

**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.

***Response (BCKLWN): Examiner's comments noted. The Neighbourhood Plan, as submitted, was supported by the October 2021 SEA screening report<sup>1</sup>. The draft SEA screening report was prepared by the consultant (CCP), with the draft subject to consultation with the statutory consultees for 4 weeks (1-29 October 2021, inclusive), in accordance with The Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 11<sup>2</sup>).***

*Feedback was received from Natural England and Historic England, both confirming that there are unlikely to be significant or adverse environmental effects from the Plan. The Environment Agency also responded by email (8 October 2021), stating that: "Due to resource pressures we are no longer able to provide you with comprehensive bespoke advice on screening opinions". On this basis, we are satisfied that due process was followed in respect of the SEA screening process.*

### ***SEA screening report analysis and conclusions***

*The SEA screening report concluded that: "Natural England and Historic England responded stating that the need for a Strategic Environmental Assessment or Habitats Regulation Assessment is not required in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. The Environment Agency did not respond at this stage. For this reason, a full SEA/HRA and Appropriate Assessment [i.e. full HRA] is not required at this point and is screened out."*

*Notwithstanding, the Examiner's concerns are noted. These relate to concerns that the HRA, as undertaken, is implicit and incidental to the SEA. These points are accepted, although the following points are noted regarding the contents of the SEA screening report itself:*

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<sup>1</sup> [https://www.west-norfolk.gov.uk/download/downloads/id/7843/grc\\_sea-hra\\_screening\\_update\\_october\\_2021.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/7843/grc_sea-hra_screening_update_october_2021.pdf)

<sup>2</sup> <https://www.legislation.gov.uk/uksi/2004/1633/regulation/11>

- The Plan Vision places wildlife habitats at its heart, stating that: “The rural character and special identity of the area will be protected and enhanced. This is defined by many features, but especially **wildlife habitats** and green infrastructure...In protecting and enhancing this rural character, the plan will result in improvements to the ecological network. **New habitats will be created** as part of any new development, producing a biodiversity net gain in the area over the plan period...”.
- The Vision is supported by eleven specific objectives, including: “To **retain and extend** the diversity of wildlife and habitats throughout the neighbourhood plan area, enhancing the ecological network”.
- “Will the PP [Plan Proposal], in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Art. 3.3)?” This question, part of the guidance for application of the SEA directive, was “skipped”, in accordance with the flow diagram at Figure 2.
- The SEA assessment at Figure 3 highlights, under the heading: “Environmental problems relevant to the plan or programme”: “...environmental sensitivities within the plan area and two of the SSSIs, including Roydon Common, are in an unfavourable condition”. This proposed specific solutions, including a policy to establish a buffer zone for [Roydon] Common.

*The SEA identifies positives/ benefits that the Plan should achieve in terms of habitat protection and/ or creation. However, it is accepted that the SEA screening report only explicitly identifies Roydon Common as an SSSI and not as a Special Area of Conservation (SAC)/ Ramsar site. It is therefore accepted that a case could be presented that this omission could be insufficiently robust in terms of legal compliance with the requirements of the 2017 Habitat Regulations (as amended).*

### **Basic Conditions Statement**

*Given the concerns raised regarding the robustness and quality of the HRA process, consideration has been given to the analysis of the process in the Basic Conditions Statement (BCS), submitted as part of the Plan proposal.*

*The BCS includes analysis of the impacts of Policy 8: Roydon Common buffer zone, in providing additional policy measures to safeguard the SAC, Ramsar, SSSI and National Nature Reserve (NNR) site. The BCS explains that the buffer zone was developed in collaboration with Norfolk Wildlife Trust. It is considered that Policy 8 would be positive for Roydon Common.*

*The BCS Section 6 (EU Obligations) includes assessment of the Neighbourhood Plan against the following retained EU Directives:*

- *Directive 2001/42/EC (SEA Directive)*
- *Directive 2011/92/EU (Environmental Impact Assessment Directive)*
- ***Directives 92/43/EEC and 2009/147/EC (Habitats and Wild Birds Directives)***
- *Other EU directives; e.g. Waste Framework Directive (2008/98/EC)*

