

**Grimston, Pott Row, Roydon and Congham Neighbourhood Plan Examination
Questions of Clarification and Note of Interim Findings from the Examiner to the Qualifying
Body (QB) and the Borough Council of King's Lynn and West Norfolk (BCKLWN)**

Having completed my assessment of the Neighbourhood Plan (the Plan), I am writing to set out some interim findings which will necessitate a decision from the QB as to how best to proceed.

I also set out some questions of clarification which either relate to matters of fact or are areas in which I seek clarification or further information.

I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate. Please do not send or direct me to evidence that is not already publicly available at this stage.

Interim Findings

A Strategic Environment Assessment and Habitats Regulations Assessment

One of the basic conditions the Plan must meet in order for it to be put to a referendum is that the making of the Plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations.

Planning Practice Guidance (PPG) advises us that in some limited circumstances, where a Plan is likely to have significant environmental effects, it may require a Strategic Environment Assessment (SEA).

In relation to Habitats Regulations Assessment, a prescribed basic condition was introduced in 2018 in addition to those set out in primary legislation. This provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations, including consideration of the effect on habitats sites. A screening process is undertaken to see whether a plan is likely to have a significant effect on habitats sites, either alone or in combination with other plans and projects. This initial assessment has to be done on the basis of objective information. If significant effects cannot be ruled out, then an appropriate assessment under the Habitats Regulations is carried out.

Usually if the plan is determined to require appropriate assessment, then a SEA is also needed.

In this case, a SEA Screening Report dated October 2021 has been prepared by Collective Community Planning. This concluded that the Plan was unlikely to have significant environmental effects.

In relation to Habitats Regulation Assessment (HRA), there seems to be reliance on the SEA Screening Report. However, this contains little information in relation to HRA requirements; for example it does not refer in any detail to Roydon Common, a Special Area of Conservation and Ramsar site which falls within the Plan area. It does not appear to discuss the characteristics of this site or whether there are any pathways to this or other European sites which may be relevant outside the Plan area. One of the policies in the Plan also directly refers to the European site which falls in the Plan area.

In addition the consultation with the statutory bodies only appears to have raised the question in relation to SEA and not HRA. For instance Natural England's response makes no mention of HRA at all.

Unfortunately, I therefore cannot conclude, on the basis of the information I have at the moment, that the Plan meets the basic conditions in respect of retained European Union obligations and the prescribed basic condition. In particular, there is insufficient information in respect of HRA and it is not clear whether the statutory bodies have been consulted in respect of both SEA and HRA.

I therefore ask that further clarification is given to me on these points. Once I have your thoughts on these matters, we can determine whether any further work is needed.

If further work is needed on SEA and HRA, once this work had been concluded, this would result in the need for a further period of consultation, firstly with the statutory consultees and then secondly with the public and other consultees for a period of six weeks.

I understand this will be worrying news to those involved in the production of the Plan.

I also want to present a rounded picture of other queries on some of the policies at this time.

B Queries on the Policies

There are a number of queries across the policies which I set out below:

1. Please could the QB confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any such comments to me as part of its response to this stage of the examination. There is no obligation to do so; it is only if the QB wishes to. Please note that no new evidence can be submitted as part of the response.
2. On 5 September 2023, the Government updated the National Planning Policy Framework (NPPF) a few weeks after the extended Regulation 16 stage had ended and shortly after the examination had commenced.

The update focused on national policy for onshore wind. Transitional arrangements are set out in the updated NPPF. These explain that the policies on renewable and low carbon energy and heat only apply to local plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or would reach that stage within three months of the publication of the updated NPPF.

Although that relates to Local Plans, I consider the same principle can pragmatically be applied to this Plan. I therefore consider that even if the updates are relevant to this Plan, the updates do not apply and it is not necessary to have further consultation on this. I invite comments on this proposed course of action from the QB and BCKLWN.

3. Please could BCKLWN provide the Plan area designation documents (application, plans and determination) to me?
4. Please could the Plan period be confirmed? The front cover states 2017 – 2036, but the Basic Conditions Statement indicates that the Plan period is 2022 – 2036 and the SEA Screening

Report states 2021 – 2036.

5. It is welcomed that the Plan has kept an eye on the emerging Local Plan Review (LPR). There are some references to the emerging Local Plan throughout the Plan.

In addition, after the Plan was submitted, the Inspectors appointed to undertake the examination of the LPR adjourned the hearings so that further work could be undertaken by BCKLWN on the spatial strategy and distribution of housing. That work has now been completed and is currently out for consultation between 8 September – 20 October 2023.

