

URN:

Subject: Fleggburgh Neighbourhood Plan examination & recommendation

Report to: Full Council – 20 April 2022

Report by: Nick Fountain, Senior Strategic Planner

SUBJECT MATTER

Fleggburgh Neighbourhood Plan examiner's report & recommendation

RECOMMENDATION

That Full Council:

- Approves the recommended modifications to the Neighbourhood Plan as set out in the Examiner's Report
- Approves the referendum area as the neighbourhood plan area as recommended in the Examiner's Report.
- Agree the Neighbourhood Plan (as modified) proceeds to referendum.
- Approves the publication of a Decision Statement setting out the Council's and the Broads Authority's response to the Examiner's recommendations and announcing the intention for the Neighbourhood Plan to proceed to a referendum.

1. Introduction

- 1.1. A neighbourhood plan is a plan prepared by a local community (usually led by the parish council), that contains land use policies. The Borough Council formally designated the Neighbourhood Area for Fleggburgh in April 2019 at which point the parish council (working with consultants) began preparing the neighbourhood plan. The parish council has engaged with the local community including consultation on a pre-submission draft of the neighbourhood plan.
- 1.2. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council and Broads Authority have provided advice and assistance over the course of the plan being prepared. The Borough Council also provided some final comments on the plan proposals as part of an informal 'health-check' before the plan was submitted.

Local Plan Working Party

- 1.3. Throughout plan preparation and formal decision making, the progress of the neighbourhood plan has been presented to members of the Local Plan Working Party. Members have had opportunities to feedback ideas to officers to shape consultation responses, and in providing advice and guidance to the parish council. The Examiner's Report recommendations were taken to Local Plan Working Party and endorsed to Full Council on 17th March 2022.

Final stages of the plan

- 1.4. The plan was submitted to the Borough Council in July 2021, with the parish council having undertaken early local consultations. The Borough Council published and consulted on the submitted plan in August 2021. An independent examiner was then appointed to examine the plan. To aid the examination, the Examiner then asked some clarification questions with the Borough Council, Broads Authority and parish council. Responses from these were passed to the Examiner for consideration and published on the website.
- 1.5. The appointed Examiner has now examined the Fleggburgh Neighbourhood Plan and published their report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the '[basic conditions](#)' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.
- 1.6. It is worth noting that officers had a chance to look through a draft of this report for fact checking. This included the opportunity to identify any factual errors before the final report was issued on 23rd February 2022.
- 1.7. In summary, the Examiner has found that subject to some necessary modifications, the neighbourhood plan meets the basic conditions and can proceed to referendum. No extension has been recommended to the referendum area. Therefore, the referendum area will cover the whole parish of Fleggburgh.

2. Fleggburgh Neighbourhood Plan

- 2.1. The plan encompasses visions and objectives covering housing and design, natural environment, built and historic environment and access and transport. The plan period runs to 2030 aligning with the Core Strategy.
- 2.2. In summary the policies in the submission plan seek to:
 - Support low occupancy and adaptable homes
 - Preserve and enhance the existing village character through design measures
 - Support high energy efficiency standards
 - Seeking biodiversity net gain on new major developments
 - Retain trees and hedgerows
 - Designate Local Green Spaces
 - Identify key views and protect the best and most versatile agricultural land
 - Protect dark skies
 - Encourage the use of sustainable urban drainage systems
 - Identify a 'Village Centre' to focus community facilities and connectivity
 - Identify non-designated heritage assets

- Promote sustainable transport

3. Examiner recommendations

3.1. The full Examiner's Report is attached to this paper. To summarise the Examiner recommendations to the submitted plan are as follows:

- Subject to modifications the plan meets the basic conditions including:
 - Having regard to national policies and advice
 - Is in general conformity with the strategic policies of the Development Plan
 - Meets the retained European Union Obligations (transposed into UK law):
 - The Environmental Assessment of Plans and Programmes Regulations 2004 (Environmental Assessment Regulations)
 - The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)
 - Does not breach the European Convention on Human Rights
- The modifications to policies and supporting text were relatively minor text changes. Though the following policy requirements had more significant text added or removed:
 - Updating any references to the NPPF as necessary
 - (Policy 2) Encouraging (but not requiring) energy efficiency standards in accordance with the Written Ministerial Statement
 - (Policy 2) Removing the EV charge point requirement (but encouraging installation)
 - (Policy 3) Clarifying the threshold of development (major developments) to which Biodiversity Net Gain will apply
 - (Policy 4) Ensuring Local Green Space policy is consistent with Green Belts as set out in national policy
 - (Policy 6) Removing restrictions to lighting installations
 - (Policy 9) Aligning heritage policy with the NPPF in consideration of non-designated heritage assets
 - (Policy 10) Ensuring that the transport requirements meet the obligations tests and are in general conformity with the NPPF

4. Decision on Examiner's Recommendations

- 4.1. Regulation 24A of the Neighbourhood Planning Regulations sets out that the local planning authority needs to make a decision within 5 weeks of the examiner's report being issued unless a date is otherwise agreed with the qualifying body (the parish council). As this Full Council meeting falls beyond the 5 week period, the parish council had agreed (in accordance with the Regulations) an extension of time for the Borough Council and Broads Authority to make a decision.
- 4.2. A Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must then be published. It is possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.
- 4.3. Having carefully reviewed the Examiner's report and recommendations, officers consider that the examination has been carried out correctly in considering the basic conditions and where necessary this has required modifications to the policies and supporting text. Officers,

therefore, see no justification to depart from the recommendations contained within the Examiner's report.

Joint decision

- 4.4. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council has taken the lead in supporting the parish council preparing the plan by providing advice and assistance, organising and coordinating actions, responses, consultations, and decisions. The Broads Authority will also need to consider the Examiner's recommendations and come to a decision at their Planning Committee (scheduled on 1st April 2022). Therefore, a formal joint decision will not be issued until the decision is made by Full Council in April.

General conformity with existing Local Plan

- 4.5. One of the key basic conditions is that the neighbourhood plan is in general conformity with the strategic policies of the adopted local plan. It is important to note that officers have over the preparation of the plan provided advice in respect of the Local Plan Part 2 (LPP2) strategic policies as the document was emerging. As an adopted part of the Development Plan, the LPP2 was considered under the basic conditions.
- 4.6. Where there are elements of policy that may have the potential to conflict, these will be resolved by favouring the most recently adopted policy. Therefore, the neighbourhood plan policies would take precedence as the document would be formally adopted following a successful referendum. Such conflicts should be rare occurrences and would only apply in non-strategic policy matters.

Environmental Assessment & Habitat Regulations

- 4.7. Another important consideration at this stage is compliance with the Environmental Assessment and Habitat Regulations Assessment (HRA) legislative requirements, as the Borough Council (along with the Broads Authority) is the 'competent authority'. The parish council prepared a screening report which along with the Borough Council's screening assessment was consulted on (with the statutory bodies) and the screening determination published in March 2020.
- 4.8. The screening determination confirmed that the plan would not have any likely significant effects on the environment or any likely significant effects on nearby habitat sites (National Site Network habitat sites), and therefore the plan did not require a full Sustainability Appraisal or Appropriate Assessment. Since then, the plan has been subject to relatively minor updates by the parish council following consultation, and those suggested modifications from the Examiner. Having considered these, officers have concluded that the findings of the 2020 screening determination remain valid and appropriate, meeting the legislative requirements.
- 4.9. It is therefore important to acknowledge that by accepting the Examiner's recommendations, that the Borough Council (and Broads Authority) as competent authority accept the findings of the Screening Determination that the plan would not have any likely significant effects on the environment or any likely significant effects (including the consideration of in-combination effects) on nearby habitat sites (National Site Network habitat sites). The neighbourhood plan is therefore 'screened out' and does not require a full Sustainability Appraisal or Appropriate Assessment.

