

**Borough Council of King's Lynn & West
Norfolk:**

**Burnham Market Neighbourhood Development
Plan 2022-2036 – Decision on Examiner's
recommendations**

7 August 2023

Borough Council of
**King's Lynn &
West Norfolk**



**Borough Council Decision on the Examiner’s recommendation for the
Burnham Market Neighbourhood Development Plan 2022-2036**

Neighbourhood Planning (General) (Amendment) Regulations 2012

Name of neighbourhood area	Burnham Market Neighbourhood Area
Parish Council	Burnham Market Parish Council
Submission Plan (Regulation 16) consultation	17 February – 31 March 2023
Examination	April – July 2023
Examiner’s Report Received	25 July 2023

1.0 Introduction

- 1.1 The Town and Country Planning Act 1990 (as amended), states that the Council has a statutory duty to assist communities in the preparation of neighbourhood development plans (NDPs), also known as Neighbourhood Plans, and to take the plans through a process of examination and referendum.
- 1.2 The Localism Act 2011 (Part 6 chapter 3) details the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.3 This Decision Statement confirms that the modifications proposed by the Examiner's Report have been accepted. Accordingly, the draft Burnham Market Neighbourhood Development Plan has been amended, taking into account these modifications. The Borough Council has reached the decision that the Burnham Market NDP should proceed to referendum.

2.0 Background

- 2.1 The Neighbourhood Area of Burnham Market was designated on 26 October 2021. The Neighbourhood Area corresponds with Parish boundaries for Burnham Market Parish Council. The Burnham Market NDP has been prepared by Burnham Market Parish Council, the Qualifying Body. Work on the production of the plan has undertaken by members of the Parish Council and the local community, since 2021.
- 2.2 The first draft Plan was published by the Parish Council for Regulation 14 consultation in October 2022. The Regulation 14 consultation took place from 1 October – 25 November 2022, inclusive. Further details are set out in the Consultation Statement¹.

¹ https://www.west-norfolk.gov.uk/download/downloads/id/7680/burnham_market_ndp_consultation_statement.pdf

- 2.3 The Plan was submitted to the Borough Council of King's Lynn and West Norfolk in December 2022, with the Regulation 15 legal check signed off on 25 January 2023. A consultation under Regulation 16 took place over 6 weeks, between 17 February – 31 March 2023, inviting comments from the public and stakeholders.
- 2.4 In April 2023, an independent examiner Mr Andrew Ashcroft was appointed by the Borough Council with consent of the Qualifying Body, to undertake the examination of the Burnham Market NDP. The examination took place from April – July 2023, reviewing whether the plan meets the basic conditions required by legislation and should proceed to referendum. This culminated in the Examiner's Report, issued on 25 July 2023.
- 2.5 The Examiner's Report concludes that subject to making the modifications recommended by the examiner, the plan meets the basic conditions as set out in legislation and should proceed to a Neighbourhood Planning Referendum. The Borough Council and Burnham Market Parish Council accepted all the proposed modifications representing a material change to the content of the Neighbourhood Plan. The Parish Council confirmed this acceptance at the time the Examiner's Report was published, on 25 July 2023.
- 2.6 The Borough Council is required to consider the recommendations made by the Independent Examiner. Modifications proposed by the Examiner are set out in Appendix 1 alongside the council's decision in response to each recommendation and the reasons for them.

3.0 Reasons for Decision

- 3.1 The Burnham Market NDP 2022-2036 (the Plan) as modified by the Examiner's recommendations and the Borough Council, has had regard to national policies and advice contained in guidance issued by the Secretary of State. A requirement to have regard to policies and advice does not require that such policy and advice must necessarily be followed, but it is intended to have and does have to a significant effect. A neighbourhood plan must not constrain the delivery of important national policy objectives. The principal document in which national planning policy is contained is the National Planning Policy Framework (July 2021) (NPPF) and this conclusion is reached bearing this in mind. The advice within National Planning Practice Guidance (NPPG) has also been borne in mind in reaching this conclusion.
- 3.2 Paragraph 13 of the NPPF is clear that neighbourhood plans should support the delivery of strategic policies contained in local plans and spatial development strategies. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside these strategic policies. More specifically paragraph 29 of the NPPF states that neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.

