCKLWN to implement the policy in a clear and consistent way throughout the period. It follows the same format of PRP policies in other parts of the Borough and in locations experiencing similar pressures elsewhere in England.

#### *Holiday lets*

7.27 The element of the policy on holiday lets raises similar issues. On this specific matter it raises the issue of such uses bringing little to the loss sense of community and having the ability to cause parking congestion and associated obstructions to the highway. This element of the property acknowledges that the extent to which planning permission is required for a change of use from a dwelling house to a holiday let will be a matter of judgement of fact and degree based on the specific circumstances of the property and the nature of the use involved.

7.28 On the balance of the evidence, I am satisfied that the policy takes an appropriate approach to this matter. However, I recommend detailed modifications to its wording

so that it has the clarity required by the NPPF. It will contribute to the delivery of the social dimension of sustainable development.

**Replace the third part of Policy 3 with:**

**‘Insofar as planning permission is required, proposals for the change of use of C3 (dwelling houses) of existing or new market dwellings (including any net new additional dwellings on a site which have replaced a single property) to a furnished holiday let (Sui Generis) will not be supported.’**

***Policy 4 Replacement dwellings***

7.29 This policy sets out detailed advice on replacement dwellings. It includes a series of criteria including a requirement for a one-for-one replacement and that the resulting dwelling does not result in an increase of either the height or of the scale of the dwelling concerned. In its response to the clarification note, BMPC advised that the scale issue related to the footprint of the property.

7.30 The Holkham Estate comments on the policy as follows:

*‘The Holkham Estate objects to this policy with respect to the restrictions on proposed replacement dwellings being on a one-for-one basis and the proposed dwelling not resulting in an increase in the height or scale of the original dwelling. The premise of this policy appears to be that mid-20th-century bungalows are somehow characteristic of the local area (despite not representing traditional design or using local materials) and that replacement dwellings are uncharacteristic (despite frequent examples of high-quality vernacular architecture utilising local materials) and will always lead to the replacement of smaller dwellings with larger dwellings. For a village like Burnham Market to meet its housing needs without significantly extending the development boundary it will clearly be necessary to ensure that land within the development boundary is efficiently used whilst maintaining high quality design. The redevelopment of single dwellings on large plots within the settlement boundary represents a good opportunity to meet housing needs without extending the development boundary and in conjunction with Policy 1 redevelopment would not lead to more large houses as they would need to comply with the specific mix. Placing new in principle restrictions on development within the development boundary would also render the BMNDP contrary to emerging Policy LP04 which supports the principle of development within villages. Policy LP04 is a strategic policy and failure to accord with it renders the BMNDP contrary to the basic conditions.’*

7.31 The policy has been designed and worded to complement the approach taken in Policy 1 of the Plan. Whilst this is understandable, it creates a series of tensions. The first is the appropriateness of the approach towards replacement dwellings not resulting in any increase in height or scale of the existing dwelling. As submitted (and clarified by BMPC) this element of the policy is very onerous. Its effect would be to support little more than a like-for-like replacement of the existing dwelling. On the balance of the evidence, I recommend that this element of the policy is deleted. It is unnecessarily onerous and would be difficult to implement through the development management

process. In any event it fails to acknowledge most proposals for replacement dwellings seek to rationalise the existing floorspace/footprint and to ensure that the resulting house (or houses) meets modern standards. Traditional development management issues (about character and amenity) are already included as criteria in the policy.

