



Burnham Market Neighbourhood Development Plan Referendum 21 September 2023

Information Pack

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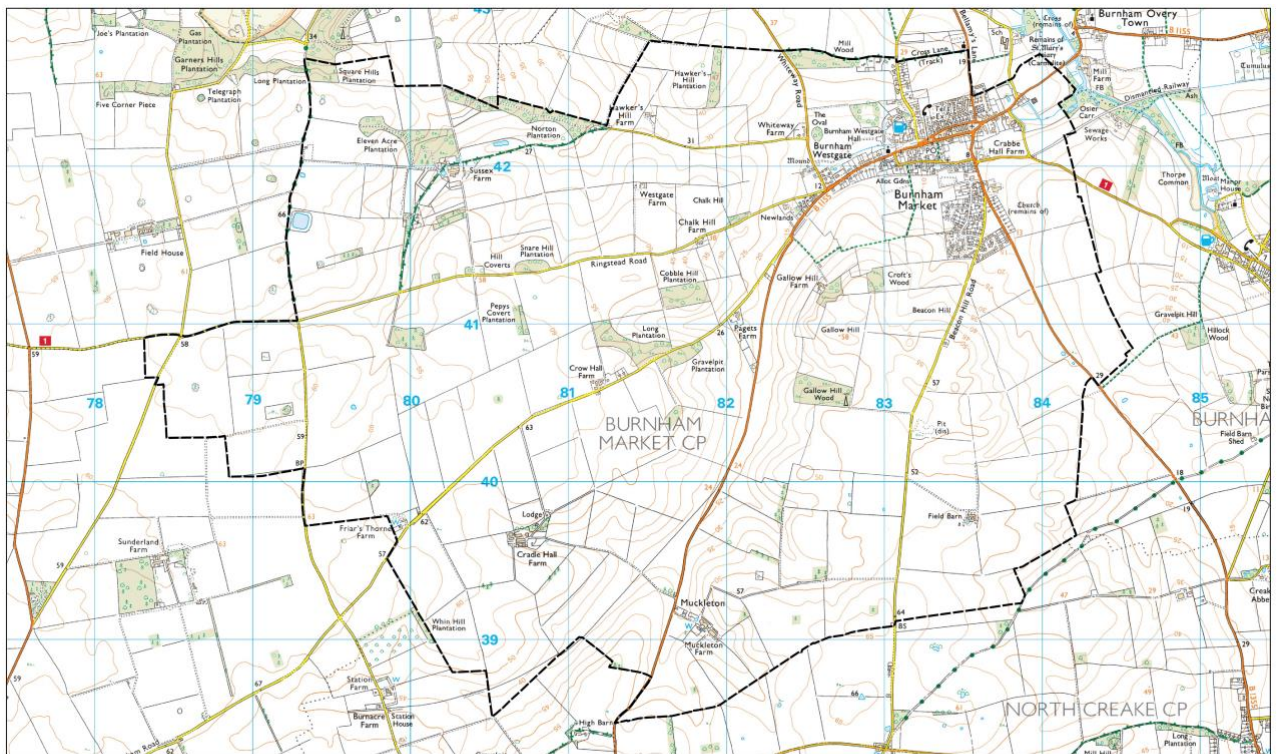
Burnham Market Neighbourhood Development Plan Referendum Information Statement

The Borough Council of King's Lynn and West Norfolk hereby gives notice that a Referendum relating to the Burnham Market Neighbourhood Development Plan (NDP) 2022-2036 will be held. The Referendum will be held on **Thursday, 21 September 2023** to decide on the question below:

Do you want the Borough Council of King's Lynn and West Norfolk to use the neighbourhood plan for Burnham Market to help it decide planning applications in the neighbourhood area?

The Referendum area is identical to the area that has been designated as the Burnham Market NDP area which covers the Parish of Burnham Market, as shown on the following map.

Burnham Market Neighbourhood Area, designated 26 October 2021 [not to scale]



Borough Council of
**King's Lynn &
West Norfolk**
Tel. 01553 616200
Fax. 01553 691663

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22/09/2021

A person is entitled to vote in the Referendum if, on 21 September 2023:

- (a) he/she is entitled to vote in an election of any Councillor of the Burnham Market Parish Council whose area is in the Referendum area and
- (b) his/her qualifying address for the election is in the Referendum area. A person's qualifying address is, in relation to a person registered in the register of electors, the address in respect of which he or she is entitled to be so registered.