- 3.3 Beyond this, the content of a draft neighbourhood plan will determine which other aspects of national policy are or are not a relevant consideration to be taken into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.
- 3.4 Having considered all relevant information, including representations submitted in response to the Plan, the Examiner's considerations and recommendations, the council has come to the view that the Plan recognises and respects relevant constraints. The Plan has developed a positive suite of policies that seek to bring forward positive and sustainable development in the neighbourhood area. As set out in the Plan Vision, there is a focus on safeguarding its core identity and historic nature and meeting local community needs. Plan objectives are summarised as follows:
- A. Future development meeting local needs;
 - B. Ensuring high quality design;
 - C. Protecting natural environment;
 - D. Support thriving economy;
 - E. Protect community facilities;
 - F. Reduce impacts of car-parking
 - G. Providing enhanced opportunities for sustainable transport;
 - H. Reduce flood impact.
- 3.5 Having carefully considered each of the recommendations made within the Examiner's Report and the reasons for them, the Borough Council (in accordance with the 1990 Act; Schedule 48 paragraph 12) has decided to make the modifications to the draft plan referred to in Appendix 1 (below) to ensure that the draft plan meets the basic conditions set out in legislation.
- 3.6 As set out in Appendix 1, it has been decided by the Borough Council and Parish Council to split up the modifications made within the Examiner's report. This has been separated into appropriate columns. As stated by the examiner in the final examination report (May 2023) and left apparent in the table: Areas that need modification are expressed in the 2nd column.
- 3.7 In order to comply with the basic conditions on the European Union legislation, Strategic Environmental Assessment and Habitat Regulations Assessment screening was undertaken and signed off by the Borough Council on 28 September 2022, prior to publication of the first draft Plan for consultation under Regulation 14. The Strategic Environmental Assessment sets out the introduction and background in sections 1, 2 and 3. Section 4 sets out the application of SEA Directive to plans and programmes. Section 5 sets out the framework for Habitats Regulation Assessment. Section 6 sets out the screening outcome, summary and monitoring of the assessment.
- 3.8 The Plan, as modified by the Examiner's recommendations, is in all respects fully compatible with Convention rights contained in the Human Rights Act 1998. 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.

3.9 The Plan, as modified by the Examiner's recommendations, complies with the definition of a Neighbourhood Plan/ NDP and the provisions that can be made by a NDP. The Plan sets out policies in relation to the development and use of land in the whole of the neighbourhood area; it specifies the period for which it is to have effect and it does not include provision about development that is 'excluded development.

4.0 Decision

4.1 The Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to outline what action to take in response to the recommendations that the examiner made in the report under paragraph 10 of Schedule 4A to the 1990 act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.

4.2 King's Lynn and West Norfolk Borough Council has carefully considered each of the recommendations made in the Examiner's Report and the reasons for them and have decided to accept all modifications to the draft plan proposed by the Examiner that materially affect the content of the Plan.

4.3 Following the modifications made, the Burnham Market NDP meets the basic conditions:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
2. The making of the neighbourhood plan contributes to the achievement of sustainable development;
3. The making of the neighbourhood plan is in general conformity with the strategic policies contained in the King's Lynn and West Norfolk Local Plan - Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016);
4. The making of the neighbourhood plan does not breach and is otherwise compatible with EU obligations; and;
5. The making of the neighbourhood plan is not likely to have a significant effect on a European site either alone or in combination with other plans and projects.

4.4 It is recommended that the Burnham Market Neighbourhood Development Plan 2022-2036 progresses to referendum.

Decision made by:

Geoff Hall [signed by email, 7 August 2023]

Geoff Hall

Executive Director Environment and Planning (on behalf of the Cabinet
Member for Development and Regeneration)

7 August 2023

Appendix 1: Examiner's Recommendations

Section	<p>Specific Modification for the NDP to be compliant with the basic conditions as stated in the Final Burnham Market NDP Examination Report July 2022</p> <p>Where modifications are recommended, they appear in bold text. Where the examiner has suggested specific changes to the wording of the policies or new wording these appear in <i>bold italics</i>.</p>	<p>Who will make these changes ?</p> <p>LPA or QB</p>	<p>Do you agree with the modification ?</p>	<p>What needs to be done to meet the specific modification?</p>	<p>Amendments and new changes made to the proposed Burnham Market Neighbourhood Development Plan.</p>
<p>Overview of Neighbourhood Planning</p>	<p>Paragraph 7.73:</p> <p>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.’</p>	<p>QB/ LPA (as expedient)</p>	<p>YES</p>	<p>Textual amendments</p>	<p>19. Once a Neighbourhood Plan has been ‘made’, following consultation with residents, examination, and a local referendum, it becomes part of the statutory development plan for the Parish and will be used by the Borough Council when considering all planning applications in the Parish. 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...</p>
<p>Process of Developing this Neighbourhood Development Plan</p>	<p>Paragraph 7.12:</p> <p>After the first sentence of paragraph 20 add: ‘The Plan period is 2022 to 2036.’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>Process of Developing this Neighbourhood Development Plan</p> <p>20. The Parish area shown in Figure 2 was designated as the Neighbourhood Development Plan Area in October 2021. The Plan period is 2022 to 2036. Working on behalf of the community, Burnham Market Neighbourhood Plan Steering Group has prepared this Plan that will be used to shape and influence future development and change across the Parish. Looking at Figure 3, we are at the stage of consulting on the pre-submission Plan (Regulation 14).</p>

