

# **Gayton and Gayton Thorpe Neighbourhood Development Plan 2019-2036**

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

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) M.A. DMS M.R.T.P.I.**

**Director – Andrew Ashcroft Planning Limited**

## **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 Gayton and Gayton Thorpe 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 rural and landscape character and designating local green spaces.
- 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 Gayton and Gayton Thorpe 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**  
**7 September 2023**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Gayton and Gayton Thorpe Neighbourhood Development Plan 2019-2036 (the 'Plan').
- 1.2 The Plan has been submitted to the Borough Council of King's Lynn and West Norfolk (BCKLWN) by Gayton Parish Council (GPC) 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 the extent to which the submitted Plan meets the basic conditions, the 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 and proposes the designation of a package of local green spaces.
- 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 GPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BCKLWN and GPC. 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 should proceed 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
- Appendices A-C;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Strategic Environmental Assessment and Habitats Regulations Assessment screening report;
- GPC's responses to the clarification note;
- GPC's response to the Ward Trust and Gayton Estates;
- the representations made to the Plan at the Regulation 16 stage;
- 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 (March 2014 and subsequent updates); 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. Whilst there was a request for a hearing the details in the Plan, the details in the representations, and GPC's responses to the clarification note provided me with all the relevant information to prepare this report.

## 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 of the Plan (August to October 2021).
- 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. They included:
- Inception Stage:* An initial event was held in the Jubilee Hall as part of the Summer Fete (August 2017). This event was the start of a comprehensive engagement process and aimed to enable residents to improve their knowledge and understanding of the plan-making process by providing useful information about the process and how they could get involved.
- Initial Plan Development:* Representatives from local businesses, organisations and the general public were invited to a series of themed drop-in sessions in 2018.
- Core Vision Consultation:* A questionnaire was made available to all households and other interested parties in the village to build on information collected. 103 completed forms were returned.
- Advance Plan Development:* This stage of Plan development centred on the proposed designation of Local Green Spaces, an assessment of housing needs, affordable housing, and site allocation assessment.
- 4.4 Section 6.3 of 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 at Regulation 14 stage. It identifies the principal changes that worked their way through into the submission version (Section 6.7). They help 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 (Regulation 16) was undertaken by BCKLWN that ended on 31 March 2023. This exercise generated comments from a range of organisations as follows:

- Historic England
- Natural England
- Norfolk County Council
- National Highways
- National Grid
- National Gas Transmission
- E Ward Trust
- Gayton Estate

4.8 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 is the parish of Gayton. Its population in 2011 was 1432 persons living in 657 households. It was designated as a neighbourhood area on 8 May 2017. It lies approximately seven miles to the east King's Lynn.
- 5.2 The village of Gayton dominates the neighbourhood area. It developed along the Lynn Road (B1145) and is based around the Parish Church of St Nicholas. Most of the village lies within the rectangular area defined by Lynn Road, Back Street and Winch Road. It includes a series of open spaces and footpaths which connect the different parts of the village. The wider villager includes important community facilities, including a newly completed (replacement) Primary School
- 5.3 Gayton Thorpe lies to the south and east of Gayton. It has an open and spacious character and has developed around St Mary's Church and the triangular green area between Norwich Road and East Walton Road. The remainder of the neighbourhood area is predominantly rural in character.

### *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. Gayton (with Grimston/Pott Row) 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. Gayton Thorpe is identified as one of a series of smaller villages/hamlets. Policy CS06 continues this approach based on the settlement hierarchy identified in CS02. In respect of key rural service centres, it comments that an overall provision will be made for at least 2880 new homes within or adjacent to the identified service centres.
- 5.6 The Site Allocation and Development Management Policies Plan 2016 (SADMP) gives effect to and complements the Core Strategy. As its name suggest it allocates land to meet the development requirements identified in the Core Strategy. A site is allocated north of Back Street, Gayton for housing development (23 homes) (G41.1). In addition, the SADMP includes a series of development management policies. The following policies are particularly relevant to the submitted Plan:

- DM2 Development boundaries
- DM3 Development in the Smaller Villages and Hamlets
- DM9 Community Facilities
- 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 B1145. This gave me an initial impression of its setting and the character in general, and its location in relation to the wider countryside setting.
- 5.10 I looked initially at the western part of Gayton. I looked at the housing being constructed in Robert Hill Row and Howards Way. I walked down Winch Road and into Springvale to see the recently constructed school.
- 5.11 I then walked along the B1145. I saw the various retail and commercial uses in this part of the village. I then took the opportunity to look at the proposed site for the new community facility in Lime Kiln Road. I also saw the vacant former school and its wider site.
- 5.12 I then looked at several of the proposed local green spaces (LGSs). I saw the relationship between proposed LGS1 (Crown Paddock), the Church and the main road. I then walked through the churchyard to look at proposed LGS8 (Church Paddock) to the south and east of the Church. In this case, I looked at its relationship with the Church and Back Lane. Along the footpath by the side of the churchyard, I looked at LGS14 (Manor Farm Field).
- 5.13 I then walked further on Back Lane up to St Nicholas Road. I then followed the footpath to the north. In doing so I saw LGS13 (Green Centre).
- 5.14 I carried along Back Street to Winch Road so that I could understand better Policy G3 of the Plan.
- 5.15 I then drove to Gayton Thorpe. I saw that it had a very different character to that of Gayton. I saw the two proposed LGSs and the interesting St Mary's Church. Its circular tower was immediate obvious in the wider landscape.