The Referendum expenses limit that will apply in relation to the Referendum is £2,362; plus the number of persons entitled to vote in the Referendum by reference to which that limit has been calculated (626 x 5.9p = £36.93) = **£2,398.93**

The Referendum will be conducted in accordance with procedures which are similar to those used at local government elections. A number of specified documents may be inspected at:

The Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
KING'S LYNN
PE30 1EX

Opening times: 9am-5pm Monday – Thursday
9am-4.45 pm on a Friday.

Tel: 01553 616200

Web: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan

The specified documents are:

- the draft neighbourhood plan or neighbourhood development order;
- the report made by the independent examiner under paragraph 10 of Schedule 4B to the 1990 (in the case of a neighbourhood plan, as applied by section 38A(3) of the 2004 Act);
- a summary of any representations submitted to the independent examiner pursuant to paragraph 9 of Schedule 4B to the 1990 Act;
- a statement in the case of a draft neighbourhood plan, that the local planning authority are satisfied that the draft plan meets those basic conditions and complies with the provision made by, or under,

sections 38A and 38B of the 2004 Act;

- a statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum, which is prepared having regard to any guidance issued by the Secretary of State.

For further information about the Burnham Market NDP, including all background documents, please see our Neighbourhood Planning webpages:

- King's Lynn and West Norfolk Borough Council's Burnham Market Neighbourhood Plan page: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan
- Burnham Market Parish Council Neighbourhood Plan page: <https://www.burnhammarketpc.info/neighbourhood-plan>
- How to prepare a Neighbourhood Plan: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/575/how_to_prepare_a_neighbourhood_plan
- Plans being prepared: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/116/plans_being_prepared



Burnham Market Neighbourhood Planning Referendum Information for Voters

About this document

On **Thursday, 21 September 2023** there will be a Referendum on a Neighbourhood Plan for your area. This document explains the Referendum that is going to take place and how you can take part in it. It explains:-

- Why there are neighbourhood plans and other development plans
- The Referendum and how you can take part

Referendum on the Neighbourhood Plan

A Referendum asks you to vote yes or no to a question. For this Referendum you will receive a ballot paper with this question:

- Do you want the Borough Council of King's Lynn and West Norfolk to use the Neighbourhood Plan for Burnham Market to help it decide planning applications in the neighbourhood area?

What does my vote mean?

You show your choice by putting a cross (X) in the 'Yes' or 'No' box on your ballot paper.

Put a cross in only **one** box or your vote will not be counted.

If more people vote 'yes' than 'no' in this Referendum, then the Borough Council of King's Lynn and West Norfolk will use the Neighbourhood Plan to help it decide planning applications in the Parish of Burnham Market.

The Neighbourhood Plan will then become part of the Development Plan. This is a set of documents which sets out planning policies to guide development in the Borough of King's Lynn and West Norfolk.

If more people vote 'no' than 'yes' in this Referendum or there is a tied vote, then planning applications will be decided without reference to the NDP as part of the Development Plan for the local area.

Neighbourhood Plans

What is a Neighbourhood Plan?

A local community can prepare a neighbourhood plan, developing a shared vision for their neighbourhood and deliver the sustainable

development they need through planning policies relating to the development and use of land.

If it successfully passes all the stages (including being supported by a majority of votes in a referendum) the neighbourhood plan will become part of the Development Plan for the area, along the Borough Council's Local Plan. It then must be taken into account when the Borough Council, or a planning inspector, in deciding planning applications in the area.

Who can prepare a Neighbourhood Plan?

A neighbourhood plan is prepared by the Qualifying Body, the relevant parish/town council, except in unparished areas (e.g. King's Lynn town centre). In this case a local group must first apply to be designated as a 'neighbourhood forum' before it can prepare a neighbourhood plan.

What can be in a Neighbourhood Plan?

Neighbourhood plans set out policies for the development and use of land. A neighbourhood plan can shape future development in an area, but it cannot stop or promote less development than set out in the Borough's Local Plan.

A neighbourhood plan must:

- support sustainable development
- generally conform to the strategic policies in the local plan
- have regard to national planning policies, and
- comply with relevant legislation; e.g. ensure environmental matters are taken into account, protect certain species and habitats, human rights, etc.
- specify the period it will cover.