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<p>Housing Mix</p>	<p>Paragraph 7.17:</p> <p>In the first part of Policy 1, delete the second sentence.</p> <p>In the second part of the policy delete ‘where justified’ and after ‘unviable’ add ‘<i>by the delivery of this housing mix</i>’</p> <p>At the end of paragraph 49 add: ‘<i>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.</i>’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>49. Putting these findings together would suggest a Housing Mix Policy that aims to provide more homes with three bedrooms or fewer, would be a way forward. Figures from the HNA (2022) suggests that such smaller homes should comprise around 92.6% of new homes, but it is not good practice to be too precise or restrictive in this regard as advised by the HNA (2022); since there may be a strong justification to build larger homes for growing families for example. However, the policy approach still wishes to aim for at least 90% of homes as three bedrooms or fewer due to it is suggested that there is a need for smaller/mid-sized homes in Burnham Market which can suit families, households downsizing or having an opportunity to access more affordable dwelling types and sizes. This is also because it can address the affordability issue in the area so ensuring homes are coming forward of an appropriate size, type and density local residents may afford will help address the situation. It is recognised that with building conversions and self-build, this may not be possible. It is also recognised that there will be different requirements and degrees of purchasing power between the future households within the area. 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</p>

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					<p>Housing Needs Assessment will be considered as acceptable evidence.</p> <p>Policy 1: Housing Mix</p> <p>Housing proposals will need to reflect local housing need using the best available and proportionate evidence. The Housing Need Assessment (2022) will be acceptable evidence.</p> <p>Except for developments comprising self-build and conversions, where justified, new residential development should offer a housing mix whereby at least 90% of homes are three-bedrooms or fewer, unless evidence is provided either showing there is no longer such a local need, or the scheme is made unviable by the delivery of this housing mix.</p>
<p>Affordable Housing</p>	<p>Paragraph 7.21:</p> <p>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’</p> <p>Delete the second part of the policy.</p> <p>Replace the deleted element of the policy at the end of paragraph 58.</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>58. The HNA (2022) estimates that Burnham Market requires roughly 15.4 units of Affordable Housing over the neighbourhood development plan period. Using overall housing tenures, it is suggested that 70% of this should be for social/affordable rented housing and 30% for shared ownership (affordable home ownership). This would equate to the need for 10.5 units of affordable rental housing and 4.9 units of affordable home ownership over the Plan period. Both forms of Affordable Housing appear to be valuable in meeting the needs of people on various incomes. Whilst it is unlikely that the number of dwellings delivered in the</p>

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					<p>Plan period will meet the affordable housing need, an appropriate benchmark tenure mix included in the Policy, will ensure affordable rented housing is made a priority, at a ratio of 70:30 (70% rented and 30% ownership (25% being First Homes and 5% Rent to Buy)) going forward. In addition to the national eligibility criteria, the following local eligibility criteria, which aims to establish a local connection as a preference, will be applied, with the requirement to meet at least one of the following:</p> <ul style="list-style-type: none"> i. Current residents of the Parish who rent or live with other family members; ii. Ex-residents of the Parish who rent or live with other family members and who moved away within the last three years; or iii. People who rent or live with other family members outside the Parish but who have caring responsibilities in the Parish. iv. People who are employed in the Parish. <p>Policy 2: Affordable Housing</p> <p>Where it is practicable to do so based on the size and location of the development concerned, Affordable</p>

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					<p>Housing delivered within Burnham Market should comprise:</p> <ul style="list-style-type: none"> • 70% Affordable Rented Housing • 25% First Homes • 5% Rent to Buy <p>In addition to the national eligibility criteria, the following local eligibility criteria, which aims to establish a local connection as a preference, will be applied, with the requirement to meet at least one of the following:</p> <ul style="list-style-type: none"> i. Current residents of the Parish who rent or live with other family members; ii. Ex residents of the Parish who rent or live with other family members and who moved away within the last three years; or iii. People who rent or live with other family members outside the Parish but who have caring responsibilities in the Parish. iv. People who are employed in the Parish.
<p>Second Homes and Furnished Holiday Lets</p>	<p>Paragraph 7.28: Replace the third part of Policy 3, with:</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments, including minor modification to</p>	<p>Policy 3: Second Homes and Furnished Holiday Lets</p> <p>1. Proposals for new affordable and market dwellings (including any net new additional dwellings on a</p>

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	<p><i>'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.'</i></p>			<p>criterion 2 (editing correction)</p>	<p>site which have replaced a single property) will only be supported when it can be demonstrated that a planning condition and supporting Section 106 legal agreement will be imposed to guarantee that such dwellings will be the occupants' sole or main residence (where the residents spend the majority of their time when not working away from home or living abroad). This Section 106 Agreement will appear on the Register of Local Land Charges.</p> <p>2. Occupiers of homes with a Principal Residence condition will be required to maintain proof that they are meeting the condition, and will be obliged to provide this proof as and when required by the Borough Council of King's Lynn and West Norfolk. Registration on the local Register of Electors will not alone be sufficient for this purpose and the Parish Council will co-operate with the Borough Council to monitor compliance with the restriction and in gathering and assessing evidence of any breach that may lead to enforcement action. Precondition examples can include being registered and attending local services such as health care and educational facilities facilities.</p> <p>3. Where planning permission is required, proposals for the change of use of C3 (dwelling houses) of existing or new market dwellings (including any net</p>