Neighbourhood Referendum

- 4.10. If the neighbourhood plan and the modifications that the Examiner has proposed are accepted, the plan should proceed to a neighbourhood referendum. The referendum asks whether residents would like the neighbourhood plan to help decide on planning applications in their area. Essentially, a successful vote ensures that the local authority will adopt the plan as part of their Development Plan to be used when determining planning applications.
- 4.11. Such a referendum needs to take place within 56 days from the day after the date of the decision on examiner recommendations. A 28 day notice period of the referendum date also needs to be published within that 56 day period. Having liaised with the Electoral Services team, the referendum could be held on **Thursday 16th June 2022**. The Examiner has recommended that the referendum area is not expanded beyond the designated neighbourhood plan area; and therefore, it would remain as the whole parish area. There appears little justification to disagree with this approach.

Decision Statement

- 4.12. In accordance with the Regulations, the Borough Council must publish a decision statement setting out what action is being taken on the Examiner's report and the recommendations contained within it. A draft statement has been prepared and is attached to this report, with a decision based on accepting all of the Examiner's recommendations. As the decision is joint with the Broads Authority, the statement is on behalf of both councils.

5. Next Steps

- 5.1. Subject to the Examiner's recommendations being accepted, a decision statement will be issued and published on the Borough Council's website. A notice will be published proposing the referendum date (ensuring that the 28 days' notice requirement is met). The referendum will be held in the parish. The result will be determined by a majority of over 50% of the votes cast. The result of that referendum will be reported. Upon a 'yes' vote, the plan must be adopted by the local planning authority within a period of 8 weeks following the referendum date. The plan would then need to be formally adopted by Full Council, forming part of the Development Plan. A decision statement will need to be published on the Borough Council's website.
- 5.2. As discussed above, should Full Council come to a different recommendation to that of the Examiner, a decision statement will still need to be issued and this could require further consultation and potentially re-examination.

6. Financial Implications

- 6.1. The Borough Council has already received £5,000 for the adopted neighbourhood plan area (it has actually received 5 of these through the first 5 adopted areas). This funding will support the payments required to appoint independent examiners.
- 6.2. The Borough Council should receive a further Government grant of £20,000 when a decision statement is issued to send the neighbourhood plan to referendum.
- 6.3. All costs associated with officer resources, the examination and referendum of the Neighbourhood Plans are expected to be covered by this Government funding.

7. Conclusion

- 7.1. The first recommendation is that the Full Council accepts the Examiner's proposed modifications to the Fleggburgh Neighbourhood Plan. This decision accepts that the plan meets the basic conditions. In addition, as the Examiner has advised in the report, it is recommended that the referendum area is maintained as the neighbourhood plan area.
- 7.2. It is then recommended that Full Council agrees that the plan should proceed to referendum. The referendum would be held within the required time limit, and **Thursday 12th June 2022** is the proposed date for this to take place.
- 7.3. Finally, to meet the legislative requirements at this stage, it is recommended that Full Council approves the attached Decision Statement for publication on the Borough Council's website.

8. Links

- [Submission version of Fleggburgh Neighbourhood Plan \(pre-examination therefore excludes modifications\)](#)
- [SEA & HRA Screening Opinion](#)
- [Submitted SEA & HRA Screening Assessment](#)

9. Appendices

Appendix 1 – Examiner's Report on Fleggburgh Neighbourhood Plan

Appendix 2 – Fleggburgh Decision Statement on Examiner's Report

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Through ELT
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Local Plan Part 1: Core Strategy, Local Plan Part 2
Financial Implications (including VAT and tax):	See Section 6
Legal Implications (including human rights):	See Section 5
Risk Implications:	See Section 5
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

FLEGGBURGH NEIGHBOURHOOD PLAN

Fleggburgh Neighbourhood Plan Examination
A Report to Great Yarmouth Borough Council and the Broads Authority

by Independent Examiner, Nigel McGurk BSc (Hons) MCD MBA MRTPI

February 2022

Contents

1, Summary

2, Introduction

3, Basic Conditions and Development Plan Status

4, Background Documents and the Fleggburgh Neighbourhood Area

5, Public Consultation

6, The Neighbourhood Plan: Introductory Section

7, The Neighbourhood Plan: Policies

8, The Neighbourhood Plan: Other Matters

9, Referendum

1. Summary

- 1 Subject to the recommendations within this Report, made in respect of enabling the Fleggburgh Neighbourhood Plan to meet the basic conditions, I confirm that:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 2 Taking the above into account, I find that the Fleggburgh Neighbourhood Plan meets the basic conditions¹ and I recommend to Great Yarmouth Borough Council and the Broads Authority that, subject to modifications, it should proceed to Referendum.

¹ It is confirmed in Chapter 3 of this Report that the Fleggburgh Neighbourhood Plan meets the requirements of Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990.

2. Introduction

The Neighbourhood Plan

- 3 This Report provides the findings of the examination into the Fleggburgh Neighbourhood Plan (referred to as the Neighbourhood Plan) prepared by Fleggburgh Parish Council.
- 4 As above, the Report recommends that the Neighbourhood Plan should go forward to a Referendum. At Referendum, should more than 50% of votes be in favour of the Neighbourhood Plan, then the Plan would be formally *made* by Great Yarmouth Borough Council and the Broads Authority.
- 5 The Neighbourhood Plan would then form part of the relevant development plan and as such, it would be used to determine planning applications and guide planning decisions in the Fleggburgh Neighbourhood Area.
- 6 Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can shape, direct and help to deliver sustainable development."

(Paragraph 29, National Planning Policy Framework)

- 7 As confirmed under "*Legal and Regulatory Compliance*" in paragraph 7 on page 2 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Fleggburgh Parish Council is the *Qualifying Body*, ultimately responsible for the Neighbourhood Plan.
- 8 Paragraph 7 of the Basic Conditions Statement also confirms that the Neighbourhood Plan relates only to the designated Fleggburgh Neighbourhood Area and there is no other neighbourhood plan in place in the Fleggburgh Neighbourhood Area.

- 9 This meets with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2021) and Planning Practice Guidance (2014).

Role of the Independent Examiner

- 10 I was appointed by Great Yarmouth Borough Council and the Broads Authority to conduct the examination of the Fleggburgh Neighbourhood Plan and to provide this Report.
- 11 As an Independent Neighbourhood Plan Examiner, I am independent of the Qualifying Body and the relevant Local Authorities. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.
- 12 I am a chartered town planner and have nine years' direct experience as an Independent Examiner of Neighbourhood Plans and Orders. I also have thirty years' land, planning and development experience, gained across the public, private, partnership and community sectors.
- 13 As the Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements,
- 14 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Fleggburgh Neighbourhood Area to which the Plan relates.
- 15 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.