- 5.16 I finished my visit by driving to Castle Acre 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 particularly relevant to the Gayton and Gayton Thorpe Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Core Strategy and the Site Allocation and Development Management Policies Plan;
  - 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 defines a development boundary which updates that in the SADMP. It also proposes the designation of a package 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 is reinforced in Planning Practice Guidance. 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 fibre connections (Policy 14). In the social role, it includes policies on affordable housing and housing mix (Policies G5 and G6), on community facilities (Policies G28 and G29) and on local green spaces (Policy G15). In the environmental dimension the Plan positively seeks to protect its natural, built, and historic environment. It includes specific policies on design (Policy G2/G9), outdoor recreation spaces (Policy G27), dark skies (Policy G13), and flood risk management (Policy G10). GPC 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 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 (June 2021) 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*

- 6.16 The screening exercise included 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 it concludes that an Appropriate Assessment is not required.
- 6.17 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.
- 6.18 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*

- 6.19 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 can be properly applied as part of the development plan.
- 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 GPC 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 (Sections 1-5)*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. 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. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction and Section 1 provide a very effective context to the Plan. They comment about the strategic planning context in the Borough and how the submitted Plan fits into this wider approach.
- 7.10 Section 3 comments about the neighbourhood area. It helpfully identifies the Plan period (paragraph 1.1.1) and includes a very clear map showing the neighbourhood area (Figure 1). The commentary has been prepared in a proportionate and helpful fashion and underpins several of the resulting policies.
- 7.11 Section 4 identifies key issues which the Plan has sought to address. They include the loss of open space, the relocation of the Primary School, the Village Hall, Parking, Accessibility within the village and community facilities. It is a very successful part of the Plan.

- 7.12 Section 5 comments about the Plan's Vision and Objectives. It is well-constructed. It describes how they were developed. Its key strength is the way in which the objectives directly stem from the Vision. Section 5.3 makes a comprehensive assessment of the relationship between the Vision, the Objectives, and the policies.
- 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 G1 Spatial Strategy***

- 7.14 This policy sets out a spatial strategy for the parish. In Gayton it is based around the identification of a development boundary. It updates the boundary included in the SADMP (Inset G41). This has been designed ensure that new development is focused in a sustainable location close to commercial and community facilities. A separate approach is set out for Gayton Thorpe which reflects its limited scale and its position in the Borough's settlement hierarchy.
- 7.15 In general terms the policy achieves its ambition to focus new development in a sustainable location within the development boundary. The proposed boundary has been carefully defined to respect the existing built form of Gayton. A key focus of the policy is the way in which it seeks to define the type of development which may be acceptable outside the defined boundary and in Gayton Thorpe.
- 7.16 I recommend a series of detailed modifications to ensure that the policy meets the basic conditions as follows:
- detailed modifications to the wording used to bring the clarity required by the NPPF;
  - an acknowledgement that some of the identified developments may not need planning permission;
  - an update to the policy to reflect the recent construction of the replacement Primary School; and
  - the repositioning of the supporting note into the supporting text.
- 7.17 The final paragraph of the policy sets out to establish that there will be a functional relationship between new development and infrastructure. In some cases, there will be a functional relationship of this nature. In other cases, this relationship will not apply. As submitted this element of the policy does not have regard to national policy on this matter (the Community Infrastructure Levy Regulations). In addition, it would be impractical to recommend a modification to the policy given the number of permutations which exist for the relationship between development and infrastructure. The matter is addressed more generally in the supporting text which comments about the operation of the BCKLWN Community Infrastructure Levy (CIL). This system provides the opportunity for the Borough Council to use its element of the CIL funding for the delivery of strategic infrastructure and for GPC to apply the local element of the CIL funding. Given the comprehensive nature of the supporting text I recommend that the final paragraph of the policy is deleted.

- 7.18 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

**Revise the proposed development boundary (as shown on Policy Map 1) to include the site of the recently-constructed Primary School)**

**In the opening part of Policy G1 replace ‘provided’ with ‘where’. Thereafter position the following sentence (beginning with ‘Outside’) so that it sits as a separate paragraph.**

**In b) delete ‘prosperous’**

**Delete d)**

**In f) delete ‘(less than 8 units)’**

**In Gayton Thorpe ii) delete ‘prosperous’**

**Delete the final paragraph of the policy**

**Delete the ‘Note’ at the end of the policy.**

*At the end of paragraph 6.1.14 add: ‘Policy G1 has been designed to take account of Policy LP31 of the emerging Local Plan. Where necessary the policy will be reviewed once the Local Plan has been adopted.’*

***Policy G2 Development and Character***

- 7.19 This policy sets out the Plan’s ambition to secure high quality design. It is underpinned by the submitted Character Assessment. In the round, the policy is well-considered. It is a very good local response to Section 12 of the NPPF.

- 7.20 I recommend a modification to the wording of the first part of the policy so that it can be applied proportionately by BCKLWN. The recommended modification also deletes the unnecessary reference to the applicability of the policy within the neighbourhood area. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**In the introductory paragraph of Policy G2 replace ‘All new.... Plan area’ with ‘As appropriate to their scale, nature and location, development proposals’**

***Policy G3 Preserving the special character of Back Street, Gaydon***

- 7.21 This policy sets out to preserve the special character of Back Street. It identifies a series of features which should be respected or enhanced. I looked at Back Street during the visit. Its special character was self-evident.



- 7.22 In general terms the policy takes a positive approach to this matter. The series of identified features helpfully summarise the special character of Back Street. I recommend that the opening element is recast so that it more closely relates to the development management process and can therefore be implemented in a consistent way by BCKLWN.
- 7.23 I also recommend the deletion of some of the adjectives used in some of the features (in the criteria). Whilst I do not disagree with the descriptions, they are unnecessarily detailed for a development plan policy. In any event the descriptions are subjective and may alter in the Plan period.