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					<p>new additional dwellings on a site which have replaced a single property) will not normally be permitted if this change of use is for Furnished Holiday Lets (Sui Generis). 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.</p>
<p>Replacement dwellings</p>	<p>Paragraph 7.36:</p> <p>In the opening part of Policy 4, replace ‘permitted’ with ‘supported’</p> <p>In a delete ‘without having.... existing building’</p> <p>In b replace ‘adversely’ with ‘unacceptably’</p> <p>Delete c</p> <p>Delete e</p> <p>Delete the final part of the policy.</p> <p>Replace paragraphs 85 and 86 with:</p> <p><i>‘Policy 4 addresses these important matters. It applies to proposals for traditional replacement dwellings (which are on a one-for-one basis).</i></p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>85. To satisfy the Policy objective and the views of the Parish in maintaining the supply of smaller homes and restricting the loss of plot sizes to large homes, reduction or removal of permitted development rights may need to be considered when proposed dwellings are of an inappropriate scale materially as set out in this Policy. 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.</p> <p>86. To determine what would constitute an increase in the size of the original dwelling, the extent to which is</p>

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	<p><i>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.</i></p> <p><i>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.'</i></p>				<p>has been previously extended, or could be extended under permitted development rights will be taken into account when assessing planning applications.</p> <p>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.</p> <p>Policy 4: Replacement Dwellings</p> <p>Proposals for replacement dwellings will be permitted supported provided that:</p> <ul style="list-style-type: none"> a) They are appropriate to their location with the new dwelling integrating into the surrounding landscape without having a visual impact greater than the existing building; b) Do not adversely unacceptably affect the amenity of neighbouring properties; c) The proposed dwelling would not result in an increase in the height or scale of the original dwelling;

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					<p>d) c) They are on a one-for-one basis; and</p> <p>e) They include all the necessary infrastructure to enable direct connection to super high speed, Full Fibre Broadband.</p> <p>f) d) Redevelopment of farm buildings should follow the design guidance set out under BF08- Design of Agricultural Buildings of the Design Codes and Guidance Document (2022).</p> <p>Where permission is granted, consideration should be given by the Local Authority to the control of future extensions by reduction or removal of permitted development rights.</p>
<p>Extensions, Outbuildings (including Garages) and Annexes</p>	<p>Paragraph 7.39:</p> <p>At the beginning of the first part of Policy 5, add ‘Insofar as planning permission is required’. Thereafter replace ‘permitted’ with ‘supported’</p> <p>In the third part of the policy replace ‘will be considered favourably’ with ‘will be supported’</p> <p>Delete the fourth, fifth and sixth parts of the policy.</p> <p>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</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments, including minor modifications/ grammatical corrections</p>	<p>90. There is a trend locally for annexes, especially those which are unduly large or detached from the main dwelling, to be let separately from the main dwelling. This creates substandard dwellings with inadequate standards of access, parking, amenity, and space resulting in a land use which is out of character with the settlement. To ensure the intensification of holiday accommodation and FHLs does not increase unsustainably in the Parish, conditions may be applied to restrict the use of annexes and outbuildings. 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</p>

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	<p><i>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.</i></p>				<p>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.</p> <p>Policy 5: Extensions, Outbuildings (including Garages) and Annexes</p> <p>Insofar as planning permission is required development Development proposals for extensions to existing dwellings and the provision of annexes and outbuildings, including garages, will be permitted supported provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location.</p> <p>Proposals should follow the design guidance set out under BF06- Extension and Conversion of the Design Codes and Guidance Document (2022).</p> <p>Proposals for residential annexe accommodation will be considered favourably will be supported provided it is designed so that it can continue to be used as part of the main dwelling, without creating an independent dwelling unit, in future. Proposals for outbuildings should show that they are required for purposes that are incidental to the use of the host dwelling and its occupants. In both cases the new development must</p>

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					<p>remain in the same ownership as the host dwelling and must share its existing access, parking, and garden.</p> <p>Planning conditions will be imposed to restrict occupation of annexes to persons related or similarly linked to the occupants of the main dwelling. 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.</p> <p>Where permission is granted, consideration should be given by the Local Authority to the control of further extensions by reduction or removal of permitted development rights.</p> <p>In view of the importance of home working to the Parish economy, all proposals should include provision for the necessary infrastructure to enable direct connection to super high speed, Fibre to the Premises.</p>
<p>Design</p>	<p>Paragraph 7.43:</p> <p>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’</p> <p>In b replace ‘must’ with ‘should’ and ‘permitted’ with ‘supported’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments, including minor modifications/ grammatical corrections</p>	<p>Policy 6: Design</p> <p>All development, including extensions, will be expected to be As appropriate to their scale, nature and location development proposals should be consistent with the Burnham Market Neighbourhood Plan Design Guidance and Codes in general, and specifically as they apply to the following distinct character areas:</p>