- 7.32 The second is the commentary in the Plan about the one-for-one basis for replacement dwellings. I have considered this matter very carefully both generally and in relation to the comments from the Holkham Estate about the ability of the redevelopment of larger plots to deliver much-needed new homes and to deliver the housing mix and proposed in Policy 1 of the Plan. As submitted the policy has a real potential to hinder other aspects of the development plan and the delivery of new homes in the parish. I recommend that the matter is clarified in additional supporting text to explain that the policy relates to proposals for genuine replacement dwellings (which by their nature would be on a 1-2-1 basis) and that proposals for the development of a plot for two or more dwellings will be determined based on other development plan policies (including Policy 1 of the submitted Plan).
- 7.33 The first criterion comments about the relationship between the replacement dwellings and the character of the area in which it is located. I am satisfied that the general approach taken is appropriate. However, I recommend the deletion of the comparative element of the policy with the existing dwelling. The planning process assesses the acceptability or otherwise of development proposals on a case-by-case basis. In any event some existing buildings may have an unacceptable relationship with the character of the local area and the policy (as submitted) would risk continuing that relationship.
- 7.34 I recommend the deletion of criterion e (on Broadband) as the issues has now been overtaken by the operation of Part R of the Building Regulations since December 2022.
- 7.35 The final part of the policy comments that BCKLWN should consider removing permitted development rights from replacement dwellings to allow control over any future extensions. It is expressed in language which is supporting text (an action which should be considered by the BCKLWN) rather than as a land use policy. In its response to the clarification note BMPC commented that its repositioning into the supporting text would weaken its effect and ambition. Whilst I acknowledge the importance of this matter to BMPC it is not appropriate for a neighbourhood plan to seek to specify the way in which the local planning authority should control planning permissions which it is minded to approve. In this case the matter is reinforced by two related matters. The first is the significance of removing permitted development rights. They are applied nationally and should not be removed unless specific harms may otherwise arise from relevant development. The second is the modification which I have recommended to the part of the policy which refers to the size of replacement dwellings. Taking account of all these matters I recommend that this element of the policy is deleted.
- 7.36 I recommend a detailed modification to the wording of the opening part of the policy to bring the clarity required by the NPPF and to ensure a consistency of approach throughout the Plan. I also recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**In the opening part of Policy 4 replace ‘permitted’ with ‘supported’**

**In a delete ‘without having.... existing building’**

**In b replace ‘adversely’ with ‘unacceptably’**

**Delete c**

**Delete e**

**Delete the final part of the policy.**

*Replace paragraphs 85 and 86 with:*

*‘Policy 4 addresses these important matters. It applies to proposals for traditional replacement dwellings (which are on a one-for-one basis). The criteria in the policy have been designed to ensure that development proposals reflect the character of the part of the neighbourhood area in which they are located and take account of the amenities of homes in the immediate locality.*

*Development proposals for the redevelopment of dwellings for two or more homes will be determined on their merits based on other development plan policies, including Policy 1 of this Plan. In this context proposals in Burnham Market should respond positively to the content of Policy CS02 of the Core Strategy which identifies the village as a Key Rural Service Centre and supports limited growth of a scale and nature appropriate to secure the sustainability of each settlement within the defined Development Limits.’*

**Policy 5 Extensions, Outbuildings (including garages), and annexes**

- 7.37 This is a general policy on extensions, outbuildings, and annexes. It has been designed to be complementary with Policy 3 of the Plan and to prevent the use of outbuildings by unrelated persons or as letting units. In this context I have approached the policy in the same context as Policy 3.
- 7.38 In general terms the policy takes a positive approach to this issue. Plainly the unrestricted development of outbuildings and annexes would have the clear ability to intensify the issues in the parish relating to second homes and furnished holiday lets which have been comprehensively addressed in the Plan. Nevertheless, to bring the clarity required by the NPPF I recommend a package of recommended modifications as follows:
- an acknowledgement in the policy that some of the development addressed in the policy may be permitted development – this would apply particularly to proposals for extensions and outbuildings;
  - the repositioning of process information in the policy into the supporting text; and
  - the deletion of the reference to the provision of broadband as this has now addressed in the Building Regulations.

In recommending these modifications I have taken account of BMPC's responses to the clarification note.

- 7.39 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**At the beginning of the first part of Policy 5 add 'Insofar as planning permission is required'. Thereafter replace 'permitted' with 'supported'**

**In the third part of the policy replace 'will be considered favourably' with 'will be supported'**

**Delete the fourth, fifth and sixth parts of the policy.**

*In paragraph 90 replace the final sentence with: 'Where necessary, planning conditions will be imposed to restrict occupation of annexes to persons related or similarly linked to the occupants of the main dwelling. Similarly, conditions will be placed on consents for annexes and outbuildings preventing their use for holiday accommodation unless such use is an explicit part of the planning application, in accordance with Policy 3 of this Plan.'*

### **Policy 6 Design**

- 7.40 This is an important policy in the Plan. It is underpinned by excellent Design Guidance and Codes. It identifies four character areas in the parish. The Guidance and Codes comments about the features in those parts of the parish.
- 7.41 At the heart of the policy is commentary based around the need for development proposals to comply with a series of design principles as set out in the Code itself and in the associated checklist (Appendix B). In the round, the approach taken is an excellent local response to Section 12 of the NPPF. It will help to ensure that new development is both high quality and distinctive to the neighbourhood area.
- 7.42 Within this overall context I recommend a detailed modification to the policy so that the BCKLWN will be able to apply its principles in a proportionate way. As submitted the policy generally refers to all proposals. Nevertheless, larger developments will have a far greater impact on the principles in the Code (and the application of the Checklist) than will be the case with minor and domestic proposals.
- 7.43 I also recommend other detailed modifications to the wording used in the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**In the opening element of Policy 6 replace 'All development..... expected to be' with 'As appropriate to their scale, nature and location development proposals should be'**