**Replace the opening part of Policy G3 with: ‘Development proposals should preserve and reinforce the special character of Back Street and should respect and where practicable enhance the following features:’**

**In e) delete ‘heavily verdant’**

**In g) delete ‘Picturesque and stimulating’**

***Policy G4 Conserving and enhancing heritage assets in the parish***

- 7.24 This policy celebrates the built heritage of the parish. It identifies a series of non-designated heritage assets which are shown on policy maps and in appendices.
- 7.25 The policy has been carefully designed to have regard to paragraph 203 of the NPPF (on non-designated heritage assets). It brings added value by identifying such assets in the parish. I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF and to allow the policy to be applied consistently by BCKLWN in the development management process. 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 the Policy G4 replace ‘could potentially impact’ with ‘would affect’ and ‘must’ with ‘should’**

***Policy G5 Affordable Housing***

- 7.26 This policy focuses on affordable housing. It has two related parts. The first comments that new housing schemes should deliver affordable housing to Local Plan standards. The second part comments that the delivered affordable housing should be designed to be indistinguishable from the associated open market housing.
- 7.27 The policy takes a positive approach to this matter. I recommend a detailed modifications to the wording to ensure that it has the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**In the first paragraph of Policy G5 replace ‘will’ with ‘should’**

***Policy G6 Housing Mix***

- 7.28 This policy seeks to ensure that new housing meets housing needs in the parish and delivers a balanced mix of housing. The policy approach is underpinned by detailed statistical information and commentary from estate agents.
- 7.29 The policy takes a positive approach to the wider issue. I recommend a detailed modification to the wording used in the first part of the policy and a reconfiguration of the second part of the policy (including the repositioning of the explanatory text into 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 G6 replace ‘will be expected’ to with ‘should’**

**Replace the second part of the policy with: ‘The tenure and size of houses on new housing developments should be informed by an assessment of the housing needs and demands in the parish and the detailed characteristics of the site concerned.’**

*At the end of paragraph 7.2.11 add: ‘Policy G6 addresses this matter. An assessment of housing need should be made based on the information in this part of the Plan (and that relating to Policy G7) together with any more up to date assessments of local housing need.’*

***Policy G7 Affordable Housing on Rural Exception Sites***

- 7.30 This policy offers support for small scale rural exception housing to meet local needs where such proposals comply with a series of criteria. It also seeks to ensure that the affordable housing which is delivered is constructed to high environmental standards.
- 7.31 In general the policy sets out a positive approach to this important matter. I recommend a series of modifications to the different elements of the policy to bring the clarity required by the NPPF and to allow it to be applied consistently by BCKLWN in the Plan period. I recommend a specific modification to the fourth of the criteria in the policy so that it has a positive rather than a negative focus. 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 G7 delete the text in brackets and replace ‘are supported provided that’ with ‘will be supported subject to the following criteria:’**

**Replace criterion d) with ‘the development would respect the character of the village and its relationship with the surrounding countryside.’**

**In the third part of the policy replace ‘Every effort should be made to’ with ‘Proposals which’ and after ‘affordable housing’ add ‘will be supported.’**

***Policy G8 Land north of Back Street***

- 7.32 Land at Back Street is allocated for residential development in the SADMP (G41.1). This policy sets out to build upon the details in the Local Plan. It encourages affordable housing for rent being delivered on the scheme is allocated to residents with a local connection, as defined in the supporting text to Policy G7, in line with the priorities set out in Policy G7 (Affordable Housing on Rural Exception Sites).
- 7.33 In its response to the clarification note, GPC expanded on its reasoning for the policy. In the round I am satisfied that such an approach is appropriate both in general, and to achieve consistency between Policy G7 and G8 of the submitted Plan. Given that ‘strongly encourages’ has little if any weight within a land use policy I recommend that the policy is modified so that it takes a supporting role. This approach will also ensure that the policy remains consistent with the approach taken in the SDAMP.

**Replace Policy G8 with:**

**‘Proposals for the development of the Local Plan housing allocation (G41.1) which include affordable housing for rent being delivered on the site and allocated to residents with a local connection in accordance with the priorities set out in Policy G7 (Affordable Housing on Rural Exception Sites) will be particularly supported.’**

***Policy G9 Residential development and design***

- 7.34 This policy indicates the design expectations of the Plan. It has specific sections on retrofitting historic residential buildings and alterations to residential buildings.
- 7.35 In the round the policy will do much to ensure that new development in the parish is delivered to the standards expected in Section 12 of the NPPF. It has been helpfully designed to ensure that specific development types are directly referenced in its individual sections.
- 7.36 As with other elements of the Plan, I recommend detailed modifications to the wording of the policy to bring the clarity required by the NPPF and to allow the policy to be applied consistently by BCKLWN in the development management process.
- 7.37 The Plan requires that major residential proposals proceed based on a Building for a Healthy Life assessment. In principle I am satisfied that this meets the basic conditions. However, I recommend that the policy provides the necessary flexibility in circumstances where such an approach may not be practicable. 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 and the environmental dimensions of sustainable development.