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	<p>In f replace ‘are encouraged to’ with ‘<i>should</i>’</p> <p>Replace the penultimate part of the policy with: ‘<i>Where practicable development proposals should also be designed to meet climate targets for CO₂ emissions and which can be constructed sustainably whilst respecting the character area in which they are located.</i>’</p>				<ul style="list-style-type: none"> • CA1- Conservation Area • CA2- Southern Cluster • CA3- Modern Estate • CA4- Edge Development <p>The Design Codes and the Checklist set out in Appendix B will be used to help assess all planning applications to determine their acceptability. The following design considerations from the Design Codes are especially important to the area:</p> <ol style="list-style-type: none"> a. Density in new residential developments should take into consideration the low to medium density ranges of the relevant character area as set out in The Burnham Market Design Codes. A density beyond that range will not generally be acceptable. b. New development must should have due regard to the heights and rooflines of other buildings in the area and the generally low profile of buildings. Typically, 1 to 2 storey buildings with pitched or hipped roofs depending on the character area. Dormer windows in the roof will not be permitted supported.

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					<ul style="list-style-type: none"> c. Materials and colours should respect the local vernacular and adjacent built environment as set out in each character area. (Examples are given in the Design Guidance Document, 2022). d. Any new development should respect the linear settlement pattern and building layouts present in the relevant character area. e. Buildings should be designed to front onto streets and ensure that streets or public spaces have good levels of natural surveillance from adjacent buildings. f. New or existing development proposing boundary treatments are encouraged to should use features set out in the relevant character area which may include hedgerows, trees, wooden fences, or low walls built from local materials. g. Provide front and back gardens in new developments which respect the ratio of garden space to built form within the overall plot as set out in the relevant character area under Design Code BF-02. Front gardens should also be well planted to create an

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					<p>attractive environment and sense of openness.</p> <ul style="list-style-type: none"> h. Where cars need to be parked at the front ensure at least 50% of the frontage is landscaped with a relevant property boundary treatment respecting the character area. i. Protect, retain, and enhance existing landscape features to preserve the natural character of the village such as existing mature trees and roots, The Green, and the Local Green Spaces set out in Policy 9. j. New developments should integrate new trees and vegetation to improve net gain and wildlife without blocking future views, particularly those identified in Policy 10. k. Existing or new development including shops in character area CA1 should have consideration to Design Code SP07- Shop Fronts. <p>New developments should strive for high quality design that meets climatic targets for CO₂ emissions and can be constructed sustainably whilst respecting the relevant character area. Where practicable development proposals should also be designed to meet climate targets for CO₂ emissions and which can</p>

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					<p>be constructed sustainably whilst respecting the character area in which they are located.</p> <p>New development proposals within the Norfolk Coast AONB designation should also take account of the Norfolk Coast AONB Integrated Landscape Guidance Assessments (2021) when submitting an application [footnote link retained].</p>
Parking and Design	<p>Paragraph 7.46:</p> <p>In the first part of Policy 7, replace ‘Proposals must consider’ with ‘Development proposals should respond positively to’</p> <p>In the third part of the policy replace ‘are encouraged to’ with ‘should’</p> <p>In the section headed ‘On-street parking’ replace ‘these standards’ with ‘the standards for off road parking in the previous part of the policy’</p> <p>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’</p>	QB/ LPA	YES	Textual amendments	<p>Policy 7: Residential Parking Standards</p> <p>Proposals must consider Development proposals should respond positively to all appropriate points made under Design Code SP-Streets and Parking, and Section 10 - Car Parking of the Design Guidance and Codes Checklist in Appendix B.</p> <p>All parking areas and driveways should be designed to improve impervious surfaces such as permeable paving.</p> <p>All parking areas and driveways are encouraged to should provide opportunities for electric vehicle charging points.</p> <p>For all new residential developments, where practicable and feasible, the following minimum standards shall apply for the provision of off-road vehicle parking:</p> <ul style="list-style-type: none"> • 1 bed dwelling: 1 off-road car parking space

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	<p>In the section headed ‘Cycle parking’ replace ‘where there is no on-plot garage’ with ‘which do not include on site garages’</p>				<ul style="list-style-type: none"> • 2 bed dwelling: 2 off-road car parking spaces • 3 bed dwelling: 2 off-road car parking spaces • 4+ bed dwelling: 3 off-road car parking spaces <p><u>On-street parking</u></p> <p>On-street parking should be avoided in future development wherever possible particularly in character area CA1. Where these standards the standards for off road parking in the previous part of the policy cannot be met or where there is a potential for on-street parking to occur because of the needs of visitors, streets will need to be designed to safely accommodate some on-street parking, which may include formal parking facilities such as parking bays.</p> <p><u>On-plot side or front parking</u></p> <p>Where possible locate parking to the side of properties and ensure landscaping is used to avoid car parking being obtrusive in the street scene. 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. Parking being provided on a driveway to the side of a dwelling should be of sufficient length (5m minimum) so the car can park behind the frontage line of the</p>