**In b replace ‘must’ with ‘should’ and ‘permitted’ with ‘supported’**

**In f replace ‘are encouraged to’ with ‘should’**

**Replace the penultimate part of the policy with: ‘Where practicable development proposals should also be designed to meet climate targets for carbon dioxide emissions and which can be constructed sustainably whilst respecting the character area in which they are located.’**

***Policy 7 Residential Parking Standards***

- 7.44 This policy sets out detailed parking standards. It includes specific sections for on-street parking, garage parking and courtyard parking.
- 7.45 The policy has been carefully considered. It is underpinned by the Design Guidelines and Codes. In addition, it responds to the parking issues which reflect the distinctive nature of the parish.
- 7.46 In general terms the policy takes a positive approach to this matter. Nevertheless, I recommend a series of detailed modifications to ensure that the policy has the clarity required by the NPPF and can be implemented by the BCKLWN in a consistent way throughout the Plan period. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the first part of the policy replace ‘Proposals must consider’ with ‘Development proposals should respond positively to’**

**In the third part of the policy replace ‘are encouraged to’ with ‘should’**

**In the section headed ‘On-street parking’ replace ‘these standards’ with ‘the standards for off road parking in the previous part of the policy’**

**In the section headed ‘On-plot side or front parking’ replace the first sentence with: ‘Wherever practicable, car parking should be located to the side of properties and incorporates landscaping to avoid the parking areas being obtrusive in the street scene’**

**In the section headed ‘Cycle parking’ replace ‘where there is no on-plot garage’ with ‘which do not include on site garages’**

***Policy 8 Biodiversity and Green Corridors***

- 7.47 This policy sets out a detailed approach to biodiversity net gain. It includes a series of ways in which this should be achieved. It also incorporates a section about green infrastructure including identified Green Corridors (Figures 21 and 22).

- 7.48 In general terms the policy takes a positive approach to this matter and has regard to the provisions of the 2021 Environment Act. Within this context, I recommend a series of detailed modifications to the wording used in the policy so that its purpose and application is clear. I also recommend that the policy is consolidated so that it identifies the Green Corridors to which the final part of the policy applies. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the first part of Policy 8 replace ‘will be safeguarded with ‘should be safeguarded’ and ‘All development proposals will need to demonstrate’ with ‘Development proposals should demonstrate’**

**In b) replace ‘Habitat secured’ with ‘The habitats should be secured’**

**In c) replace ‘possible’ with ‘practicable’**

**In g) replace ‘Use’ with ‘The use’**

**In the second and third parts of the policy (page 50) replace the two uses of ‘must’ with ‘should’**

**At the beginning of the final part of the policy insert: ‘The Plan identifies a series of Green Corridors on Figure 22’. Thereafter replace ‘will be sought to’ with ‘should’.**

**In the second bullet point add ‘Where practicable,’ before ‘enhance’**

**In the third bullet point replace ‘how it will mitigate anything which reduces’ with ‘the way in which it will incorporate suitable mitigation for any aspects of the proposed scheme which would reduce’**

### ***Policy 9 Local Green Spaces***

- 7.49 This policy proposes the designation of ten local green spaces (LGSs). Their selection is underpinned by the Local Green Spaces Assessment (December 2022). I looked at the various proposed LGSs carefully during the visit. They vary from formal recreation areas (LGS1/2), to The Green in the village centre (LGS3), and to the land around the ruin of St Ethelbert’s Church (LGS9).
- 7.50 On the basis of all the information available to me, including my own observations, I am satisfied that each of the proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy.
- 7.51 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They