**In the first sentence of the first part of Policy G9 replace ‘will be expected’ to with ‘should’.**

**In the following sentence replace ‘Major development proposals will’ with ‘Where it is practicable to do so major development proposals should’**

**At the end of the first part of the policy delete ‘Smaller proposals....do this.’**

**In the ‘All new Residential proposals’ section delete ‘aim to’**

**In the ‘Retrofitting historic residential buildings’ section replace ‘is encouraged’ with ‘will be supported’**

**In the ‘Alterations to existing residential buildings’ section replace ‘applicable’ with ‘appropriate’**

*At the end of paragraph 7.2.22 add: ‘Policy G9 incorporates these important ambitions for major new residential development. It acknowledges that there may be circumstances where it may not be practicable to use this form of assessment. In this context other similar assessment models may be more applicable to the development concerned.’*

***Policy G10 Development and surface water flood risk***

- 7.38 This policy addresses the relationship between development and surface water flood risk. It has a specific section dealing with proposals where the risks of flooding are highest. It promotes the use of sustainable drainage systems.
- 7.39 In its response to the questions in the clarification note on this policy and Policy G11 GPC provided a detailed justification for their inclusion in the Plan and the extent to which they would bring local value beyond the contents of national and local planning policies on these matters. In the round, I am satisfied that the matters are distinctive to the parish, are land use in their nature, and based on the evidence in Section 4 of the Plan.
- 7.40 In both cases I recommend detailed modifications to the policy to achieve three purposes. The first is to ensure that they have the clarity required by the NPPF and to allow the policies to be applied consistently by BCKLWN in the Plan period. The second is to ensure that they can be applied by BCKLWN on a proportionate basis. The third is to reposition explanatory text (about either related process or the application of national policy) into the existing supporting text.
- 7.41 Within this context I am satisfied that the modified policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

**‘In areas identified as being of high, medium, and low risk of surface water flooding, or at risk of ground water emergence, (as shown on Figures 15-17) development proposals should have due regard to the findings of the Borough Council’s Surface Water Management Plan and incorporate the following measures as appropriate to their scale, nature, and location:**

- **where practicable sustainable drainage systems for managing surface water flood risk; and**
- **detailed arrangements for the future maintenance and management of sustainable drainage systems.’**

*At the end of paragraph 8.16 add:*

*‘Policy G10 sets out the Plan’s approach to this matter. It is based on the policy requirement in existing national and local planning policies. Any new development or significant alteration to an existing building within the parish of Gayton should be accompanied by an appropriate assessment which gives adequate and appropriate consideration to all sources of flooding and proposed surface water drainage. In all cases, sustainable drainage systems (SuDs) will always be the preferred method of surface water drainage. SuDs which achieve the four pillars of SuDs design (minimising overall water usage, protecting water quality, delivering biodiversity benefits and amenity benefits) are particularly welcomed. Development should only discharge surface water runoff to the public sewer as a last resort.’*

***Policy G11 Development and Foul Waste water***

- 7.42 This policy continues the approach taken in Policy G10. In this case it seeks to ensure that the development proposed can demonstrate that there is adequate capacity in the foul water system to accommodate new growth.
- 7.43 I recommend modifications to Policy G11 and to the supporting text based on the commentary in my assessment of Policy G10. 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 G11 with: ‘As appropriate to their scale, nature and location development proposals should incorporate Measures to minimise foul water discharge into the sewerage system and ensure that such measures do not have an unacceptable impact on the amenity of the immediate locality.’**

*At the end of paragraph 8.1.11 add: ‘Policy G11 sets out the Plan’s approach to this matter. In this context development proposals will be required to demonstrate there is adequate foul waste-water capacity to serve the development. Applications should be supported by studies as to whether the proposed development will lead to overloading of existing foul waste-water infrastructure, to the satisfaction of the water company and Lead Local Flood Authority.’*

### ***Policy G12 Charging points***

- 7.44 This policy requires the provision of dedicated facilities in new housing development for electric and ultra-low emission vehicles.
- 7.45 The policy seeks to address this increasingly important matter. Nevertheless, as the Plan was being developed Part S of the Building Regulations has been updated (February 2022) on this matter. The Regulations set out national standards and are based around the relationship between the number of dwellings proposed, the number of associated parking spaces and the number of 'associated parking spaces'. In effect the issue which the Plan sought to address has now been overtaken by national legislation. In all the circumstances I recommend the deletion of the policy.

### **Delete Policy G12**

*Delete paragraph 8.21*

### ***Policy G13 Dark Skies***

- 7.46 This policy sets out a series of practical measures to safeguard the dark skies environment in the parish. I saw the importance of this matter during the visit.
- 7.47 As submitted, the policy comments that lighting should be restricted on the one hand and that proposals for lighting will be restricted on the other hand. I recommend detailed modifications to the policy so that its component parts are consistent in their effects. 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 paragraph of Policy G13 replace 'limit' with 'restrict' and 'will be resisted unless' with 'should demonstrate that:'**

### ***Policy G14 Fibre Connections***

- 7.48 This policy requires that new residential and employment developments provide ducting to allow the delivery of fibre connections to the properties created.
- 7.49 The first part of the policy has now been overtaken by Part R of the Building Regulations. As such, I recommend its deletion. Given the relationship between the two parts of the policy I also recommend the deletion of the second part. I also recommend the deletion of the associated supporting text.

### **Delete Policy G14**

*Delete paragraphs 8.2.4 and 8.2.5*

### **Policy G15 Local Green Spaces**

- 7.50 This policy proposes the designation of eleven local green spaces (LGSs). They are shown on Policy Maps 4 (Gayton) and 5 (Gayton Thorpe). Their selection is underpinned by the Local Green Spaces Assessment Report (April 2021). The Report assesses the various spaces against the criteria for such designations in paragraph 102 of the NPPF. I looked at the various proposed LGSs carefully during the visit.
- 7.51 Detailed representation were made about the proposed designation of LGS13 by the E Ward Trust and LGS 1, 8 and 14 by the Gayton Estate. I address these four proposed LGSs in turn in the following sections of this report.