While a neighbourhood plan must be in general conformity to the local plan strategic policies for the area (e.g. the overall role of the area, the general scale and type of development planned), it can vary in detail from the local plan. This can involve additional or different allocations of land for development, different development boundaries, different design and other criteria to be applied in the area, etc. Where there is a contradiction between a neighbourhood plan and the local plan, it is the most recent one that counts.

Neighbourhood plans often contain policies to reinforce the local character

of the area, to protect local green spaces and other features of particular local importance, plus measures to address particular local problems or shortages.

There is no set format for a neighbourhood plan. It could be very brief and focused (perhaps just one policy) or very long and complex. Much will depend on what are the agreed local priorities, and what resources, interests and skills are available in the local community who prepare it.

How is a Neighbourhood Plan prepared?

Because neighbourhood plans will affect what may, or may not, receive planning permission they must go through stages of formal consultation to make sure everyone has an opportunity to comment on them, and that they meet tests laid down in legislation. These procedures include examination by an independent expert, to decide whether the plan meets the legal tests mentioned above, and a referendum to gauge the level of local support for the plan.

The Borough Council (as local planning authority) has to administer key parts of this process. The decisions it has to make in this process are not whether the Borough Council agrees with or supports the content of the neighbourhood plan, but whether the plan complies with nationally laid down rules and policies.

It is the local community's plan, and it is they who will have to do most of the work (or commission consultants to do this for them) and make the decisions on what they want in their plan, although the Borough Council will provide advice and assistance.

For further information on neighbourhood plans see:

Borough Council Information:

- Borough Council's Burnham Market Neighbourhood Plan page: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan
- Burnham Market Parish Council Neighbourhood Plan page: <https://www.burnhammarketpc.info/neighbourhood-plan>
- How to prepare a Neighbourhood Plan: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/575/how_to_prepare_a_neighbourhood_plan

- Locality: <https://locality.org.uk/>

Town and Country Planning

Background

The town and country planning system exists to protect and promote the public interest in the way land is used and developed. All advanced economies have formal planning systems, though the details of how they operate vary, while simpler societies usually have less formal controls on new building.

The current British planning system was established in 1947, and grew out of concern that uncoordinated development in the 19th and early 20th century had resulted in severe adverse impacts on health, economic efficiency, quality of life and the environment. Owners of property in Britain do not have a right to build or change the use of land as they please, but must obtain planning permission to do so. (Some development, typically minor changes, is 'permitted development'; thus benefits from an automatic permission).

The planning system endeavours to –

- Coordinate the activities of different developers and agencies,
- Protect features and qualities of acknowledged public interest,
- Provide a degree of certainty for investors, landowners, residents and other stakeholders, and
- Coordinate the provision of infrastructure and other facilities.

More broadly the system aims to balance the needs and aspirations of the immediate site or locality with those for the wider area and country within which it sits, and to balance current concerns against longer term interests.

Inevitably these different aims and considerations are often in tension, and so there are difficult and controversial decisions to be made in balancing them when considering whether to grant planning permission or include something in a plan. (Planning decisions often seem easy if only one consideration is taken into account).

Local Planning Decisions

The responsibility for making most of these difficult decisions is given by Parliament to the local planning authority which, in this area, is the Borough Council of King's Lynn and West Norfolk.

Planning authorities cannot, however, make a decision any way they may

please. Prior public consultation is required in most cases. Decisions on applications must be made in accordance with the adopted development plan, unless there are proper planning considerations suggesting otherwise.

One of the important considerations which must be taken into account is national (government) planning policy, including the National Planning Policy Framework. This tells local planning authorities which issues they should consider most important, how decisions should be reached, how plans should be prepared and what they should contain, etc.

Decisions are made by elected councillors, advised by specialist planning officers, though routine decisions (e.g. planning applications clearly in accordance with, or contrary to, adopted plans) will usually be delegated by councillors to senior officers; because of the volume of work and pressures of time.

There is provision for the planning decisions of the local planning authority to be challenged and reviewed by an independent planning inspector (or, if the issue is the legality of the decision or the way it was reached, the courts).