*Section 7 of the BCS goes on to consider “Prescribed Conditions” (Schedule 2, 2012 Neighbourhood Planning Regulations, as amended). This explains the HRA process, concluding that: “A screening assessment was undertaken on GPRRCNP [Grimston, Pott Row, Roydon and Congham Neighbourhood Plan] (2022) to determine whether it will have ‘likely significant effects’ upon internationally designated habitat sites. This was screened out as not having any likely significant effects” (BCS paragraph 30).*

*It is unclear as to which document is being referred to in BCS paragraph 30. The SEA screening report is dated October 2021. No “screening assessment” undertaken during 2022 was submitted with the Neighbourhood Plan at Regulation 15, so it must be concluded that this statement was made in error (i.e. intention to refer to the October 2021 SEA screening report).*

### ***Conclusion***

*An emphasis upon the importance of wildlife habitats (natural environment) has been placed at the heart of the Neighbourhood Plan vision. This is clearly explained within the SEA screening report.*

*The 2017 Habitat Regulations (as amended) require that: “A competent authority (in this case, the Borough Council) has to make an appropriate assessment (i.e. undertake Habitat Regulations Assessment) of the implications of the plan for Roydon Common in view of that sites conservation objectives (Regulation 63(1)(a)<sup>3</sup>). Regulation 63(5) and (6) goes on to explain the Borough Council’s legal obligations; i.e.:*

- *Ascertaining that the Neighbourhood Plan will not adversely affect the integrity of the European site (Roydon Common) (63(5)); and*
- *In considering whether the plan will adversely affect the integrity of the site (i.e. undertaking the HRA/ appropriate assessment) the manner in which the Borough Council will undertake the appropriate assessment.*

*In other words, the Regulations require that to undertake an appropriate assessment (thereby fulfilling the requirements of the Habitat Regulations), the*

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<sup>3</sup> <https://www.legislation.gov.uk/ukxi/2017/1012/regulation/63>

*process needs to be sufficiently clear and transparent. While some aspects of the HRA process were included within the SEA it is accepted that it is not sufficiently clear and transparent to fulfil the requirements of the Habitat Regulations.*

*The SEA screening process for the Neighbourhood Plan is appropriate and sufficient. This is reflected in feedback from the statutory consultees (Environment Agency, Historic England and Natural England). However, the requirements for a Habitat Regulations Assessment appear to have been included within paragraph 44 as an afterthought.*

*When the SEA and BCS are analysed, in combination, it is noted that some (possibly many) aspects of HRA requirements are addressed. However, questions remain as to whether these (in combination) represent an appropriate assessment, in accordance with the 2017 Habitat Regulations. To meet these legal tests, it is necessary for the process to be clear and transparent. As submitted at Regulation 15, the Plan Proposal and supporting documents are insufficiently clear as to whether the requirements for an appropriate assessment have been met.*

*On this basis, it is suggested that the HRA process be re-visited, to ensure the plan-making process is legally robust.*

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.

**Response (BCKLWN):** *Other Neighbourhood Plans (e.g. adjacent Gayton and Gayton Thorpe Neighbourhood Plan, recently passed at examination) have utilised a standard combined Borough Council SEA and HRA template<sup>4</sup>. The Gayton and Gayton Thorpe Examiner concluded, with reference to the Habitat Regulations, that: "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." (Examiner's Report<sup>5</sup>, paragraph 6.17).*

*The template utilised for the Gayton and Gayton Neighbourhood Plan examination was recently found appropriate and proportionate, so this should be utilised for the Grimston, Pott Row, Roydon and Congham Neighbourhood Plan (GPRRCNP). The*

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<sup>4</sup> [https://www.west-norfolk.gov.uk/download/downloads/id/7688/gayton\\_np\\_screening\\_report.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/7688/gayton_np_screening_report.pdf)

<sup>5</sup> [https://www.west-norfolk.gov.uk/download/downloads/id/8034/gayton\\_and\\_gayton\\_thorpe\\_ndp\\_-\\_examiners\\_report\\_final.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/8034/gayton_and_gayton_thorpe_ndp_-_examiners_report_final.pdf)

*SEA parts of the template may be filtered out, as these legal requirements were fulfilled by the submission documents.*

*It is therefore proposed to apply the Borough Council's template to undertake HRA screening for the GPRRCNP. The 2017 Regulations (unlike those for development plan documents or SEA screening) do not specify minimum timeframes for consultation. Instead, Regulation 63(3) only requires that: "The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies". Regulation 63(4) provides for the consultation to be widened to the general public, if appropriate.*

*In accordance with the 2017 Habitat Regulations (63(3) and 63(4)) and the Statement of Community Involvement<sup>6</sup>, it is proposed to run a 4-weeks consultation with Natural England for the HRA screening report, once this is finalised. Further consultation may be necessary at the direction of the Examiner. If necessary, Regulation 16 consultees and respondents would be consulted accordingly.*

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.