#### *LGS1 Crown Paddock*

- 7.52 The Paddock is a field on the northern side of the Lynn Road. It is approximately 1 ha in size. The Gayton Estate's representation advises that it is currently tended under an agricultural environment scheme.
- 7.53 I saw the significance of the site in the village during the visit and its relationship with the Church. I am satisfied that it is in reasonably close proximity to the community it serves, and that it is local in character and not an extensive tract of land.
- 7.54 The LGS Report comments that Crown Paddock provides a significant oasis of calm, a natural sanctuary and wildlife habitat close to but opposite the village Grade I listed Church. The area provides respite for wildlife on the northern side of village edging the busy B1145. The representation from the Gayton Estate comments that there is undoubtedly an element of aesthetic enjoyment for villagers and passers-by from the chestnut avenue on the paddock although this is purely incidental in the same way that many areas of the Estate are. Inevitably, the aesthetic appeal is diminishing as the relatively short-lived hybrid chestnuts are now over mature with significant crown die back, splitting of the main stem and loss of major boughs.
- 7.55 On the balance of the evidence, including my own observations, I am satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance. It provides an attractive open aspect within this part of the village and is part of the setting for the Church to the south.
- 7.56 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designation is consistent with the local planning of sustainable development. It does 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 LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGS would not endure beyond the end of the Plan period.

### *LGS8 Church Paddock*

- 7.57 The Paddock is a field to the immediate south of the Church. It is 0.75 ha in size. The Gayton Estate's representation advises that it is current tended under an agricultural environment scheme.
- 7.58 I saw the significance of the site in the village and its relationship with the Church during the visit. I am satisfied that it is in reasonably close proximity to the community it serves, and that it is local in character and not an extensive tract of land.
- 7.59 The LGS Report comments that Church Paddock is not accessible to the public but provides great visual amenity along this section of Back Street as the site provides important setting to the Grade I listed St Nicholas Church. It also advises that the visual amenity of the site is also enjoyed from public footpath FP11 and that the site has special interest to community on south side of village forming a peaceful oasis with occasional pasture used for sheep grazing, year-round hedgehog (tracks) and bat activity. The representation from the Gayton Estate comments that confusion has arisen around the landscape protection of the paddock given its location between Grade 2 listed Gayton Hall and Grade 1 listed St Nicholas Church. It also advises that the land will continue to be managed as grazing land.
- 7.60 On the balance of the evidence, including my own observations, I am satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance. It provides an attractive open aspect within this part of the village and is part of the setting for the Church to the north. In addition, it contributes to the special character of Back Street.
- 7.61 In addition, I am satisfied that its proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that the designation is consistent with the local planning of sustainable development. It does 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 LGS is capable of enduring beyond the end of the Plan period. It is an established element of the local environment and has existed in its current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGS would not endure beyond the end of the Plan period.

### *LGS13 Green Centre*

- 7.62 The field is in the undeveloped area to the north of Back Street. It is 2.5 ha in size. It is in arable use.
- 7.63 I saw its significance in the village and its relationship with the Church and the adjacent footpath during the visit. I am satisfied that it is in reasonably close proximity to the community it serves, and that it is local in character and not an extensive tract of land.



- 7.64 The LGS Report comments that the proposed LGS is not publicly accessible but provides important visual amenity to users of public footpath number FP9. This site is part of the central green space; a key characteristic of Gayton Village. It also provides visual amenity looking west from public footpath FP11, although visual amenity in the southern part of this site has been reduced following the completion of residential scheme along Hall Farm Road which does not sit comfortably in this open aspect. This area sits alongside the Grade I St Nicholas Church and provides an important setting to the Church from the public footpath that runs south to north. The representation from the Ward Trust comments that the primary use of this field has been solely agricultural and will be drilled with grass for silage this spring. Whilst LGS13 is undeveloped and may have a green character, it does not meet the NPPF policy test in terms of beauty, historic significance, recreational value, tranquillity, or richness of its wildlife. The Trust advises that its intention is for this area to remain an agricultural feature until such time when a more collaborative approach may be considered with the village for an alternative use.
- 7.65 On the balance of the evidence I am not satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance. Whilst it provides an open aspect within the wider context of the village it is in agricultural use and has a character and appearance which reflects that of other parcels of land in agricultural use elsewhere in the parish. In any event GPC's wish to preserve the undeveloped nature of the site has been addressed in the way in which it has drawn the development boundary and prepared Policy G1 of the Plan. In these circumstances I recommend that the proposed LGS is deleted from the Plan.

*LGS14 Manor Farm Field*

- 7.66 The field is in the undeveloped area to the north of Back Street. It is 2.2 ha in size. It is in arable use.
- 7.67 I looked at the proposed LGS carefully during the visit. I saw its significance in the village and its relationship with the adjacent footpath. I am satisfied that it is in reasonably close proximity to the community it serves, and that it is local in character and not an extensive tract of land.
- 7.68 The LGS Report comments that the site is not publicly accessible but provides important visual amenity to users of public footpath number FP9. This site is part of the central green space; a key characteristic of Gayton Village. Special to local community as it affords green pathways bound by variety native and non-native trees. Home to varied wildlife and with encroachment of other building development is valued as rural character landscape within the heart of Gayton, whose heritage is that of farming community. Without any 'green lung' or green corridor, the loss of land to mass housing will prevent the passing of wildlife from north to south and vice versa.
- 7.69 The representation from the Gayton Estate comments that the area as shown under LGS14 will remain in arable farming and as such does not fulfil the requirements of the NPPF and is not appropriate for nomination as a Local Green Space.