Local Plans

The local planning authority is required to produce local plans, for the future development of the area. Local plans (previously known as local development frameworks; that is, development plan documents produced by the local planning authority) may consist of one or more separate development plan documents. These would commonly include (as is the case in West Norfolk) a core strategy document setting out the overall scale and broad location of development, and a site allocations document identifying the specific sites and the type and amount of development sought on each area.

Local plans usually look forward at least 15 years and must provide for enough housing and employment development to meet the anticipated growth in the area over that period. These also have to be in general accordance with national planning policy.

Ideas for how this might be done are refined and reconsidered through successive rounds of consultation and discussion, often over a period of several years, but rarely is consensus reached; so the local planning authority must make difficult choices between competing views and proposals. Once the local planning authority has decided the plan it wishes to adopt it is tested against legal requirements and national policy by an

independent planning inspector; who will consider the views of those who oppose or support the plan, and decide whether it can be adopted and brought into force.

Under current national policy if local plans are not successfully brought up-to-date and adopted, or less housing development than is needed actually takes place, it will be difficult for the local planning authority to refuse a planning application for housing development unless it seriously contravenes national policy, even if it contravenes the local or neighbourhood plan.

Neighbourhood Planning

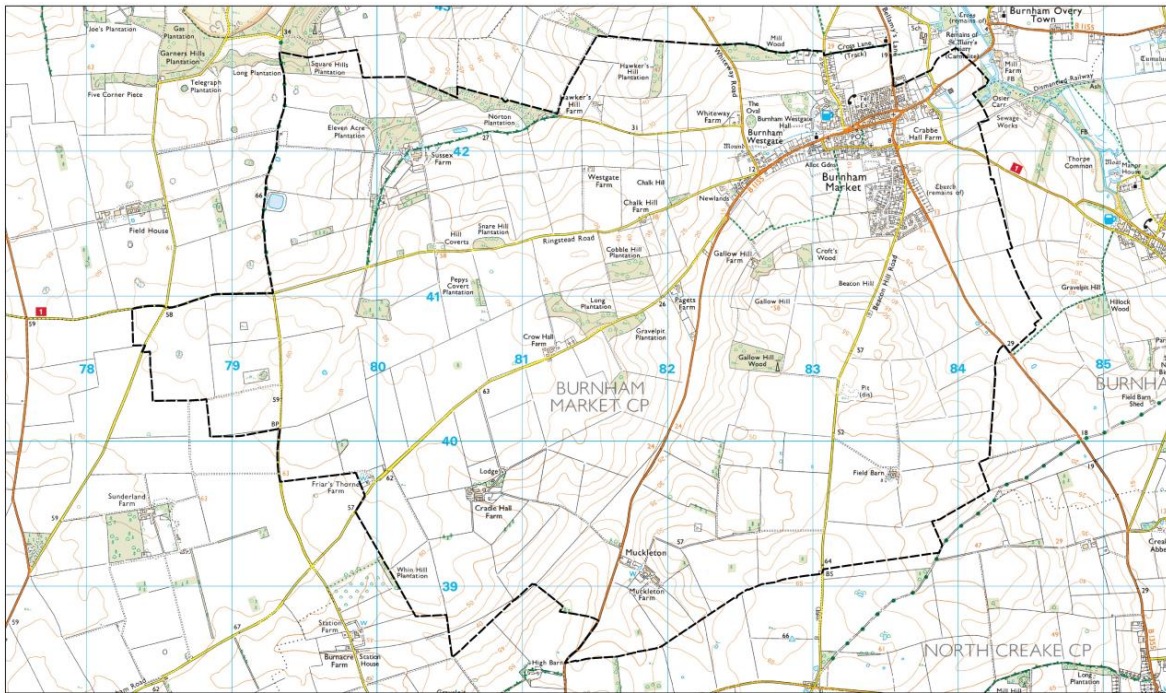
Parish and town councils are statutory consultees for planning applications and local plans. This means they are consulted about these and are able to put forward any views they may have on these.

The 2011 Localism Act gave them (and communities in unparished areas that had successfully applied for designation as a neighbourhood forum) additional new planning powers to produce neighbourhood development plans, or to grant planning permission for specified developments or types of development (neighbourhood development orders and community right to build orders). Of these, neighbourhood plans have been by far the most popular. (For further information on neighbourhood plans, see section above).