Neighbourhood Plan Period

- 16 A neighbourhood plan must specify the period during which it is to have effect.
- 17 The title page of the Neighbourhood Plan refers to the plan period as "2020 – 2030."
- 18 Taking this into account, the Neighbourhood Plan meets the requirement in respect of specifying the period during which it is to have effect.

Public Hearing

- 19 According to the legislation, it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.
- 20 However, it is also the case that *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.
- 21 Further to consideration of the information submitted, I determined not to hold a public hearing as part of the examination of the Fleggburgh Neighbourhood Plan.
- 22 However, further to consideration of the submission documents, I wrote to the Qualifying Body in respect of matters where further information was sought. At the same time, in line with good practice, the Qualifying Body was provided with an opportunity to respond to representations received during the Submission consultation process.

3. Basic Conditions and Development Plan Status

Basic Conditions

- 23 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “*basic conditions*.” These were *set out in law*² following the Localism Act 2011.
- 24 Effectively, the basic conditions provide the rock or foundation upon which neighbourhood plans are created. A neighbourhood plan meets the basic conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
 - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.
- 25 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to above. Of these, the following basic condition, brought into effect on 28th December 2018, applies to neighbourhood plans:
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations.³

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

³ *ibid* (same as above).

- 26 In examining the Plan, I am also required, as set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act), to check whether the neighbourhood plan:
- has been prepared and submitted for examination by a qualifying body;
 - has been prepared for an area that has been properly designated for such plan preparation (under Section 61G of the Town and Country Planning Act 1990 (as amended));
 - meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one Neighbourhood Area and that:
 - its policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004.
- 27 An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁴
- 28 I note that, in line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan and this sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.

⁴ The Convention rights has the same meaning as in the Human Rights Act 1998.

European Convention on Human Rights (ECHR) Obligations

- 29 I am satisfied, in the absence of any substantive evidence to the contrary, that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998.
- 30 In the above regard, information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. A Consultation Statement was submitted alongside the Neighbourhood Plan and the role of public consultation in the plan-making process is considered later in this Report.

European Union (EU) Obligations

- 31 In some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment. In this regard, national advice states:
- "Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects."*
(Planning Practice Guidance⁵)
- 32 This process is often referred to as "screening"⁶. If likely environmental effects are identified, an environmental report must be prepared.
- 33 A Strategic Environmental Assessment Screening Opinion was produced by Great Yarmouth Borough Council. This concluded that a Strategic Environmental Assessment was not required as:
- "In accordance with the 'Strategic Environmental Assessment Directive' and the Environmental Assessment of Plans and Programmes Regulations (2004), the Borough Council is satisfied to conclude that through the information submitted by the SEA Screening Assessment...the draft Fleggburgh Neighbourhood Plan is not likely to have significant environmental effects..."*

⁵ Planning Guidance, Paragraph 027, Ref: 11-027-20150209.

⁶ The requirements for a screening assessment are set out in Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004.

- 34 The statutory bodies, Historic England, Natural England and the Environment Agency were all consulted and none demurred from the conclusion above.
- 35 In addition to SEA, a Habitats Regulations Assessment identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans and projects. This Assessment must determine whether significant effects on a European site can be ruled out on the basis of objective information⁷. If it is concluded that there is likely to be a significant effect on a European site, then an appropriate assessment of the implications of the plan for the site must be undertaken.
- 36 In the case *People Over Wind & Sweetman v Coillte Teoranta* ("*People over Wind*" April 2018), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means that if a likely significant effect is identified at the screening stage of a habitats assessment, an Appropriate Assessment of those effects must be undertaken.
- 37 In response to this judgement, the government made consequential changes to relevant regulations through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, allowing neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected site to be subject to an Appropriate Assessment to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or a planning application.
- 38 Great Yarmouth Borough Council produced a Habitat Regulations Screening Opinion. This recognised the presence of two relevant Natura 2000 sites in the Neighbourhood Area (The Broads Special Area of Conservation (SAC) and Broadlands Special Protection Area (SPA)) and assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on any of them.

⁷ Planning Guidance Paragraph 047 Reference ID: 11-047-20150209.

- 39 The Report concluded that:

"As Competent Authority and in accordance with the Conservation of Habitats and Species Regulations 2017, the Borough Council identifies no 'likely significant effects' on nearby internationally protected wildlife sites (particularly The Broads SAC and Broadlands SPA) resulting from the draft Fleggburgh Neighbourhood Plan either alone or in combination with other projects and programmes. No 'appropriate assessment' or full 'Habitats Regulations Assessment' is therefore required."

- 40 Again, each of the statutory bodies were consulted as part of the process and none disagreed with this conclusion.
- 41 Taking all of the above into account, I am mindful that national guidance establishes that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority:

"It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations (including obligations under the Strategic Environmental Assessment Directive)" (Planning Practice Guidance⁸).

- 42 Having completed the work that it has, Great Yarmouth Borough Council has no outstanding concerns in respect of the Neighbourhood Plan's compatibility with EU obligations.
- 43 Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

⁸ ibid, Paragraph 031 Reference ID: 11-031-20150209.

4. Background Documents and the Fleggburgh Neighbourhood Area

Background Documents

- 44 In completing this examination, I have considered various information in addition to the Fleggburgh Neighbourhood Plan. I also spent an unaccompanied day visiting the Fleggburgh Neighbourhood Area.
- 45 Information considered as part of this examination has included the following main documents and information:
- National Planning Policy Framework (referred to in this Report as "*the Framework*") (2021)⁹
 - Planning Practice Guidance (2014, as updated)
 - Town and Country Planning Act 1990 (as amended)
 - The Localism Act (2011)
 - The Neighbourhood Plan Regulations (2012) (as amended)
 - Great Yarmouth Local Plan Core Strategy 2013-2030 (2015) (referred to in this Report as "*Core Strategy*")
 - Great Yarmouth Local Plan Part 2 (2021)¹⁰ (referred to in this Report as "*Local Plan Part 2*")
 - The Local Plan for the Broads 2015-2036 (2019)
 - Basic Conditions Statement
 - Consultation Statement
 - Supporting Submission Documents
 - Representations received
 - SEA/HRA Screening Assessment and Opinion
- 46 As the Great Yarmouth Local Plan Part 2 was adopted during the course of the examination, the Neighbourhood Plan has been examined against its policies, as well as those of other relevant policies in the Development Plan.

⁹ The government published a revised version of the National Planning Policy Framework on the 20th July 2021, one month prior to Regulation 16 consultation on the Fleggburgh Neighbourhood Plan.

¹⁰ The Great Yarmouth Local Plan Part 2 was adopted on Thursday 9th December 2021.