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					<p>dwelling. When parking is designed to the side, a front garden should be provided.</p> <p>If front parking is used, then its presence should be minimised with thorough soft landscaping. A sufficient depth should be allocated to the length of on-plot parking to allow movement around parked vehicles and the screening of hedgerows or other boundary treatment features when parking is provided to the front of a dwelling.</p> <p><u>Garage parking</u></p> <p>Parking being provided in a garage to the side of a dwelling should be in line with, or slightly set back from the frontage line of the existing dwelling, which is in-keeping with the character of the existing village and will reduce the visual impact of cars on the street. Garages should also provide sufficient room for cars to park inside them as well as providing some room for storage such as bicycles.</p> <p><u>Courtyard parking</u></p> <p>Proposals for courtyard parking should complement the public realm through a high-quality design and use of materials, benefit from natural surveillance and bays must be arranged into groups of 4 spaces as a maximum.</p>

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					<p><u>Cycle parking</u></p> <p>New development proposals where there is no on-plot garage which do not include on site garages should provide covered and secured cycle parking within the domestic curtilage.</p>
Biodiversity and Green Corridors	<p>Paragraph 7.48:</p> <p>In the first part of Policy 8, replace ‘will be safeguarded with <i>‘should be safeguarded’</i> and ‘All development proposals will need to demonstrate’ with <i>‘Development proposals should demonstrate’</i></p> <p>In b) replace ‘Habitat secured’ with <i>‘The habitats should be secured’</i></p> <p>In c) replace ‘possible’ with <i>‘practicable’</i></p> <p>In g) replace ‘Use’ with <i>‘The use’</i></p> <p>In the second and third parts of the policy (page 50) replace uses of ‘must’ with <i>‘should’</i></p> <p>At the beginning of the final part of the policy insert: <i>‘The Plan identifies a series of Green Corridors on Figure 22’</i>. Thereafter replace ‘will be sought to’ with <i>‘should’</i>.</p>	QB/ LPA	YES	Textual amendments	<p>Policy 8: Biodiversity and Green Corridors</p> <p>The importance of the area for wildlife will be safeguarded should be safeguarded, retained and habitats enhanced through positive action as part of the development process. All development proposals will need to demonstrate Development proposals should demonstrate at least a 10% net gain in biodiversity, which should be achieved in the following ways:</p> <ol style="list-style-type: none"> In consultation with the local planning authority, use of an agreed biodiversity metric and biodiversity net gain plan; Habitat secured The habitats should be secured for at least 30 years via planning obligations or conservation covenants; Delivery of biodiversity net gain on site wherever possible practicable and if it can be demonstrated that this is not feasible then delivery elsewhere within the Parish boundary,

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					<p>in the green corridors identified in Figure 22 as a priority;</p> <ul style="list-style-type: none"> d) Contribute towards enhancing, restoring or maintaining existing green infrastructure (such as priority habitats or corridors to those sites); e) Wherever possible extending priority habitats, to reduce the loss of these valued habitats through fragmentation; f) Through effective layout and design, development should recognise the location of existing green infrastructure and support appropriate uses and functions e.g. through incorporation of invertebrate, swift or bat boxes into the design of built infrastructure; and g) Use The use of native British species of flora and fauna of local provenance. <p>Proposals that will affect trees or hedgerow must should be accompanied by a survey which establishes the health and age of affected trees and/or hedgerow, and appropriate management plan. Where the incorporation of existing trees and hedgerows in the development design or translocation is not feasible and only as a last resort, any loss of trees or hedgerow must should be compensated for by</p>

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					<p>adequate replacement provision of greater value than the tree or hedgerow lost.</p> <p>Replacement species must should be native British species of local provenance. Developers should ensure local ecological connectivity is maintained and sufficient space is made available on the development site for this unless exceptional circumstances can be demonstrated.</p> <p>The Plan identifies a series of Green Corridors on Figure 22. Proposed development within or adjacent to a Green Corridor will be sought to should:</p> <ul style="list-style-type: none"> • Demonstrate an improvement in overall habitat connectivity; • Enhance Where practicable enhance the function of the corridor; and • Demonstrate how it will mitigate anything which reduces the ability of wildlife to move through the corridor, including barriers like buildings and hard surfaces, redirecting water courses, adding artificial lighting, and insensitive management of habitats e.g. hedge cutting in the bird breeding season.
<p>Local Green Spaces</p>	<p>Paragraph 7.55:</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments,</p>	<p>Policy 9: Local Green Spaces</p>

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	<p>Delete the final part of Policy 9.</p>			<p>but suggested amendments to criteria numbering, amending final criteria to d), e) and f), to avoid ambiguity in the interests of clarity</p>	<p>The areas listed below and shown in Figure 24 are designated as Local Green Spaces:</p> <ol style="list-style-type: none"> 1. Foundry Field Play Area 2. Playing field 3. Market Place Green (including the War Memorial) 4. The Pound 5. Stubbings Field 6. Burnham Westgate Hall Parkland 7. Creake Road Allotments 8. Sutton Estate Green 9. St Ethelbert's Church Ruin 10. Village Hall Field <p>These will be protected from inappropriate development in accordance with Green Belt Policy, except for the following deviations:</p> <p>New buildings are inappropriate development, with the only exceptions to this:</p> <ol style="list-style-type: none"> a) Buildings for forestry or agriculture where the Local Green Space is used for commercial woodland or farmland;

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					<ul style="list-style-type: none"> b) The provision of appropriate facilities in connection with the existing use of land where the facilities preserve the openness of the Local Green Space and do not conflict with the reasons for designation that make it special to the community, such as for recreation or ecology; c) The extension or alteration of a building if it does not impact on the openness or the reasons for designation that make Local Green Space special to the community; or d) The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces. <p>Other appropriate development includes:</p> <ul style="list-style-type: none"> e) a) Engineering operations that are temporary, small-scale and result in full restoration; f) b) The re-use of buildings provided that the buildings are of permanent and substantial construction; or g) e) Material changes in the use of land where it would not undermine the reasons for designation that make it special to the community.