Burnham Market NDP Referendum Area

The Referendum area is identified on the map below. This is the same as the area of Burnham Market Parish, and the area covered by the Burnham Market NDP 2022-2036.

Burnham Market Neighbourhood Area, designated 26 October 2021 [not to scale]



Borough Council of
**King's Lynn &
West Norfolk**
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Fax. 01553 691663

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Voting in the Referendum

The Referendum area

The Referendum area is identified on the map shown on Page 12 (above) as the parish area of Burnham Market and is identical to the area which has been designated as the Burnham Market NDP area.

Referendum Expenses

The Referendum expenses limit that will apply in relation to the Referendum is £2,362; plus the number of persons entitled to vote in the Referendum by reference to which that limit has been calculated (626 x 5.9p = £36.93) = **£2,398.93**

Specified Documents

A copy of the specified documents, that is the documents listed below, may be inspected at the following:-

- Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, KING'S LYNN, PE30 1EX between the hours of 9.00 am to 5.00 pm Monday to Thursday and 9.00 am to 4.45 pm on a Friday.
- Tel: (01553) 616200 or email elections@west-norfolk.gov.uk.
- Caroline Boyden, Burnham Market Parish Clerk
Email: parishclerk@burnhammarketpc.uk

The specified documents are:-

- The draft Burnham Market NDP 2022-2036
- Report of the Independent Examiner
- Summary of the representations submitted to the Independent Examiner
- Statement by the Local Planning Authority that the Draft Plan meets the basic conditions (the Decision Statement)
- Information Statement and Information for Voters
- A statement that sets out general information as to town and country planning including neighbourhood, the Referendum

All of the above documents can be viewed on the Council's dedicated Burnham Market NDP web page: <https://www.west->

[norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan](https://www.norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan)

Further information is also available through the Burnham Market Parish Council Neighbourhood Plan web page:

<https://www.burnhammarketpc.info/neighbourhood-plan>

Can I Vote?

You can vote in the Referendum if you live in the Parish of Burnham Market and:-

- You are registered to vote in Local Government Elections, and
- You are 18 years of age or over on **21 September 2023**.
- You have to be registered to vote by **5 September 2023** to vote in the Referendum. You can check if you are registered to vote by calling (01553) 616773 or 616200.
- The Referendum will be conducted in accordance with the procedures which are similar to those used at Local Government Elections.

Ways of Voting

There are three ways of voting:-

In person on 21 September 2023

- Most people vote in person at their local polling station. It is easy and the staff on duty will always help if you are not sure what to do.
- It should be noted that since 4 May 2023, voters have been required to show photo ID when voting in person. Further details about acceptable voter ID are available through the following link: <https://www.gov.uk/how-to-vote/photo-id-youll-need>. Polling station staff are on hand to help if you have any queries.
- In Burnham Market, the Polling Station is: Burnham Market & Norton Village Hall, Beacon Hill Road, PE31 8ER
- You will receive a poll card telling you that this is your polling station.
- If you do not receive your poll card you can contact Electoral Services on (01553) 616773 to ensure you are registered.

- The polling station will be open from 7am to 10pm.
- If you are not in the queue for a ballot paper by 10pm you will not be able to vote; so make sure you arrive in plenty of time.

By post

- To vote by post you need to complete an application form and send it to Electoral Services, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, KING'S LYNN. PE30 1EX to arrive by 5pm on **Wednesday, 6 September 2023**. NB: If you already have a postal vote, there is no need to complete another application form.
- Ballot papers can be sent overseas, but you need to think about whether you will have time to receive and return your ballot papers by **Thursday 21 September**
- You should receive your Postal Vote about a week before polling day. If it does not arrive in time, you can get a replacement up to 5pm on **Thursday, 21 September 2023**.

By Proxy

- If you cannot go to the polling station, and do not wish to vote by post, you may be able to vote by proxy. This means allowing somebody you trust to vote on your behalf.
- To vote by proxy, you need to complete an application form and send it to Electoral Services, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, KING'S LYNN. PE30 1EX to arrive by 5pm on **Wednesday, 13 September 2023**.

This is for a new Proxy only. Changes to existing arrangements need to be made by 5pm on **Thursday, 21 September 2023**.

- When you apply for a proxy vote you must say why you cannot vote in person.
- Anyone can be your proxy as long as they are eligible to vote and are willing to vote on your behalf. You will have to tell them how you want to vote.