***Response (Grimston Parish Council – QB):*** *The QB and Neighbourhood Planning Group have considered the representation. There is not anything that we [QB/ Neighbourhood Planning Group] have not already responded to/ addressed at Regulation 14.*

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

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<sup>6</sup> [https://www.west-norfolk.gov.uk/info/20079/planning\\_policy\\_and\\_local\\_plan/550/statement\\_of\\_community\\_involvement\\_sci](https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/550/statement_of_community_involvement_sci)

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.

**Response (BCKLWN and QB):** *The course of action proposed by the Neighbourhood Plan examiner, to address the issue of the publication of the updated NPPF on 5 September 2023 seems a sensible approach. The Plan does not contain specific proposals for renewable energy developments, so none of the changes to the NPPF in the September 2023 update are relevant to the Plan examination.*

3. Please could BCKLWN provide the Plan area designation documents (application, plans and determination) to me?

**Response (BCKLWN):** *The Plan area designation documents are available to view through this link: [Neighbourhood plans being prepared | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](#). I refer you to the following documents:*

- [Grimston, Roydon & Congham - Designation of Neighbourhood Area](#); and
- [Grimston, Roydon & Congham - Neighbourhood map](#)

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.

**Response (QB):** *Propose amending the Plan period to 2017-2036, as 2017 was the year that the area was designated.*

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.

**Response (BCKLWN):** *The Local Plan consultation on additional studies (8 September – 20 October 2023) includes the Spatial Strategy and Settlement Hierarchy (including Neighbourhood Housing requirements)*

*Topic Paper (reference [F47](#)). This may have potential implications for the Neighbourhood Plan in the medium/ longer term.*

*With reference to the settlement hierarchy, services and facilities at Grimston, Pott Row, Roydon and Congham villages were reassessed in preparing the Topic Paper (F47). This survey/ evidence gathering found that all four settlements were appropriately designated in the current (Core Strategy) settlement hierarchy (Grimston and Pott Row – Key Rural Service Centre; Roydon and Congham – Smaller Villages and Hamlets), so no changes to the status of these settlements is proposed in the emerging Local Plan. Therefore, the approach to delivering new housing set out in Policy 7 is considered in general conformity with the Core Strategy (policies CS02 and CS09).*

*F47 proposes the merger of policies LP04, LP31 and LP41 into a single new policy: “Residential Development on Windfall sites within and adjacent to Rural Settlements”. This proposes, with reference to development outside (but adjacent to) the development boundaries, the following standards:*

- Key Rural Service Centres – up to 10 dwellings;*
- SVHs – up to 1/2 dwellings per site.*

*The proposed Local Plan standard for SVHs is broadly consistent with Policy 7(2). By contrast, Policy 7(1) proposes a standard for up to 5 dwellings. This should not have implications at this stage, given that the Neighbourhood Plan is to be examined in accordance with the current Local Plan. However, it is acknowledged that there is a risk that Policy 7(1)(b) could be short lived, if the replacement Local Plan is subsequently adopted, with a 10 dwellings maximum standard.*

*F47 also proposes housing requirements for designated Neighbourhood Areas (i.e. parishes). This identifies a suggested figure for a further 22 dwellings at Grimston (none at Roydon or Congham, given their status in the settlement hierarchy) to be delivered over the replacement Local Plan period (2021-2039). However, the Topic Paper (paragraph 22) also reiterates the Planning Practice Guidance, that “the neighbourhood planning body does not have to make specific provision for housing or seek to allocate sites to accommodate the requirement”. It is therefore emphasised that the Neighbourhood Area figures proposed for inclusion in the Local Plan will be optional and non-binding upon the Qualifying Body in a future review of the GPRRC Neighbourhood Plan once the replacement Local Plan is adopted.*



*Overall, at this stage the ongoing replacement Local Plan examination and supporting Topic Paper F47 (additional evidence) should not have any implications for the GPRRC Neighbourhood Plan. However, there may be a risk that certain policies/ specific criteria (e.g. Policy 7) could be short-lived/ soon superseded by the new Local Plan upon adoption of the latter.*

- 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)?