Fleggburgh Neighbourhood Area

- 47 The boundary of the Fleggburgh Neighbourhood Area is identified in Figure 1 on page 3 of the Neighbourhood Plan.
- 48 The Fleggburgh Neighbourhood Area was designated by Great Yarmouth Borough Council on 4th April 2019 and by the Broads Authority on 26th April 2019.
- 49 The designation of the Neighbourhood Area satisfies a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

5. Public Consultation

Introduction

- 50 As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.
- 51 Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

Fleggburgh Neighbourhood Plan Consultation

- 52 A Consultation Statement was submitted to Great Yarmouth Borough Council and the Broads Authority alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *Regulations*¹¹.
- 53 In March 2019, after publicising the decision to proceed with a plan following a Parish Meeting open to the public, a residents' survey was undertaken. In total, 208 surveys were completed, representing a 45% return rate.
- 54 A working group, comprising residents and Parish Councillors, was created in August 2019 and an Issues and Options consultation event was held at the village hall during the following month.
- 55 At the start of 2020, the owners of land proposed as areas of Local Green Space were contacted and the local community was consulted on historical buildings, with feedback invited on a list of identified buildings. This was advertised via notice boards, the dedicated neighbourhood planning page of the Parish website and through social media.

¹¹ Neighbourhood Planning (General) Regulations 2012.

- 56 Following initial feedback from Great Yarmouth Borough Council and the Broads Authority, the draft plan was finalised and published for an extended period of public consultation, which commenced during August 2020.
- 57 Public consultation was publicised by way of the distribution of a leaflet and survey to all households, by posters and via the website and social media. Hard and electronic copies of the plan were made available. Plan-makers received a total of 37 responses to the draft plan.
- 58 In addition to the above, public consultation was supported throughout the plan-making process by, amongst other things, regular updates via the Parish Council website, posters and notices, through the use of social media and via regular working groups.
- 59 Taking the Consultation Statement and the above into account, I am satisfied that there is considerable evidence to demonstrate that public consultation was central to the plan-making process, that there were opportunities for people to have a say and that matters raised were duly considered.
- 60 Taking this and the submitted information into account, I am satisfied that the consultation process for the Fleggburgh Neighbourhood Plan was robust and that it complied with the neighbourhood planning regulations referred to above.

6. The Neighbourhood Plan – Introductory Section

- 61 Parts of the Neighbourhood Plan have been overtaken by subsequent events, including the publication of the 2021 National Planning Policy Framework ("*the Framework*") and the very recent adoption of the Great Yarmouth Local Plan Part 2. This has led to a number of recommendations in this section, as well as in the following sections of this Report.
- 62 There are a small number of typographical/grammatical errors and again, these are addressed in this and in the following sections of this Report.
- 63 I recommend the following changes (in *italics*) to the introductory section of the Neighbourhood Plan:
- Para 3, line 1, "...around the *Grade II**..."
 - Para 3, penultimate line, "This is adjacent *to* the Broads..."
 - Para 4, line 1, "Fleggburgh village *is located close to Filby, along* the busy..."
 - Para 4, line 4, "The village is adjacent *to* Filby Broad, which is *a tourist destination, with* a number of..."
 - Para 5, line 3, "...road, the *village and* the wider parish have *a tranquil, rural* quality..."
 - Para 6, line 5, "...to allocate housing *land* in Fleggburgh..."
 - Para 6, last line, "...does not allocate housing *land* within..."
 - Para 7, line 5, "...such as *Parish Councils* statutory powers to develop a shared vision and shape how their *communities develop and change* over the years."
 - Para 8, line 5, "...*(2015). More recently, in December 2021, the Borough Council adopted its Local Plan Part 2, which contains updates...*"

- Para 9, line 1, ***"The neighbourhood plan sets out planning policies for the parish which, together with..."***
- Para 10, line 1, ***"The neighbourhood plan supports the delivery...Local Plan, as well as those of the Local Plan for the Broads. It cannot promote less..."***
- Para 10, line 4, ***"...strategic policies, such as the amount of new development and the distribution of that development across the Borough."***
- Para 10, line 7, ***"...Clippesby and notes that the indicative housing requirement for the Neighbourhood Area is zero. Additionally..."***
- Para 11, line 4, ***"...Local Green Spaces, and setting out..."*** (NB, Local Green Space is managed in the same way as Green Belt, which does not simply rule out development, but which, in general terms, provides for development that is not inappropriate)
- Para 12, line 3, ***"...used by the Borough Council and..."***
- Figure 1, sub-title underneath Figure, ***"Neighbourhood Area designated April 2019"***
- Figure 2, last point, ***"GYBC and Broads Authority make the Neighbourhood Plan and its policies become part of the adopted Development Plan for the area"***
- Para 17, line 2, ***"...consulted upon between August..."***

7. The Neighbourhood Plan – Neighbourhood Plan Policies

Housing

Policy 1: Housing Type and Mix

- 64 In support of the national policy objective of significantly boosting the supply of homes, amongst other things the Framework requires planning policies in rural areas to be:

“...responsive to local circumstances and support housing developments that reflect local needs.”

Paragraph 78, the Framework

- 65 The Local Plan for the Broads, in Policy SP15 (“*Residential development*”) requires the size and type of homes to be based on up-to-date evidence of local needs.

- 66 Similarly, Core Strategy Policy CS3 (“*Addressing the borough’s housing needs*”) requires housing to address local housing need:

“...by incorporating a range of different tenures, sizes and types of homes to create mixed and balanced communities.”

- 67 Policy 1 seeks to ensure that all housing proposals provide a mix of housing types and sizes. However, as set out, the Policy would require all single dwelling housing proposals to be limited to one or two bedroomed dwellings. Not only would such an approach conflict with the aim of providing “*a mix of housing types and sizes*,” but there is no evidence to demonstrate that such an approach would be appropriate for all single dwelling applications – having regard to Chapter 11 of the Framework “*Making effective use of land*.”

- 68 Further to the above, whilst information provided in the supporting text in relation to the 2014 Strategic Housing Market Assessment for Great Yarmouth is not especially up to date, even this suggests that smaller dwellings should be limited to around half of new homes
- 69 Extrapolating this further, whilst requiring all single home applications to comprise two bedrooms or less, I note that the Table set out in Policy 1 would, at the same time, require just 30% to 33% of homes on sites for three, six or more than eight homes, to comprise smaller homes. So, as set out, the Policy would require all applications for one home to be for a one or two bed home, but only requires one in three smaller homes on developments of three, six or more than eight homes. Such an approach is unjustified by any supporting information or evidence.
- 70 In order to provide for affordable housing needs, national policy supports the provision of rural exception sites. The Local Plan for the Broads, in Policy DM34 (*"Affordable housing"*) supports the provision of rural exception sites, taking account of local character.
- 71 Core Strategy Policy CS4 (*"Delivering affordable housing"*) also supports the provision of rural exception sites in keeping with the size and scale of the related settlement.
- 72 Whilst Policy 1 supports the provision of rural exception sites, it introduces a requirement for such development not to result in *"significant encroachment into the open countryside."* By their very nature, rural exception sites tend to comprise exceptional development that encroaches into the countryside.
- 73 In the absence of any clear definition of what might be *"significant,"* it is not clear how a decision maker should react to a development proposal in this regard, having regard to Paragraph 16 of the Framework and as such, this part of the Policy appears vague, contrary to national guidance, which requires planning policies to be unambiguous¹²:

"A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."

¹² Planning Guidance, Paragraph: 041 Reference ID: 41-042-20140306.