Postal and proxy vote application forms are available from Electoral Services on (01553) 616773 or by downloading from the Council's website at: www.west-norfolk.gov.uk.

Am I Registered to Vote?

- If you are not registered you will not be able to vote.
- If you are not on the Electoral Register, you will need to complete an Invitation to Register form and send it to Electoral Services, Borough Council of King's Lynn and West Norfolk, King's Court, Chapel Street, KING'S LYNN. PE30 1EX to arrive no later than **Tuesday, 5 September 2023**, or go online www.gov.uk/register-to-vote.

Registration forms are available from Electoral Services on (01553) 616773 or alternatively you can register yourself at www.gov.uk/register-to-vote.

How to find out more

- Further general information on neighbourhood planning is available on the following websites <https://www.gov.uk/government/get-involved/take-part/make-a-neighbourhood-plan> and https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans.
- For queries about planning issues, please contact the Borough Council of King's Lynn and West Norfolk, Planning Policy on (01553) 616200. For queries about the Referendum and voting please contact Borough Council of King's Lynn and West Norfolk, Electoral Services on (01553) 616773 or email: elections@west-norfolk.gov.uk.

Appendix 1:

BURNHAM MARKET NEIGHBOURHOOD DEVELOPMENT PLAN 2022-2036 (Referendum Version 2023)

DRAFT NEIGHBOURHOOD PLAN POST EXAMINATION VERSION REGULATION 18

[SEE ACCOMPANYING DOCUMENTS]

Appendix 2:

**A report to the Borough
Council of King's Lynn
and West Norfolk on the
Burnham Market
Neighbourhood
Development Plan
25 July 2023**

[SEE ACCOMPANYING DOCUMENT]

Appendix 3:

Burnham Market Neighbourhood Development Plan 2022-2036 Summary of the representations submitted to the independent Examiner

The Draft Burnham Market NDP was published and consulted on by the Borough Council of King's Lynn and West Norfolk from 17 February – 31 March 2023, inclusive. Representations were received from 9 parties, submitting a total of 15 separate comments in response to that consultation and provided to the independent Examiner. Norfolk County Council submitted a combined representation, in its role as Natural Environment, Historic Environment, Lead Local Flood Authority (LLFA), Transport, and Minerals & Waste authorities.

Feedback was received from some statutory consultation bodies regarding detailed policy wordings, in support of individual policies and/ or making recommendations regarding additional matters for consideration (e.g. published guidance). Interested parties also submitted detailed comments/ objections regarding individual policies and/ or proposed site specific designations; e.g. regarding proposed Local Green Spaces. These responses were duly considered by the Examiner in preparing the Examiner's Report.

Supporting representations (or "no objection") were received from the following bodies (statutory consultees), in some cases also offering advice and guidance; e.g. regarding best practice, relevant legislation or other relevant policies/ considerations:

- Historic England
- National Highways (Spatial Planning)
- Natural England

Representations containing objections regarding individual policies and/ or the content of the Plan were received from the following parties:

Respondent	Details
Anglian Water	Satisfied that Regulation 14 comments were responded to/ addressed in submission Plan. Outstanding comments:

Respondent	Details
	<ul style="list-style-type: none"> • Policy 12 – supported, in advance of SuDS becoming mandatory from 2024 (Flood and Water Management Act 2010 Schedule 3) • Policy 9 – Local Green Spaces policy makes appropriate provision for routine maintenance for Anglian Water infrastructure/ assets
Burnham Thorpe Parish Council	<p>Support encouragement of permissive paths:</p> <ul style="list-style-type: none"> • Creake Road, towards Crossing Cottage/ Thorpe Hill • Creake Road/ Joan Shorts Lane, along old railway/ connecting to existing footpaths/ public rights of way • Seeking active engagement between Parish Councils to secure delivery of these aspirations
Norfolk County Council (Natural Environment)	<p>Support for policies 8, 10, 11; Community Action 1 and Figure 22, with reference to delivering Biodiversity Net Gain (BNG) and important landscapes surrounding Burnham Market</p> <p>.</p>
Norfolk County Council (Historic Environment)	<p>Comments regarding Plan contents:</p> <ul style="list-style-type: none"> • Little mention of archaeological remains; e.g. Foundry Field Cemetery • Consider other resources/ guidance; e.g. Norfolk Historic Environmental Record (NHER), Historic England guidance
Norfolk County Council (LLFA)	<ul style="list-style-type: none"> • Support references to flood risk – Policy 12/ Community Action 2 and references to Sustainable Drainage Systems (paras 152/ 153) • Reference to recent (2020-21) Flood Investigation Report (FIR066), considering surface water, groundwater, ordinary watercourse flooding • Support references to roles of statutory bodies – Environment Agency, Norfolk Rivers Internal Drainage Board and recognition of the roles of other stakeholders; e.g. riparian landowners