- 7.70 On the balance of the evidence, I am not satisfied that the proposed LGS is demonstrably special to the local community and holds a particular local significance. Whilst it provides an open aspect within the wider context of the village it is in agricultural use and has a character and appearance which reflects that of other parcels of land in agricultural use elsewhere in the parish. In any event GPC wish to preserve the undeveloped nature of the site has been addressed in the way in which it has drawn the development boundary and prepared Policy G1 of the Plan. In these circumstances I recommend that the proposed LGS is deleted from the Plan.

*The other proposed LGSs*

- 7.71 On the basis of all the information available to me, including my own observations, I am satisfied that each of the other 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.
- 7.72 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.
- 7.73 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. I recommend a modification to the policy so that it follows the approach taken in the NPPF. I also recommend that the supporting text is expanded to provide commentary about the way in which the policy will be delivered by the Borough Council through the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Delete LGS13 Green Centre**

**Delete LGS14 The Manor Field**

**Replace the final part of Policy G15 with: ‘Development proposals within the designated LGSs will only be supported in very special circumstances.’**

*Delete LGS 13 and LGS 14 from Policy Map 4.*

*At the end of paragraph 9.1.3 add: ‘Policy G15 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within*

*the Plan period, they can be assessed on a case-by-case basis by the Borough Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy.'*

***Policy G16 Development and open space provision***

- 7.74 This policy comments that development proposals should deliver open space to the standards set out in Policy DM16 of the SADMP.
- 7.75 In its response to the clarification note GPC provided further detail about the extent to which the submitted policy would complement Policy DM16. In this context I am satisfied that the three key considerations are appropriate to the neighbourhood area and will ensure that new open space is properly delivered and configured. I recommend detailed modifications to ensure that this element of the policy can be implemented consistently by 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 second sentence of the first paragraph of Policy G16 replace 'Key considerations.... are' with 'As appropriate to the nature and location of the open space concerned development proposals should respond positively to the following principles:'**

***Policy G17 Roads and Green Infrastructure***

- 7.76 This policy comments that any developments which incorporate new roads should ensure that opportunities for biodiversity along their routes should be maximised.
- 7.77 I am satisfied that the policy meets the basic conditions.

***Policy G18 Development and Biodiversity***

- 7.78 This policy sets out a wide-ranging approach to biodiversity. It includes elements of biodiversity net gain and ancient woodland.
- 7.79 In general the policy takes a positive approach to this matter and which has regard to the Environment Act 2021. Within this context, I recommend that the explanatory text about the mitigation hierarchy is deleted and repositioned into the supporting text. I also recommend detailed modifications to the wording used elsewhere in the policy to bring the clarity required by the NPPF and to ensure that the policy can be applied consistently by BCKLWN in the Plan period. Finally, I recommend a reordering of the parts of the policy so that it has a more natural flow and a positive approach. 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 second part of Policy G18 (on the mitigation hierarchy).**

**Reposition the third part of the policy (on ancient woodland) to the end of the policy. In doing so replace ‘be refused’ with ‘not be supported’**

**In the fourth part of the policy replace ‘will be required to’ with ‘should’ and ‘possible’ with ‘practicable’**

**In the fifth part of the policy replace ‘present in the parish’ with ‘present in the parish, and which would include’**

*At the end of paragraph 9.1.10 add the deleted second part of the policy.*

***Policy G19 Preserving the Landscape Character***

- 7.80 This policy sets out to ensure that development proposals preserve or enhance the quality of the landscape of the parish. It identifies specific features of the landscape in Gayton and in Gayton Thorpe.
- 7.81 In general terms the policy has been carefully prepared. It is extensively underpinned by the information in Appendix C of the Plan. A key feature of the Plan is the way in which the policy identifies key characteristics of the landscape insofar as it affects both settlements. These characteristics were self-evident during the visit.
- 7.82 I recommend that the opening element of the policy is recast so that it can be applied proportionately by BCKLWN through the development management process. This acknowledges that different proposals will have their own potential impacts on the surrounding landscape. I also recommend that this part of the policy should acknowledge that not every proposal will have the ability to enhance the environment and/or that opportunities may not be available to every development proposal. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the environmental dimension of sustainable development.

**Replace the first part of Policy G19 with: ‘As appropriate to their scale, nature and location, development proposals should maintain and where practicable enhance the local character of the landscape and respond positively to the setting of the settlements within the wider landscape. Development proposals should protect and take available opportunities to enhance the following key landscape characteristics:’**

**In the Gayton section replace c) with ‘The key features of the defined visually important gaps and defined locally valued views (see Policy Map 6 below and the description in Appendix C)’**

**In the Gayton Thorpe section i) delete ‘Development should respect’**

**In the Gayton Thorpe section replace iv) with: ‘The key features of the defined visually important gap and defined locally valued views (see Policy Map 7 below and the description in Appendix C)’**

***Policy G20 Rural routes for non-motorised users***

- 7.83 This policy seeks to ensure that development proposals maintain or enhance the provision and quality of the public footpath network in the parish. I saw the importance of the existing network during the visit.
- 7.84 In general terms the policy takes a positive approach to this matter. I recommend a series of modifications to ensure to bring the clarity required by the NPPF and to allow it to be applied consistently by BCKLWN in the Plan period. One of the modifications draws attention that the enhancement of rural routes and footpaths may not always be practicable. I also recommend that the second sentence of the policy is modified so that it can be applied on a proportionate basis and related to the location of the proposed development and its proximity (or otherwise) to existing non-motorised routes. 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 sentence of the first paragraph of Policy G20 replace ‘or enhance’ with ‘and where practicable enhance’ and ‘will be expected to’ with ‘should’**