**Response (QB):**

- *Para 8: update to reflect that the emerging LPR is not allocating additional sites.*
- *Para 17: Remove references to the Plan-period dates for the Local Plan review (LPR)*
- *Para 80: Leave in the text from the task force report as this highlights that NDPs can allocate should they wish, but add some text to clarify that no additional allocations have been made within the area as part of the LPR.*
- *Para 85: Remove reference to LP31, as recommended by BCKLWN. The LPR is looking at how development boundaries should be used in managing development at the periphery of the built-up area.*

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.

**Response (BCKLWN and QB):** *The Examiner's understanding is correct. The plan is designating the development boundaries in Figure 3, which correspond to those in the emerging replacement Local Plan (submitted March 2022).*

*Grimston and Pott Row already have defined development boundaries in the current Local Plan (2016 Site Allocations and Development Management Policies (SADMP) Plan: Inset G41). As Smaller Villages and Hamlets (SVHs), Roydon and Congham do not have defined development boundaries; Policy DM3 instead providing the framework by which development in/ around the built-up areas of these villages will be managed.*

*The replacement Local Plan, submitted March 2022 (section 15), proposes to replace Policy DM3 in the current Local Plan, by defining development boundaries at SVHs (including Roydon and Congham). The development boundaries at Figure 3 of the GPRRC Neighbourhood Plan reflect those in the*

*submitted replacement Local Plan. As the Neighbourhood Plan examination is likely to conclude in advance of that for the Local Plan, it is intended that the development boundaries at Figure 3 should correspond to those in the submitted replacement Local Plan (sections 12.11 and 15).*

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?

***Response (QB):*** *Policy 3 seeks to ensure that smaller dwellings and those suitable for older people are included within new housing schemes, including smaller schemes. If there are two new dwellings the criteria could be met by delivering one two bedroom which is also accessible/adaptable for older people.*

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.

***Response (BCKLWN and QB):*** *Policy 5 seeks to ensure proposals are not unduly over-developed or cramped. The 50% plot area/ 40% total internal floorspace standards provide some practical guidance as to what is envisaged for the purposes of managing development.*

*The proposed standards were first considered as one of the questions from the initial consultation. 50% is often used for permitted development (PD) rights; i.e. outbuildings/ other additions can't be more than 50% of the total area around the original dwelling. The Neighbourhood Plan is aiming to ensure that proposals are not unduly overdeveloped so that they fit with the character of the area, as analysed through each of the four Character Assessments submitted with the Plan. 50%/ 40% represent guidelines in relation to this.*

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.

***Response (BCKLWN):*** *Overall, there is no requirement to for a Neighbourhood Plan to be in general conformity with emerging policies. The soundness tests only require that it is in general conformity with the strategic policies of the development plan (i.e. adopted Local Plan).*

*Notwithstanding, there is a risk that individual policies may become quickly superseded if these conflict with the replacement Local Plan if/ when the latter is adopted. It should also be noted that the emerging Local Plan may be subject to further changes, resulting from the ongoing independent examination (anticipated to conclude around autumn 2024).*

- 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?

***Response (BCKLWN and QB):*** *The NPPF (paragraph 71) specifies that: “Plans should consider the case for setting out policies to resist inappropriate development of residential gardens...”. Further guidance is provided by NPPF paragraph 125, which states that: “Planning policies and decisions should support development that makes efficient use of land, taking into account...the desirability of maintaining an area’s prevailing character and setting (including residential gardens)” (paragraph 124(d)).*

*The NPPF provides the framework by which Plan policies should be developed. The GPRRC Neighbourhood Plan is supported by evidence, including Character Assessments for each of the four settlements. These have informed relevant policy criteria, defining what types of infill development (i.e. within development boundaries) is appropriate (in accordance with NPPF paragraph 71).*

*The current Local Plan (paragraphs C.2.5 and C.2.8) specifies that ‘backland’ development is generally incompatible with the form and character of development it wishes to promote (2016 SADMP, paragraph C.2.8); i.e. such development is generally not supported by the Local Plan.*

*The 1<sup>st</sup> part of Policy 7 permits new housing in rear gardens of existing dwellings within the settlement, subject to access, parking and amenity. This could, arguably, conflict with Local Plan policies, which do not generally support backland development.*