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					<p>Proposals that are on land adjacent to Local Green Space 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.</p>
<p>Important Local Views</p>	<p>Paragraph 7.58:</p> <p>In the second part of Policy 10, reverse the order of the sentences. Thereafter replace ‘adversely’ with ‘unacceptably’</p> <p>In the third part of the policy replace ‘All’ with ‘As appropriate to their scale, nature and location’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>Policy 10: Protection of Important Local Views</p> <p>The following seven views, shown in Figure 26 and described in Burnham Market’s Neighbourhood Development Plan Views Assessment are identified as important public local views:</p> <ol style="list-style-type: none"> 1. St Margaret’s Church from Foundry Field Play Area 2. St Mary’s Church from Market Place 3. Top of Joan Shorts Lane 4. Views of Sutton Estate green 5. Angles Lane from top of footpath near Gallow Hill Farm 6. Views of the Village Greens (Market Place) 7. Views from top of Beacon Hill <p>Development proposals that would adversely affect these key views will not be supported. Proposals are expected to demonstrate that they are sited, and designed to be of a form and scale, that avoids or mitigates any harm to the key views. Development</p>

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					<p>proposals that would unacceptably affect these key views will not be supported.</p> <p>All As appropriate to their scale, nature and location development proposals should take account of the Norfolk Coast AONB Integrated Landscape Guidance Assessment (2021) in relation to their impact on the views.</p>
<p>Dark Skies</p>	<p>Paragraph 7.60:</p> <p>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:’</p> <p>Replace the final part of the policy with:</p> <p>‘Where internal lighting would have an impact on residential amenity or wildlife, development proposals should incorporate suitable mitigation measures.</p> <p>Development proposals which would have an unacceptable impact on the natural or the built</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>Policy 11: Dark Skies</p> <p>Proposals including external lighting in locations that are likely to be visible from the surrounding landscape will not normally be supported except where a requirement can be demonstrated in the interests of safety/security on public footways.</p> <p>To minimise light pollution all planning consents must respect the following criteria in relation to external lighting: 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:</p> <ul style="list-style-type: none"> • Fully shielded (enclosed in full cut-off flat glass fittings). • Directed downwards (mounted horizontally to the ground and not tilted upwards).

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	<p><i>environment, residential amenity, or wildlife by virtue of their lighting will not be supported.</i></p>				<ul style="list-style-type: none"> • Avoid dusk to dawn lighting by introducing timed motion detectors; and • Ensure lighting schemes such as LED streetlights will not cause unacceptable levels of light pollution particularly in intrinsically dark areas. • Use low-energy lamps such as LED, metal halide or fluorescent sources. • Street lighting should be avoided within areas of public realm, in line with existing settlement character as set out in the Design Guidance and Codes SP09- Street Lighting and Dark Skies (AECOM 2022). <p>Where internal lighting is likely to cause disturbance to humans or wildlife, proposals will be sought for mitigating pollution from internal light sources. Large windows and roof lights are particularly relevant in this context.</p> <p>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.</p>

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<p>Surface Water Management</p>	<p>Paragraph 7.62:</p> <p>In the first part of Policy 12, replace ‘must’ with ‘<i>should</i>’, ‘possible’ with ‘<i>practicable</i>’ and ‘are encouraged’ with ‘<i>will be supported</i>’</p> <p>In the second part of the policy replace ‘consider’ with ‘<i>respond positively</i>’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments, with minor/ grammatical correction to second part of policy</p>	<p>Policy 12: Surface Water Management</p> <p>Development proposals must should be designed to manage flood risk effectively and not increase, and wherever possible practicable reduce, the overall level of flood risk both to the site and elsewhere. Proposals specifically to improve surface water drainage, such as works to reinstate an effective drainage scheme, are encouraged will be supported.</p> <p>Proposals should consider respond positively to the flood mitigation solutions for relevant character areas as set out in Policy 6 and the Design Codes and Guidance Document (AECOM 2022).</p> <p>Proposals should incorporate Sustainable Drainage Systems (SuDS) that are appropriate to the scale and nature of the development and designed to be an integral part of the green infrastructure. These may include:</p> <ul style="list-style-type: none"> • Attenuation ponds; • Planting; • Introduction of permeable driveways or parking areas • Rainwater harvesting and storage features; • Green roofs.