- 74 I note that, being adjacent to development limits, rural exception sites will generally be located such that the limited local services and facilities that exist in Fleggburgh can be accessed by walking. Setting out a requirement for future occupants to be able to access a range of local services and facilities by walking is unnecessary and ambiguous, as nowhere does the Policy specify what such a range of services and facilities might comprise.
- 75 National and local policy generally limits requirements for affordable housing provision to developments of 10 or more homes (and in the case of the Broads Authority Area, seeks developer contributions from developments of 6 to 9 homes). In the absence of any information, it is not clear how or why *“especially supporting”* development that does not meet *“the national threshold”* is a deliverable land use planning policy.
- 76 Whilst the final paragraph of the Policy attempts to ensure that housing sites are not split in order to avoid meeting affordable housing requirements, it is not clear, in the absence of any details, how this part of the Policy might be deliverable, given the lack of clear reference to timescales. However, Local Plan Part 2 Policy H2 (*“Delivering affordable housing on phased or cumulative developments”*) already sets out a much clearer and time-limited approach and with regards to the Framework, plans should avoid:
- “...unnecessary duplication of policies that apply to a particular area...”*
(Paragraph 16, the Framework)

- 77 Taking the above into account, I recommend:

- Delete the wording of Policy 1 (and Footnote 1) and replace with:

***“Housing proposals should provide a mix of housing types and sizes that reflect local housing need, taking into account the best available and proportionate evidence. Housing proposals should provide for small (one or two bedroom) homes in line with the Table below, unless evidence is provided showing that a lower number is justified or that the scheme is made unviable. The provision of dwellings comprising five bedrooms or more will not be supported, unless this would clearly and demonstrably meet a local housing need.*”**

- **INSERT TABLE HERE** – NB, change first column reference to ***“1-3 dwellings”*** to ***“2 to 3 dwellings”***

The development of affordable housing within the development limits and proposals for Rural Exception Sites adjacent to development limits will be supported."

- Para 19, line 5, change to "**...Council *has not allocated*...**"
- Para 19, line 8, change to "**...the *Borough Council*...**" Also, delete last two sentences of Para ("This situation could occur...a five-year land supply.")
- Para 25, delete from end of second sentence (noting comments above and that the Neighbourhood Plan cannot control what Local Planning Authorities may or may not do) ("Policy 1 seeks...planning policy.")
- Delete Para 26, which reads as though it is a Policy requirement, which it is not (and I note that planning application requirements are set nationally and by Local Planning Authorities)
- Delete Para 27 (which is covered by the adopted Development Plan)
- Para 28, delete last sentence, which goes beyond the scope of a Neighbourhood Plan ("Further to this...impacts.")

Policy 2: Design

- 78 National planning policy recognises that:

“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

(Paragraph 126, the Framework)

- 79 The Local Plan for the Broads, in Policy DM43 (*“Design”*), requires all development to be of a high design quality. Core Strategy Policy CS9 (*“Encouraging well-designed, distinctive places”*) recognises the importance of creating high quality, distinctive places and promotes good design.
- 80 In general terms, Policy 2 seeks to promote good design. In this way, it has regard to the Framework and is in general conformity with the development plan.
- 81 As set out, the first paragraph of Policy 2 is negatively worded and appears to require all development to preserve, complement or enhance character and quality. There is no substantive evidence to demonstrate that it is deliverable for all development to enhance quality and character, or that it is the case, in all circumstances, that the context of any development will always be worthy of preservation or of being complemented. The recommendations below address this in a manner whilst continuing to enable the Policy to achieve its high-quality design requirements.
- 82 No indication is provided of what *“an appropriate density, height, variety, scale or layout”* comprises and I note that sustainable development provides for the balanced consideration of harm and benefits, rather than setting out to simply prevent any degree of harm. Whilst the Policy appears unclear and vague in this regard, the recommendations below recognise that Policy 2 essentially seeks to ensure that development responds positively to and appears in keeping with, local character.
- 83 Without supporting detail, the phrase *“fitting with the areas equivalence of National Park status”* appears vague and subjective. Also in respect of the first paragraph of the Policy, no indication is given of the difference, in land use planning policy terms, between *“very sympathetic”* and sympathetic, adding to the ambiguous nature of this part of the Policy.

- 84 It is not within the scope of the Neighbourhood Plan to impose Building Regulations requirements. No evidence is provided to demonstrate that it is deliverable for every new parking space to be provided with an electric car charging point; and no justification is provided for why it would comprise sustainable development for a house with say, three parking spaces on its driveway/garage, to provide three electric car charging points, when such an approach would appear to be highly inefficient.
- 85 In the absence of any detailed site information, there is nothing to demonstrate that it would be appropriate or possible, in all circumstances, for any house developed anywhere along the A1064 in Fleggburgh to have direct access to the A1064. Such a matter is more appropriately considered at the detailed planning application stage and as there is no substantive evidence to demonstrate the contrary, it is not possible to conclude that this part of the policy would contribute to the achievement of sustainable development.
- 86 I recommend:
- **Policy 2, delete “(see Policy 5).” The Development Plan should be considered as a whole and there is no need to provide cross references to other policies within it.**
 - **Policy 2, delete from line 5 to end of first para (“Design which...Park status”) and replace with: “*All development must respect local character and development within the Broads must preserve or enhance cultural heritage.*”**
 - **Policy 2, second para, change to “...must *be sympathetic* in...”**
 - **Policy 2, delete fourth, fifth, sixth and last paras (“All new...each dwelling”) and replace with: “*Development should seek to achieve high energy efficient standards and new homes or commercial developments requiring car parking should provide electric car charging points.*”**

Developments including both market and affordable housing should be designed to be tenure blind.
 - **Para 29, line 4, add “...design policies. *In this regard, the Government has recently published a National Design Code.* During consultations...”**
 - **Delete Paras 30 and 31**

Natural Environment

Policy 3: Enhancing the Natural Environment

- 87 The Framework requires planning policies to contribute to and enhance the natural environment by

"...minimising impacts on and providing net gains for biodiversity..."
(Paragraph 174, the Framework)

- 88 The first part of Policy 3 requires development to enhance the natural environment and contribute to wildlife habitats and has regard to national policy. The Policy goes on to set out requirements which, for many forms of development, for example householder proposals, would be unduly onerous – such as requiring a proposal for say, a conservatory, to deliver high quality green infrastructure and a 10% net gain in biodiversity.

- 89 The Qualifying Body has since confirmed that this part of the Policy was aimed at more significant forms of development.

- 90 The final paragraph of Policy 3 is worded in a way that appears to support development that results in habitat loss, so long as there is some form of compensation. Such an approach results in direct conflict with national policy and as pointed out by the Broads Authority, with European and national law, as well as with the Local Plan for the Broads Policy DM13 (*"Natural Environment"*) and Policy SP6 (*"Biodiversity"*), which together afford significant protection to the natural environment.

- 91 In this regard, I also note that the Framework already provides a clearer approach than that set out in Policy 3.

- 92 The Qualifying Body has clarified that the wider intention of part of the Policy was to achieve an outcome that would ultimately result in appropriate habitat replacement or enhancement and this is a matter addressed in the recommendations below.