- a) Do any implications arise from this current consultation for the Plan? I invite comments on this from the QB and BCKLWN, particularly in relation to Policy 7, Location of New Housing.
 - b) Would the QB like to provide replacement and up to date wording for any references to the emerging LPR throughout the Plan (paragraphs 8, 17, 80 and 85)?
6. Paragraph 40 of the supporting text to Policy 1, Strategic Gaps, refers to the development boundaries of each of the four settlements. However, it is my understanding that only Grimston and Pott Row currently have defined development boundaries in the Core Strategy. I understand it is the intention of the emerging LPR to introduce development boundaries to Congham and Roydon. Is it the intention of the Plan to designate the development boundaries shown in Figure 3? This is also relevant to Policy 7, Location of New Housing.
 7. Policy 3, Housing Type and Mix, includes criteria a) and b). The policy refers to schemes for two or more dwellings, but neither criterion could be achieved on a scheme of two or three unless the criteria are interpreted as very minimum percentages.

The paragraph beneath this states “This means that for new build schemes of 2- 4 dwellings, for example, at least 1 unit should meet criterion ‘a’ and at least one should meet criterion ‘b’, and this could be the same one dwelling meeting both criteria.” I am not sure what the underlined element of this part of the policy means or what the overall policy is seeking. Please could clarification be given?

8. Policy 5, Density of New Housing Development, refers to 50% of the plot area and 40% of the total internal floorspace of dwellings. These are both precise percentages. Please clarify how the percentages have been set.
9. In relation to Policy 7, Location of New Housing, a number of queries arise.
 - a) Question 10 above in relation to the emerging LPR is relevant.
 - b) The policy also supports housing in rear gardens of existing dwellings. This is an unusual stance to adopt; the NPPF (paragraph 71) indicates that policies resisting inappropriate development of residential gardens should be considered. Policies at BCKLWN level also would not generally support this type of backland development. How does this element of the policy sit with national and local policies? How does it sit with Policy 1 of this Plan? Is there any potential conflict?
 - c) What is the intention of criterion 1 d.?

- d) With regard to development in Roydon and Congham, how does the policy relate to the designation of development boundaries for each settlement (if indeed this is the intention)?
 - e) The last part of the policy supports affordable housing up to a maximum of four units. How has this threshold been set?
10. Policy 8, Roydon Common Buffer Zone is an interesting and innovative policy. Reference is made to the collaborative work undertaken with the Norfolk Wildlife Trust. Please could evidence of the work undertaken and the NWT's support for the principle of the identification of the buffer zone and its extent as well as the current wording of the policy be provided?
11. Policy 11, Local Green Spaces (LGS). A number of queries arise.
- a) Should Roydon Church Green be Roydon Church Glebe Field?
 - b) Should the photograph of LGS3 Recreation Ground at Hudson's Fen be removed from the Plan?
 - c) Some of the proposed LGSs (LGSs 2, 6 and 11 I think) also fall within a proposed Strategic Gap. How would the two policies work together? Is there any conflict?
12. Policy 14, Heritage Assets, seeks to designate a number of non-designated heritage assets. In principle, this is to be welcomed. Please send me the background evidence to support this part of the policy.
13. Policy 15 Sustainable Transport refers to "major employment development". I consider it would be helpful to define this and I invite a definition to include in the glossary from the QB.
14. I consider it desirable that a Policies Map is included with the Plan to show any designations the Plan itself makes.

Conclusions and Way Forward

To summarise, based on the information before me, I regret to say that, at the present time, I do not consider that the submitted documents on SEA and particularly on HRA are sufficient. I will however await your further thoughts on this matter before I reach a firm conclusion on this issue.

During the course of an examination, it is not unusual for me to have a number of questions of clarification. This is the case with many of the other queries above. There are also two more substantive queries in relation to the recently updated NPPF and the current position of the emerging Local Plan. In this instance, there are three policies which heavily rely on evidence that has not apparently been submitted with the suite of documents. It may well be that the evidence is available or simply needs to be collated into a suitable supporting evidence document. It may be that further consultation would be needed if evidence which has not been previously available is used to underpin these policies.

I understand that this will not be welcome news to those involved in the production of the Plan. However, there are many other aspects of this well presented Plan which are exemplary and

innovative.

In terms of a way forward, I will wait for your comments on the SEA and HRA. Once we have decided on that issue, we can then set out a way forward.

I am also not seeking, and will not accept, any representations from other parties regarding any of the matters covered in this Note at this stage.

This note will be a matter of public record and should be placed on the relevant websites at earliest convenience.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
16 September 2023