do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

- 7.52 Neighbourhood plan policies on the designation of LGSs are underpinned by the approach taken in paragraph 103 of the NPPF. In effect individually plans select their own LGSs and then apply the national policy to the identified sites. However, the Plan has decided to provide a more detailed policy to protect the identified LGSs than is traditionally the case. The scope of the policy and its approach is set out in Appendix B of the Plan.
- 7.53 I have taken account of BMPC's response to the clarification note on the nature and extent of the policy. On the balance of the evidence, I am satisfied that the bulk of the policy sets out a balanced and well-considered expression of policy in relation to LGSs. There is a clear relationship between the policy and the specific LGSs proposed in the Plan. The Plan contains an extensive range of LGSs with different characters and reasoning behind their proposed designations. In these circumstances a matter-of-fact approach to future development on LGSs may prevent sensitive development from coming forward on individual sites which would not conflict with the purposes of the designation.
- 7.54 The final part of the policy comments that proposals that are on land adjacent to LGSs are required to set out how any impacts on the special qualities of the green space, as identified by its reason for designation, will be mitigated. I have considered this matter carefully together with BMPC's response to the question in the clarification note. On the balance of the evidence, I recommend that this element of the policy is deleted. I have reached this conclusion for three reasons. The first is that the approach taken has no direct relationship with national policy or guidance on LGSs. Planning Practice Guidance (ID: 37-007-20140306) comments that designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. It comments that plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making. Whilst I am satisfied that this is not BMPC's intention, the policy has the potential to hinder otherwise acceptable development coming forward on sites adjacent to proposed LGSs. The second is that it will place onerous and disproportionate responsibilities on adjacent landowners. The third is that it will affect a significant number of planning applications in the village itself where there is a concentration of LGSs in and around its built-up area.
- 7.55 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Delete the final part of Policy 9.**



### ***Policy 10 Protection of Important Local Views***

- 7.56 This policy seeks to safeguard seven identified Important Local Views (ILVs). They are detailed in the Views Assessment. I looked at several of the ILVs during the visit. The reasons for their identification were self-evident. In several instances, they reflect the sensitive relationship between the village and the surrounding countryside.
- 7.57 In general terms I am satisfied that the policy takes an appropriate approach. Nevertheless, in order to bring the clarity required by the NPPF, I recommend that the order of the sentences in the second part of the policy is reversed. This will ensure that the policy has a positive rather than a negative focus. I also recommend a detailed modification to the wording used.
- 7.58 Finally I recommend a specific modification to the third part of the policy (which comments about the Integrated Landscape Guidance Assessment – ILGA). As submitted it takes a very general approach which fails to acknowledge that different proposals will have their own proportionate implications on the ILGA. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**In the second part of Policy 10 reverse the order of the sentences. Thereafter replace ‘adversely’ with ‘unacceptably’**

**In the third part of the policy replace ‘All’ with ‘As appropriate to their scale, nature and location’**

### ***Policy 11 Dark Skies***

- 7.59 This policy seeks to safeguard the dark skies environment in the parish. It is underpinned by proportionate information in the supporting text.
- 7.60 As submitted, the policy has a complicated format. In order to remedy this matter, I recommend modifications to its various elements. The recommended modification to its first part of the results in the overall policy having a positive rather than a negative focus. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the first part of Policy 11 and the opening element of the second part of the policy with: ‘Development proposals should respond positively to the dark skies environment in the neighbourhood area. Proposals which include external lighting should demonstrate the way in which they have addressed the following principles:’**

**Replace the final part of the policy with:  
‘Where internal lighting would have an impact on residential amenity or wildlife, development proposals should incorporate suitable mitigation measures.’**

**Development proposals which would have an unacceptable impact on the natural or the built environment, residential amenity, or wildlife by virtue of their lighting will not be supported.'**

***Policy 12 Surface Water Management***

- 7.61 The policy addresses surface water management in a very comprehensive way. It includes specific sections on sustainable drainage and attenuation.
- 7.62 The policy is well-considered. I recommend a series of detailed modifications to ensure that it will have the clarity required by the NPPF and can be applied consistently by the BCKLWN. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**In the first part of Policy 12 replace 'must' with 'should', 'possible' with 'practicable' and 'are encouraged' with 'will be supported'**

**In the second part of the policy replace 'consider' with 'respond positively'**

***Policy 13 Protection of Community Facilities***

- 7.63 This policy celebrates the importance of community facilities to local people. It identifies fifteen facilities in the parish. I saw the importance of several of the facilities during the visit.
- 7.64 The policy has been sensitively prepared. I am satisfied that the identified facilities are appropriate to be identified in this way. In addition, the policy applies Policy DM9 of the SADMNP to the identified facilities. This avoids duplication. I recommend a modification so that the policy clarifies the Plan to which the local plan policy refers. I also recommend consequential modifications to the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**In the initial part of Policy 13 replace 'Local Plan' with 'Site Allocations and Development Management Policies Plan'**

*In paragraph 156 replace 'under CS13 and DM9' with 'by Policy CS13 of the Core Strategy and Policy DM9 of the Site Allocations and Development Management Policies Plan'*

***Policy 14 Implementing Walking and Cycling Routes***

- 7.65 As clarified in BMPC's response to the clarification note this policy offers the Plan's support to a wider initiative to use the former Heacham to Burnham Overy/Holkham railway line as a cycle and walking route.