- 93 Taking everything into account, I recommend:

- **Policy 3, delete policy text and replace with: *"All major development must enhance the natural environment and contribute to local wildlife habitats, demonstrating: a) at least a 10% net gain in biodiversity on site; and b) Delivery of green infrastructure of high environmental quality.***

Development should protect and enhance natural features, such as trees and hedgerows. In circumstances where replacement planting is found to be acceptable in accordance with statutory requirements, it must be with native species that are of an equal or greater ecological value."

- Para 36, line 4, change to "...exists. New development..."

Policy 4: Local Green Space

- 94 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 101 of the Framework states that:

“The designation of land as a Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.”

- 95 Paragraph 103, of the Framework requires policies for the managing of development within a Local Green Space to be consistent with those for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land. Consequently, Local Green Space comprises a restrictive and significant policy designation.
- 96 Given the importance of the designation, Local Green Space boundaries should be clearly identifiable. Whilst Figure 4 indicates the general location of areas of Local Green Space, it is not possible to clearly determine the precise boundaries of each area. This is a matter addressed in the recommendations below.
- 97 The Local Green Space tests set out in the Framework are that the green space is in reasonably close proximity to the community it serves; that it is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and that it is local in character and is not an extensive tract of land.
- 98 The Neighbourhood Plan provides clear and detailed evidence to demonstrate why the ten areas of Local Green Space identified are demonstrably special and meet the national policy tests set out in the Framework.
- 99 National policy is explicit in respect of requiring policies for managing development within a Local Green Space to be consistent with those for Green Belts. The wording of Policy 4 introduces considerable scope for inconsistency with national Green Belt policy, as set out in Chapter 13 of the Framework, *“Protecting Green Belt land,”* and this is a matter addressed in the recommendations below.

- 100 The Policy goes on to seek to afford protection to land not designated as Local Green Space, but adjacent to it. Such an approach does not have regard to national policy and advice, which sets out how Local Green Space should be identified, designated and managed.
- 101 In the above regard and being mindful of the subjective interpretation of national policy set out in the supporting text to Policy 4, I again note the explicit requirements of national policy in respect of Local Green Space.
- 102 The final paragraph of Policy 4 refers to linkages between areas of Local Green Space but is unsupported in respect of any evidence of deliverability.
- 103 I recommend:

- **Policy 4, line 1, change to “...as shown on the plans below are designated...”**
- **Policy 4, delete all text after the list of the 10 areas of Local Green Space and replace with: “*The management of development within areas of Local Green Space will be consistent with that for development within Green Belts as set out in national policy.*”**
- **Add to or replace Figure 4 with detailed plans on an Ordnance Survey Map Base, or similar, showing the precise boundaries of each designated area of Local Green Space.**

These could be on individual or shared plans, the only requirement being that the boundary of each Local Green Space is presented so clearly as to be beyond any dispute. These plans should be provided below or instead of Figure 4

- **Delete paragraphs 45 to 52**

Policy 5: Landscape Setting

- 104 Policy 5 begins with an onerous requirement for all development to conserve and enhance the setting of the parish. Such a requirement goes well beyond national and local policy requirements even for Conservation Areas or Listed Buildings.
- 105 No substantive evidence has been provided to demonstrate that this approach is deliverable, having regard to Paragraph 16 of the Framework, which requires all plans to be deliverable.
- 106 As noted earlier in this report, sustainable development provides for the balanced consideration of harm against benefits. The fact that some harm might arise in some circumstances does not mean that development should be ruled out.
- 107 Policy 5 requires development to avoid or mitigate “*any harm*” to key views. These views cover sweeping areas across landscapes which will inevitably change over years, seasons and even days. Consequently, it is difficult to understand, in the absence of detailed information, what would comprise “*any harm*.” As set out, the Policy and its supporting information is so open to interpretation that change might be considered to comprise harm – even though, as above, the views themselves will, inevitably, not remain the same over time.
- 108 Consequently, whilst development might be required to respect important vistas, this part of Policy 5 is worded in a way that is ambiguous, subject to wide interpretation and which runs the risk of preventing the Neighbourhood Plan from contributing to the achievement of sustainable development.
- 109 The third paragraph of Policy 5 is confusingly worded. Whilst its general aim is to direct development away from the most productive agricultural land, its wording results in a Policy which is neither clear nor unambiguous and this is a matter addressed in the recommendations below.
- 110 The final paragraph of Policy 5 covers a large, sweeping area of land without any substantive evidence to demonstrate that the boundary within the Neighbourhood Area between the two Authority areas comprises hedgerows and wetland areas that can be reinforced and conserved, respectively, as per the Policy’s requirements. There is nothing to demonstrate that this part of the Policy is deliverable.

111 I note that, as presented, Policy 5 refers to Figure 7 instead of Figure 6.

112 I recommend:

- **Policy 5, delete first two sentences and replace with:**
“Development must respect the character of the landscape, including the key views identified in Figure 6.”
- **Policy 5, delete third paragraph and replace with “*Outside the Broads Authority Area (where Local Plan for the Broads Policy SP4 applies), the loss of the best and most versatile agricultural land will not be supported other than where it can be demonstrated that significant community benefits demonstrably outweigh the harm arising from such loss.*”**
- **Policy 5, delete last sentence**

Policy 6: Dark Skies

- 113 The Local Plan for the Broads Policy DM22 (*"Light pollution and dark skies"*) seeks to protect the area's dark skies in recognition of no or low levels of light pollution being an important aspect of tranquillity.
- 114 Consequently, that part of the Neighbourhood Area within the Broads Authority Area is already protected by a Dark Skies policy. It is unnecessary for it to have an additional policy, setting out a similar approach.
- 115 Evidence has been provided to demonstrate that the whole of the Neighbourhood Area falls within dark and low light categories and in general terms, in seeking to minimise light spillage, Policy 6 has regard to Chapter 12 of the Framework, *"Achieving well-designed places."*
- 116 However, many forms of lighting do not require planning permission and in attempting to replicate a Policy specifically for the Broads Authority Area (the equivalent of a National Park), Policy 6 introduces onerous requirements for the rest of the Neighbourhood Area without detailed supporting justification in respect of deliverability or regard to Paragraph 44 of the Framework, which demands that information requirements for applications be kept to the minimum needed to make decisions.
- 117 I recommend:
- **Policy 6, change first para to: *"...Fleggburgh. Development proposals should seek to minimise light spillage through good design and should not introduce lighting that results in the loss of night-time dark skies."***
 - **Policy 6, delete second para**
 - **Para 64, change to *"...developers in respect of good design related to dark skies."***

Policy 7: Surface Water Management

- 118 Policy 7 sets out a policy framework for the management of flood risk and drainage.
- 119 In this respect, the Policy has regard to Chapter 14 of the Framework, *"Meeting the challenge of climate change, flooding and coastal change,"* which, amongst other things, seeks to ensure that development addresses flooding and flood risk.
- 120 It is not clear, in the absence of information, how the Policy might *"encourage"* various works and this is a factor addressed in the recommendations below.
- 121 The second paragraph appears cumbersome and imprecise, in that it states that SuDS is a requirement, but that it need not be a requirement, subject to other factors and again, this is addressed below.
- 122 The latter part of the Policy also appears confusing in respect of the things that *"must"* happen, regardless of relevance. Such an approach fails to have regard to Paragraph 57 of the Framework, which requires planning obligations to be necessary, directly related to development and fairly and reasonably related in scale to development. This part of the Policy also goes on to seek to introduce a vague requirement without substantive evidence of deliverability.
- 123 I recommend:
- **Policy 7 change first para to: "Development proposals *should* be designed...an effective drainage scheme, *will be supported.*"**
 - **Policy 7, delete second and third paras and replace with: "The development of *Sustainable Drainage Systems (SuDS)*, including the use of permeable materials to increase infiltration capacity, the incorporation of on-site water storage, the use of swales and green roofs and the use of other SuDS methods of conveying or storing surface water will be supported."**

- Para 70, line 9, "...sources of *flooding* and..."
- Para 71, line 6, change to "...schemes, should *have regard to* the guidance..."
- Para 72, delete first and second sentences which read as though they comprise a Policy requirement, but which do not ("Small...pipes.")