*The GPRRC Neighbourhood Plan is supported by Character Assessments. These highlight the importance of significant gaps and wide-open spaces in the villages, particularly Grimston and Congham (GPRRC, paragraph 38). The Plan aims to preserve these gaps. It could be argued that backland development supports this outcome, by enabling protection of existing gaps/ wide-open spaces, by taking a more positive/ permissive*

*approach to backland development instead.*

*In drafting the Neighbourhood Plan (pre-Regulation 14), the QB took a local approach to backland development. Originally this was seen as a way of supporting small development proposals within the existing built-up area, which is seen as more favourable to schemes coming forward outside/on the edge of the settlement. This approach was also supported in Regulation 14 feedback. The QB assessed Policy 7 in accordance with the direction provided by NPPF para 71.*

*Proposals would also need to be considered against Policy 4 (Design and Landscaping). To be supported, 'backland' proposals would need to fulfil the requirements of both policies 4 and 7. It is accepted that the Plan approach to backland development does, to an extent, deviate from national and Local Plan strategic policies. However, the Character Assessments provide the main evidence base for the locally distinctive 'backland' development criteria at Policy 7. Policy 4 provides further safeguards against inappropriate development.*

- c) What is the intention of criterion 1 d.?

***Response (QB):*** *The QB would be looking for an applicant to have considered the planning balance, and for the benefits of the proposed development to outweigh any harm. This should ideally be set out in a planning statement that accompanies the application.*

- 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)?

***Response (QB):*** *Amendment needed, to clarify in the policy that this applies within the development boundary. 'The sensitive infilling of small gaps in the development boundary, within an...'*

- e) The last part of the policy supports affordable housing up to a maximum of four units. How has this threshold been set?

***Response (QB):*** *The threshold (maximum 4 units) was just considered appropriate to allow for small scale development, without extending the settlement into the wider countryside.*

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?

**Response (QB):** *The Buffer Zone was developed by the QB, in conjunction with the Norfolk Wildlife Trust (NWT). The QB/ appointed consultant (CCP) is producing an Addendum to the Evidence Base document, to provide additional information about how Policy 8 was developed, working with the NWT.*

*It should also be noted that the Buffer Zone does not entirely preclude development. Indeed, the Local Plan allocation (G41.2) is situated within the buffer zone and this is anticipated to be delivered imminently.*

11. Policy 11, Local Green Spaces (LGS). A number of queries arise.

- a) Should Roydon Church Green be Roydon Church Glebe Field?

**Response (QB):** *Yes, this correction to the title of LGS1 (p42) should be made for the referendum version Neighbourhood Plan.*

- b) Should the photograph of LGS3 Recreation Ground at Hudson's Fen be removed from the Plan?

**Response (QB):** *Yes, this is an error; Hudson's fen was removed at Reg 14 stage. Photo should be replaced with another relating to a remaining LGS in the referendum version 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?

**Response (BCKLWN):** *Three of the proposed LGSs (2, 6, 11: Policy 11/ Figure 13) are situated within the Strategic Gap (Figure 3/ Policy 1). These are entirely separate designations.*

*It is not considered that sites covered by more than one protected land-use designation is any problem, as these complement one another. LGSs are defined, predominantly due to their role and function in-situ; i.e. that these are demonstrably special to a local community and hold a particular local significance (NPPF paragraph 102(b)). By contrast, the Strategic Gap is an extensive area/ tract of land, whose role is to protect the identity and distinctive character of the different settlements (GPRRC Neighbourhood Plan, Objective A).*

*Where policy designations overlap one another (i.e. LGSs 2, 6, 11), the Policy 1 and Policy 11 represent a "belt and braces" policy approach for LGSs 2, 6 and 11. There is therefore no conflict between policies 1 and 11 in respect of the three LGSs.*

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.

***Response (QB): Non-designated heritage assets were identified through community consultation and some considered as part of the character assessments that were undertaken for each of the four settlements.***

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.

***Response (QB): A “major employment development” is defined as a site of 1ha or more.***

14. I consider it desirable that a Policies Map is included with the Plan to show any designations the Plan itself makes.

***Response (QB): This is no problem. A single Policies Map can be provided, for inclusion in the Neighbourhood Plan.***

### **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