Respondent	Details
	<ul style="list-style-type: none"> Recommended addition of reference to Norfolk CC/ LLFA guidance/ policies; e.g. Enforcement Policy, surface water risk guidance, FIRs
Norfolk County Council (Minerals & Waste)	No objections, but note that 13ha Local Green Space 6 (Burnham Westgate Hall Parkland) is underlain by sand/ gravel.
Landowners	<p>Roy Properties:</p> <ul style="list-style-type: none"> Previous issue/ objection regarding Local Green Space now resolved – land in question will continue to provide public benefit <p>Holkham Estate:</p> <ul style="list-style-type: none"> Plan does not adequately assess No of homes needed to 2036; e.g. inadequate assessment of affordable housing need (Housing Needs Assessment) Holkham Estate/ Housing Vision submitted as evidence for additional need – HNA underestimates need Disagree with response to previous Regulation 14 representation; e.g. housing requirement not supported by proportionate evidence, as current Local Plan requirement only covers period to 2026 Plan examination should await outcome of replacement Local Plan examination Overall support for approaches to housing mix/ tenure (policies 1 and 2) Objections regarding effectiveness/ workability of policies 3 (Second Homes/ Furnished Holiday Lets) and 4 (Replacement Dwellings) Objection to specific Local Green Space designations (Policy 9).
1 individual/ member of the public (Gleave)	<p>Overall support, but some detailed comments:</p> <ul style="list-style-type: none"> Need to more clearly define “sustainability” Securing a balanced community Retention of Burnham Market as a local hub

Respondent	Details
	<ul style="list-style-type: none"> • High quality design/ effective management of windfall development • Managing car parking/ congestion within village • Further details on how affordable housing may be delivered/ achieved • Upgrading public transport connectivity to surrounding centres; e.g. Fakenham, King's Lynn •

The full set of representations was provided to the independent examiner to inform the examination of the Neighbourhood Plan. Substantive representations are available to view on the Burnham Market Neighbourhood Plan web page (consultation portal): <https://west-norfolk-consult.objective.co.uk/kse/event/37322/peoplesubmissions/section/?consultation=D-6137952-P-.0.1>

The Borough Council and Burnham Market Parish Council (Qualifying Body) accepted all the Examiner's recommendations that materially affect the content of the Plan.

Appendix 4:

Burnham Market Neighbourhood Development Plan 2022-2036

Statement by the local planning authority that the Burnham Market NDP meets the basic conditions.

The draft Burnham Market Neighbourhood Development Plan 2022-2036 was considered by the Borough Council of King's Lynn & West Norfolk. On behalf of the Borough Council, on 7 August 2023 it was agreed by Geoff Hall the Executive Director (Environment and Planning) in consultation with the Portfolio Holder Cllr Jim Moriarty, that the amended Burnham Market Neighbourhood Development Plan 2022-2036, incorporating the Examiner's recommendations meets the basic conditions, and that, so modified, it should proceed to a local referendum covering the area of Burnham Market Parish.

The Borough Council Decision Statement in full can be read on the following page: https://www.west-norfolk.gov.uk/info/20127/neighbourhood_plans/1037/burnham_market_neighbourhood_plan.

The Draft Neighbourhood Plan has now been so amended, and thus the Borough Council is satisfied that the Draft Neighbourhood Plan being presented in the referendum meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

**Geoff Hall, Executive Director (Environment and Planning)
Borough Council of King's Lynn and West Norfolk (on behalf of Cllr Jim Moriarty, Cabinet Member for Development and Regeneration, Borough Council of King's Lynn and West Norfolk)**



Appendix 5:

**Decision on examiner's
recommendations
7 August 2023**

[SEE ACCOMPANYING DOCUMENT]