Built Environment

Policy 8: Village Centre

- 124 As set out, the first part of Policy 8 requires all forms of development to demonstrate safe access by foot or by cycle, to the village centre, which is shown on Figure 7.
- 125 As such a requirement is not relevant to many forms of development, the Qualifying Body has since confirmed that this part of the Policy is aimed at new residential development.
- 126 However, Fleggburgh is not a large village and any house built within or at the edge of it would be within walking or cycling distance of the village centre. Further, there is no information at all to demonstrate that the provision of new footpaths or cycleways is deliverable for all new residential development, or that any such requirement has regard to Paragraph 57 of the Framework, in respect of planning obligations.
- 127 The second part of the Policy, as worded, simply states that new community facilities in or around the village centre would be a benefit to the community.
- 128 Notwithstanding the above, I note that, in support of the creation of a prosperous rural economy, Paragraph 84 of the Framework states that:

"Planning policies and decisions should enable the... development of accessible local services and community facilities, such as local shops, meeting places...cultural buildings, public houses and places of worship."

- 129 Further, Paragraph 93 of the Framework goes on to require planning policies and decisions to:

"...plan positively for the provision and use of...community facilities (such as local shops, meeting places...(and) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community..."

130 Taking this and all of the above into account, I recommend:

- **Policy 8, delete text and replace with *“The development of new small scale community facilities and/or services within or adjacent to the village centre, as indicated on Figure 7, will be supported. Improvements to footpaths and/or the provision of cycle ways to the village centre will be supported.”***

Historic Environment

Policy 9: Designated and non-designated heritage assets

131 Chapter 16 of the Framework, "*Conserving and enhancing the historic environment*," recognises that the nation's heritage assets comprise an irreplaceable resource. Paragraph 189 of the Framework requires all heritage assets to:

"...be conserved in a manner appropriate to their significance..."

132 Chapter 16 goes on to set out a detailed and carefully nuanced approach to the conservation of heritage assets.

133 In general terms, Policy 9 seeks to protect heritage assets and in this respect, it has regard to national policy. However, as presented, the wording of the Policy misinterprets national policy to the extent that it results in an approach that is in direct conflict with the Framework and consequently, Policy 9 does not meet the basic conditions.

134 National policy calls for and guides, an appropriately balanced consideration of the level of harm and the nature of benefits arising from development proposals affecting heritage assets.

135 In contrast, Policy 9 sets out a blunt and binary approach in respect of designated heritage assets, requiring preservation and no harm; and requires proposals affecting non-designated heritage assets to demonstrate no, or minimised harm and to set out public benefits. Each of these approaches fails to reflect and is contrary to, the carefully worded land use planning policy framework for national heritage, as set out in Chapter 16 of the Framework.

136 Policy 9 refers to the "*integrity*" of heritage assets. This is not a word associated with national heritage policy and its introduction provides considerable scope for subjective and wide interpretation, contrary to the requirements of national guidance, which requires planning policies to be clear and precise.

- 137 Planning application requirements are set nationally and by Local Planning Authorities. Notwithstanding this, the reference in Policy 9 to heritage statements sets out a requirement for the provision of information that would not, itself, necessarily support a planning application relating to a heritage asset in an appropriate manner.
- 138 Taking into account comments provided by the Broads Authority, I note that the reference to Rollesby Broad Complex should be to Rollesby *Broads* Complex. The Broads Authority has also raised the point that the Norfolk County Council Historic Environment Strategy and Advice Team issue archaeological advice rather than wider-ranging historic environment advice, as inferred by the supporting text.
- 139 Taking all of the above into account, I recommend:
- **Policy 9, delete text and replace with:**

“All heritage assets will be conserved in a manner appropriate to their significance, including the following non-designated heritage assets:
 - *Burgh Mill, Fleggburgh (also known as St Margarets)*
 - *Hall Farm, Clippesby*
 - *Clippesby House (Hall), Clippesby*
 - *Rollesby Broads Complex*
 - *The Cottage, Fleggburgh Common*”
 - **Para 79, change first sentence to “*The location of these non-designated assets is also shown on Figure 8. In...*”**
 - **Para 83, line 2, change to “*...Team provides archaeological advice. Other aspects of advice and consultation relating to heritage assets fall within the responsibilities of the Local Planning Authorities.*” (delete rest of para)**

Policy 10: Sustainable Transport

140 As set out, Policy 10 places onerous obligations on all forms of development, regardless of the policy tests for planning obligations set out in Paragraph 57 of the Framework. Further, there is no evidence to demonstrate that the requirements of the Policy are deliverable, having regard to Paragraph 16 of the Framework.

141 Setting the above to one side, the supporting text to Policy 10 identifies community aspirations to improve the local public rights of way network and to promote the use of public transport.

142 In Chapter 9 of the Framework, *"Promoting public transport,"* Paragraph 104 requires transport issues to be considered through plan-making so that:

"...opportunities to promote walking, cycling and public transport use are identified and pursued;"

143 Further, Paragraph 100 of the Framework states that:

"Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users..."

144 Elements of Policy 10 therefore have regard to national policy and taking this and all of the above into account, I recommend:

- **Delete wording of Policy 10 and replace with:**

"The provision of new and/or the improvement of existing public rights of way will be supported. Improvements to highway safety, notably around Main Road close to the school and playing field, will be supported. Major new development should take opportunities to promote the use of public transport."