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					<p>Housing developments that do not result in water run-off that would add to or create surface water flooding, shall include the use of above ground open Sustainable Drainage Systems.</p> <p>To mitigate against the creation of additional impermeable surfaces, there should be attenuation of greenfield (or for redevelopment sites as close to greenfield as possible) surface water run-off rates and run-off volumes within the development site boundary. These measures will be required unless the developer can provide justification to demonstrate that it is not practicable or feasible within the constraints or configuration of the site.</p>
<p>Community Services and Facilities</p>	<p>Paragraph 7.64:</p> <p>In the initial part of Policy 13, replace ‘Local Plan’ with ‘Site Allocations and Development Management Policies Plan’</p> <p>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’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>156. NPPF paragraph 92 supports the protection of existing village services and the delivery of new ones to maintain the vitality of rural communities. In the Local Plan, community facilities are protected under CS13 and DM9 by Policy CS13 of the Core Strategy and Policy DM9 of the Site Allocations and Development Management Policies Plan, and new cultural facilities are actively encouraged. Protection seems already provided by the NPPF and in the Local Plan and there does not appear to be a need to have a NDP Policy on this specifically. However, the Neighbourhood Development Plan could set out those</p>

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					<p>community facilities it believes should be afforded protection by Local Plan Policy.</p> <p>Policy 13: Protection of Community Facilities</p> <p>The following community facilities and services will be designated as Community Facilities for the protection provided by Policy DM9 of the Local Plan Site Allocations and Development Management Policies Plan. These are identified in Figure 34.</p> <ol style="list-style-type: none"> 1. All Saints' Church 2. Angles Lane Allotments 3. Bowls Club 4. Creak Road Allotments 5. Dentist 6. Doctors' Surgery 7. Garage 8. Playing Field Pavilion 9. Playground 10. Post Office 11. St Henry's Catholic Church 12. St Mary's Church

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					<p>13. Tennis Club Pavilion</p> <p>14. Vets</p> <p>15. Village Hall</p>
<p>Transport and Accessibility</p>	<p>Paragraph 7.66:</p> <p>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.’</p> <p>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.’</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>Policy 14: Implementing Walking and Cycling Routes</p> <p>A sustainable movement scheme that enhances walking and cycling opportunities along the Heacham to Burnham Overy disused railway will be supported. The Local Planning Authorities should work closely with the Parish Council and residents of Burnham Market on such routes being implemented.</p> <p>As set out in Figures 38 and 39 planning applications coming forward to create or improve the circular routes mapped would be supported and encouraged.</p> <p>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.</p> <p>Community Action 3: Permissive Paths and Recreational Routes</p> <p>The Parish Council will work with local landowners, statutory agencies, and adjacent parishes to establish new and improved existing footpaths and routes. This</p>

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					<p>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. This includes improving signage and publicity and establishing all weather routes where appropriate.</p>
<p>Historic Environment</p>	<p>Paragraph 7.69:</p> <p>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.’</p> <p>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</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments</p>	<p>182. Notable important unlisted buildings identified in the Burnham Market Conservation Character Statement (1992) include, but are not limited to, ones on Station Road, North Street and Front Street.³⁹ Examples of a few of these houses are shown below in Figure 41. 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.</p> <p><i>Figure 41-Examples of building styles in Burnham Market Conservation Area</i></p> <p>Policy 15: Burnham Market Conservation Area</p>

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	<p><i>submission of outline planning applications in the conservation area will not be appropriate.</i></p>				<p>Development proposals within Burnham Market Conservation Area must have particular regard to character area CA1- Conservation Area under Policy 6 and the following:</p> <ul style="list-style-type: none"> a) Burnham Market Conservation Area Character Statement which identifies nine areas, each with its own distinct character; b) The effect of the proposal on the significance of any designated heritage assets and important unlisted buildings that are identified in the Character Statement and Figure 42; c) Protecting the setting, which is characterised by rolling countryside to the west and south, rising up at Gallow Hill and Cobble Hill on either side of a sweeping valley, from development which adversely affects views into and out of the area; d) Use of locally distinct building materials, such as red brick, chalk, pebble, cobble, flint, orange pantiles, building styles and techniques; e) The mix of building types and their arrangement with respect to each other and the street, with effort taken to retain gaps within the settlement that create interest and changing views; and f) Significant townscape and landscape features, such as historic walls, ponds, trees, hedges and

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					<p>open spaces, including those at junctions within the Conservation Area.</p> <p>All proposals should identify opportunities for enhancing the Conservation Area and should be supported by appropriately detailed information to allow an informed assessment of any impacts. Outline applications for new buildings in the Conservation Area will not be acceptable. 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.</p>
<p>Other Matters – General</p>	<p>Paragraph 7.74</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p>	<p>QB/ LPA</p>	<p>YES</p>	<p>Textual amendments (minor/ consequential amendments)</p>	<p>[Minor/ consequential changes, where these do not have material implications for the content of the Burnham Market Neighbourhood Development Plan, are not shown in this schedule, but will be included within the Referendum Version document]</p>