- 7.66 As submitted the policy reads partly as a land use policy and partly as a community aspiration to assist in the development of this wider initiative. I recommend that the policy is modified so that it focuses on land use matters and that Community Action 3 is expanded so that it addresses the non-land use issues in the submitted policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace Policy 14 with: ‘The development of the section of the former Heacham to Burnham Overy railway within the parish as a walking and cycle route will be supported.’**

*In Community Action 3 add an additional sentence after the first sentence to read: ‘This will apply particularly to proposals for the use of the former Heacham to Burnham Overy railway line within the parish as a walking and cycle route. The Parish Council will work with other public bodies to secure the implementation of this important initiative.’*

**Policy 15 Burnham Market Conservation Area**

- 7.67 This policy sets out a series of distinctive features of the Conservation Area to assist with the development management process. The features are derived from the Design Guidelines and Codes document.
- 7.68 In the round I am satisfied that the identification of the distinctive features brings added value beyond the application of national and local policies for conservation areas. In addition, the supporting text is both comprehensive and informative and is supplemented by excellent photographs.
- 7.69 I recommend a detailed modification to the wording of the second part of the policy. As submitted it would apply to all development proposals and would not acknowledge that different proposals would have different abilities to secure enhancements to the Conservation Area, I also recommend that the element of the policy which comments about the appropriateness of outline applications in the conservation area is deleted and repositioned into the supporting text. Whilst the approach taken has merit it will be for the BCKLWN to take this decision on a case-by-case basis in its capacity as the local planning authority. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Replace the final part of Policy 15 with: ‘As appropriate to their scale, nature and location, development proposals should identify any opportunities to enhance the character and appearance of the Conservation Area. In addition, they should be supported by appropriately detailed information to allow any informed assessment to be made of any impacts of the proposed development on the conservation area.’**

*At the end of paragraph 182 add: ‘Policy 15 sets out the Plan’s approach to these matters. It sets out the nature of developments which will be supported in the Conservation Area and the way in which proposals should respond to its character and appearance, including the use of vernacular materials. In general terms the submission of outline planning applications in the conservation area will not be appropriate.’*

#### *Community Actions*

- 7.70 The Plan includes a series of Community Actions. They are non-land use issues which have naturally arisen as the Plan has been prepared. They are distinctive to the neighbourhood area.
- 7.71 National policy advised that such Actions are set out in a separate part of the Plan to distinguish them from the land use policies. In this case, the Plan weaves the Actions into its topic chapters. I have considered this matter carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate. I have reached this conclusion for three overlapping reasons. The first is that the Actions are distinguished from the policies using a different coloured text. The second is that the Actions complement the relevant land use policies. The third is that the format of the Plan provides an easy-to-follow format for the casual reader.

#### *Monitoring and Review*

- 7.72 Neighbourhood plans are assessed against the strategic policies in the development plan. Nevertheless, the examination of the emerging Local Plan is now well-advanced. Its adoption will alter the strategic planning context in the Borough.
- 7.73 In the same way that there is no need for a parish council to produce a neighbourhood plan there is no need for such councils to review a made Plan. The Plan is silent on these matters. However, given the timing relationship between the submitted Plan and the emerging Local Plan I recommend that this matter is acknowledged in the Plan. I also recommend that the Plan comments that BMPC will assess the need or otherwise of a full or partial review of a made Plan within six months of the adoption of the emerging Local Plan.

*At the end of paragraph 19 add: ‘The Parish Council is keen to ensure that the Plan remains up to date and topical. It is also aware of the emerging Local Plan and the way in which its adoption will alter the strategic planning context in the Borough. In these circumstances, the Parish Council will assess the need or otherwise of a full or partial review of a made Plan within six months of the adoption of the emerging Local Plan.’*

#### *Other Matters – General*

- 7.74 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may

be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for BCKLWN and BMPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Burnham Market Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to the Borough Council of Kings Lynn and West Norfolk that subject to the incorporation of the modifications set out in this report that the Burnham Market Neighbourhood Development Plan 2022-2036 should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose 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 in October 2021.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**25 July 2023**