**In the second sentence replace ‘Development proposals should’ with ‘As appropriate to their scale, nature and location, development proposals should’**

**In a) replace ‘significant’ with ‘unacceptable’**

***Policy G21 Maintaining and walkable and well-connected village***

- 7.85 This policy continues the approach taken in Policy G21. In this case, it sets out an expectation that new development would provide connections to adjacent development and the wider footpath network. It saw the importance of the existing footpath network in Gayton during the visit and the way in which it related to the development limits.
- 7.86 I recommend that the first part of the policy is modified so that it can be applied on a proportionate basis. Plainly different development proposals will have their own abilities to relate to the existing footpath network. I also recommend detailed modifications to the wording of the third and fourth parts of the policy so that they take a positive approach to the matters being addressed. The modifications to the fourth part of the policy are particularly important to ensure that it has regards to the approach taken in Section 9 of the NPPF about the capacity of the highways network. 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 paragraph of Policy G21 replace ‘All new development proposals’ with ‘As appropriate to their scale, nature, and location, development proposals’**  
**In the third part of the policy replace ‘be refused’ with ‘not be supported’**

**In the fourth part of the policy replace ‘will only be supported if it can be demonstrated’ with ‘should demonstrate’**

***Policy G22 Sustainable link between Gayton and Gayton Thorpe***

- 7.87 This policy offers support for proposals which would help to deliver a sustainable link between Gayton and Gayton Thorpe. It also comments about proposals which may arise on the Seed Factory/Gayton Mill. The third part of the policy comments about the need for development proposals to respond to the development of the route between the two settlements.
- 7.88 The policy takes a positive approach to these matters. I am satisfied that the first and third part of the policy meet the basic conditions.
- 7.89 In its response to the clarification note GPC provided helpful further clarity on the purpose and intent of the second part of the policy (on the Seed Factory/Gayton Mill). I have considered the matter very carefully. On the balance of the evidence, I recommend that this element of the policy is deleted and that the information in the supporting text is consolidated. Whilst it is helpful for GPC to express its views about the way in which planning permissions are implemented or the way in which future planning applications are determined, such comments are not land use policies. In any event GPC will be able to express its views on future planning applications to the BCKLWN in the usual way. 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 second part of Policy G22.**

*At the end of paragraph 9.2.15 add: ‘If future applications come forward on the Seed Factory/Gayton Mill site the Parish Council will press for the inclusion of two matters in such proposals. The first is the provision of a pedestrian and cycling route through the site to link in with the future proposed walking and cycling route – Gayton to Gayton Thorpe Green Highway (see Map in Figure 36). If the Green Highway has been established to be unfeasible at the time of the application, then this requirement does not apply. The second is the provision of footways, as necessary to allow for safe, direct, and accessible pedestrian routes into Gayton village.’*

***Policy G23 Car and Bicycle parking***

- 7.90 This policy sets out parking standards for the neighbourhood area. The standards are those contained in Policy DM17 the SADMP. The second part of the policy comments about development proposals which would have unacceptable effects on residential amenity or the rural character of the area.
- 7.91 I recommend the deletion of the first part of the policy. As the Plan advises it simply repeats the policy approach in the Local Plan. This matter is already addressed in the supporting text. I recommend that the second part of the policy is recast to ensure that

it will to bring the clarity required by the NPPF and to allow it to be applied consistently by BCKLWN in the Plan period. A key element of the recommended modification is the acceptability or otherwise of the effects of such proposals on residential amenity or the rural character of the parish. 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 policy with:**

**Development proposals should provide appropriate levels of off-road car parking.**

**Development proposals which would compromise pedestrian safety, or give rise to additional traffic movements and congestion which would have an unacceptable effect on the residential amenity of properties in the immediate locality, or which would unacceptably detract from the rural nature of the village will not be supported.'**

***Policy G24 Opportunities for Gayton village centre public car parking***

- 7.92 This policy offers support for proposals for new public car parking facilities in Gayton subject to a series of criteria.
- 7.93 The policy has been positively prepared and the three criteria are locally distinctive. It meets the basic conditions.

***Policy G25 Gayton Primary School***

- 7.94 This policy sets out a series of criteria for the development of the new school.
- 7.95 As the School is now completed, the policy is no longer needed. In these circumstances I recommend that it is deleted.

**Delete Policy G25**

*Delete paragraphs 10.2.1 to 10.2.3*

***Policy G26 Former Gayton Primary School***

- 7.96 This policy relates to development proposals at the former School on Lynn Road. Given that the new school (at Springvale) has now been developed the former school is now unoccupied. I looked at the site carefully during the visit. The policy establishes a series of principles to guide the future use of the site.
- 7.97 I recommend modifications both to the policy and to the supporting text to acknowledge that the replacement school has been constructed whilst the Plan was being prepared and submitted. I also recommend detailed modifications to the wording used in the

policy so that to ensure to bring the clarity required by the NPPF and to allow it to be applied consistently by BCKLWN in the Plan period.

- 7.98 The policy offers support either to a conversion of the existing building or its redevelopment. In doing so it draws attention to the identification of the building as a non-designated heritage asset (in Policy G4). I am satisfied that this general approach is appropriate and one for local judgement. However, I recommend that these issues are consolidated in the supporting text and deleted from the policy. 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 and second sentences of the first paragraph of Policy G26 delete ‘In the event.... within the parish’ and ‘This includes.... redevelopment.’**

**Replace ‘In determining whether.....apply’ with ‘Development proposals will be assessed against the following principles:’**

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

*At the end of paragraph 10.2.4 add: ‘The new school at Springvale open in [insert date]. This policy provides advice for the future use of the former school building and its playing field. Potential uses could involve the conversion and/or adaptation of the existing building or the redevelopment of the site.’*

*At the end of paragraph 10.2.6 add: ‘In this context development proposals which would affect the assets would require the balanced judgement as described in paragraph 203 of the NPPF and Policy G4 of this Plan.’*

### **Policy G27 Outdoor recreation areas**

- 7.99 This policy has two related parts. The first identifies a series of recreation areas which are valued by the community. The second comments about GPC’s ambitions about the way in which new developments should contribute towards the improvement in the quality of the identified recreation areas.
- 7.100 The policy takes a positive approach to this matter. In general terms I am satisfied that the identified recreation areas are important facilities which should be addressed in a policy of this type. The schedule of recreation areas includes four areas which are also proposed to be designated as LGSs (in Policy G15). In these circumstances I recommend that these recreation areas are deleted from the policy. Otherwise, there would be uncertainty over which of the two policies would apply to the relevant areas. This is an important issue given that the proposed LGSs are a local expression of national planning policy (NPPF paragraphs 100 to 103) and the effects of Policy G15 of this Plan are more onerous than the effects of this policy. I also recommend consequential modifications to Map 8 (which shows the location of the recreation areas).



- 7.101 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

**Delete play areas b), f) and g) from Policy G27 and renumber accordingly.**

*Delete play areas b), f) and g) from Map 8.*

***Policy G28 Community facilities***

- 7.102 This policy identifies a series of community facilities and establishes an approach towards their protection. It acknowledges that the use of the facilities and their commercial viability may alter in the Plan period. The policy also has a specific section supporting the delivery of a new fit for purpose village hall. The policy takes a positive approach to these matters. I saw the importance of the various facilities during the visit.
- 7.103 I recommend that the initial part of the policy is modified so that it more clearly identifies the key facilities. I also recommend modifications to simplify the element of the policy which offers support to proposals which would help to sustain the identified facilities. I also recommend detailed modifications to the wording elsewhere in the policy. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development

**Replace the opening element of the first part of Policy G28 with: ‘The Plan identifies the following key community facilities:’**

**Replace the second part of the policy (Where possible.... local amenity) with: ‘Proposals which would help to sustain the key community facilities will be supported.’**

**In the final part of the policy (on the village hall) replace ‘are welcomed.... new site’ with ‘will be supported where the proposed new site:’**

***Policy G29 Development of a new community hub***

- 7.104 This policy offers support for the development of a new comm hub at the south end of Lime Kiln Road. It includes a package of uses anticipated for a community hub (including a replacement village hall) and a series of criteria with which new development should comply.
- 7.105 I looked at the existing uses on the site. I am satisfied that the uses proposed for the site could be accommodated with appropriate controls. In this context, I recommend modifications to the second part of the policy so that the criteria and principles for the development are expressed in a clearer fashion and include issues relating to design and safeguarding the residential amenity of the houses on the eastern side of Lime Kiln Road.

7.106 I also recommend that the element of the policy which comments about a community engagement strategy is deleted and repositioned into the supporting text. It explains the process to be followed rather than operating as a land use policy. I also recommend that the details about surface water flooding risk are repositioned into the text for the same reason. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social dimension of sustainable development.

**Replace the second part of Policy G29 with: ‘Development proposals should:**

- **be designed in a modern and attractive fashion;**
- **minimise their effect on the residential amenities of the residential properties on the eastern side of Lime Kiln Road;**
- **minimise their effect on the locally important views identified in Policy G6; and**
- **incorporate measure to manage the disposal of surface water.’**

*At the end of paragraph 10.4.10 add: ‘Policy G29 sets out a context for the development of the site. Plainly it offers the potential for a significant transformation in the availability of community facilities in the parish. In this context the Parish Council expects that development proposals would be developed with extensive engagement of the local community and that planning applications are supported by a community engagement statement.’*

*At the end of paragraph 10.4.11 add: ‘Policy G29 addresses this matter. Proposals should incorporate measures to satisfy the requirements of Policy G10 (Development and surface water flood risk) and ensure that the development does not increase the risk of surface water flooding in this part of the village.’*

#### *Monitoring and Review*

7.107 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.

7.108 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, although it does comment about the way in which the Plan has been prepared to be compatible with the approach taken in the emerging Local Plan. However, given the timing relationship between the submitted Plan and the emerging Local Plan I recommend that the Plan comments that GPC 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 2.1.3 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*

- 7.109 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 GPC 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.*

*Other Matters – Alternative Proposals suggested in the representations*

- 7.110 The representations from the Gayton Estate and the E Ward Trust provide details about alternative proposals for new community facilities in the village. The proposals are extensive and include the parcels for land identified as LGS13 and 14 in Policy G15. I have taken account of these representations. Nevertheless, my remit is to examine the Plan as submitted rather than to assess alternative proposals.
- 7.111 I have also followed this same approach with other elements of the representations from the Gayton Estate.

## 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 Gayton and Gayton Thorpe 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 Gayton and Gayton Thorpe Neighbourhood Development Plan 2019 to 2036 should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan 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 originally approved by the Borough Council on 8 May 2017.
- 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**  
**7 September 2023**