- **Delete Para 90, which reads as though it is a policy but is not**
- **Delete Para 92, which goes into levels of detail unsupported by reference to any specific development and related contributions**

Policy 11: Traffic and Speed

- 145 In the absence of any relevant detailed information, it is not entirely clear why Policy 11, as worded, comprises a land use planning policy.
- 146 Speed limits are generally the responsibility of the Highway Authority, with input from various organisations. There is no evidence to justify a requirement for all development to reinforce a speed limit or enable safe crossing opportunities and the Policy does not meet the basic conditions, having regard to Paragraphs 16 and 57 of the Framework.
- 147 Whilst clearly improvements to highway safety comprise a community benefit that aligns with the aims of Chapter 9 of the Framework, *"Promoting sustainable transport,"* it is not the purpose of a land use planning policy to simply state this, rather than set out policy requirements.
- 148 I recommend:
- **Policy 11, delete text and replace with *"Development must not harm highway safety and improvements to highway safety, notably along the A1064, will be supported."***
 - **Change title of Policy 11 to *"Traffic and Safety"***

Policy 12: Village Shop

- 149 As noted earlier in this Report, Paragraphs 84 and 93 of the Framework recognise the importance of community facilities and together, specifically support the development of local shops in rural areas.
- 150 Policy 12 supports the provision of a small-scale local convenience store in Fleggburgh.
- 151 Paragraph 16 of the Framework requires plans to be deliverable and Paragraph 44 requires information requirements for applications for planning permission to be kept to the minimum for making decisions.
- 152 The first sentence of Policy 12 makes it clear that the Policy supports the provision of a small-scale local convenience store. In the absence of any justification, there is no need for the Policy to then go on and require any such development to be *“proportionate to meet the day-to-day needs of the local village community.”*
- 153 This introduces additional requirements, which without clear definition appear subjective and potentially unduly onerous, as they could be interpreted in a way that may limit the commercial prospects for a local convenience store. As such, the second part of the Policy, by introducing a vague requirement open to wide interpretation, could prevent the purpose of the Policy – the development of a small shop – from being achieved and thus place a barrier in the way of the Neighbourhood Plan contributing to the achievement of sustainable development.
- 154 As noted earlier in this Report, the policies of the development plan should be considered together and there is no need for policy cross-referencing.
- 155 I recommend:
- **Policy 12, delete wording and replace with:**

“The development of a small-scale local convenience store within or adjacent to the village centre, as identified in Figure 7, will be supported.”
 - **Para 96, delete last sentence, which is not a policy requirement**
 - **Delete Para 97, which reads as though it is a policy, but which is not**

8. The Neighbourhood Plan: Other Matters

156 The recommendations made in this Report will have a subsequent impact on Contents, including paragraph and page numbering.

157 I recommend:

- **Update the Contents, paragraph and page numbering to take into account the recommendations contained in this Report**

9. Referendum

- 158 I recommend to Great Yarmouth Borough Council and the Broads Authority that, subject to the recommended modifications, **the Fleggburgh Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

- 159 I am required to consider whether the Referendum Area should be extended beyond the Fleggburgh Neighbourhood Area.
- 160 I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.
- 161 Consequently, I recommend that the Plan should proceed to a Referendum based on the Fleggburgh Neighbourhood Area approved on the 4th April 2019.

Nigel McGurk, February 2022
Erimax – Land, Planning and Communities



Great Yarmouth Borough Council & Broads Authority

Decision Statement on Fleggburgh Neighbourhood Plan Examiner's Report 21st April 2022

1. Purpose of Statement

The Fleggburgh Neighbourhood Plan has been examined by an independent Examiner and they have issued the Examiner's Report. The report makes a number of recommendations for making modifications to policies within the submitted Neighbourhood Plan. In accordance with Regulation 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and paragraph 12 of Schedule 4B to the 1990 Town and Country planning Act (as amended), Great Yarmouth Borough Council and the Broads Authority (as joint responsible authority) propose to accept each of the examiner's recommendations, as set out below.

2. Plan background

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended), the plan was submitted to the Borough Council in July 2021, with the Parish Council having undertaken early local consultations. In accordance with Regulation 16, the Borough Council published and consulted on the submitted plan in August 2021.

An independent examiner was then appointed to examine the plan in accordance with paragraph 7 of Schedule 4B to the 1990 Town and Country planning Act (as amended).

The appointed Examiner has now examined the Fleggburgh Neighbourhood Plan and published their report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the 'basic conditions' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.

Under Regulation 24A of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council along with the Broads Authority (as part of the neighbourhood plan area falls within the Broads Local Planning Authority Area) have to make a decision on the Examiner's recommendations. The Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must then be published. It is also possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.

3. Consideration of Basic Conditions

The Examiner has concluded: ‘... that the Fleggburgh Neighbourhood Plan meets the basic conditions and I recommend to Great Yarmouth Borough Council and the Broads Authority that, subject to modifications, it should proceed to Referendum.’

This assessment includes consideration of the Environmental Assessment of Plans and Programmes Regulations 2004 (formerly the Strategic Environmental Assessment Directive) and the Conservation of Habitats and Species Regulations 2017 (or ‘Habitat Regulations’). After consultation with the statutory bodies, the submitted Screening Opinion concluded that the Plan is not likely to have significant environmental effects.

Great Yarmouth Borough Council produced a Habitat Regulations Screening Opinion. This recognised the presence of two relevant Natura 2000 sites in the Neighbourhood Area (The Broads Special Area of Conservation (SAC) and Broadlands Special Protection Area (SPA)) and assessed whether the policies of the Neighbourhood Plan would give rise to the potential for a likely significant effect on any of them.

The Examiner concludes that:

“Having completed the work that it has, Great Yarmouth Borough Council has no outstanding concerns in respect of the Neighbourhood Plan’s compatibility with EU obligations.

Taking this and the recommendations contained in this Report into account, I am satisfied that the Neighbourhood Plan is compatible with European obligations.”

4. Reason for decision

Having considered each of the recommendations within the examiner’s report and the reasons for them, Great Yarmouth Borough Council and the Broads Authority has decided to approve each of the recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990.

The following table sets out each of the examiner’s recommended modifications to the submitted neighbourhood plan, the Council’s consideration of those recommendations, and the Council’s decision in relation to each recommendation.

5. Recommendations

The following recommendations are ordered within the relevant sections in which the Examiner assessed the neighbourhood plan.

Vision & Objectives

a) Examiner’s Recommendations:

No modifications.

b) Councils consideration of modification(s)

Agree

c) Councils Decision

Accept Examiner’s recommendation. No modification necessary.

Section 1: Introduction

a) Examiner’s Recommendations:

- Para 3, line 1, “...around the Grade II*...

- Para 3, penultimate line, "This is adjacent to the Broads..."
- Para 4, line 1, "Fleggburgh village is located close to Filby, along the busy..."
- Para 4, line 4, "The village is adjacent to Filby Broad, which is a tourist destination, with number of..."
- Para 5, line 3, "...road, the village and the wider parish have a tranquil, rural quality..."
- Para 6, line 5, "...to allocate housing land in Fleggburgh..."
- Para 6, last line, "...does not allocate housing land within..."

b) Councils consideration of modification(s)

Agreed all changes (no comments).

c) Councils decision

Accept Examiner's recommended modifications.

Section 2: Neighbourhood Planning

a) Examiner's Recommendations:

- Para 7, line 5, "...such as Parish Councils statutory powers to develop a shared vision and shape how their communities develop and change over the years."
- Para 8, line 5, "... (2015). More recently, in December 2021, the Borough Council adopted its Local Plan Part 2, which contains updates..."
- Para 9, line 1, "The neighbourhood plan sets out planning policies for the parish which, together with..."
- Para 10, line 1, "The neighbourhood plan supports the delivery...Local Plan, as well as those of the Local Plan for the Broads. It cannot promote less..."
- Para 10, line 4, "...strategic policies, such as the amount of new development and the distribution of that development across the Borough."
- Para 10, line 7, "...Clippesby and notes that the indicative housing requirement for the Neighbourhood Area is zero. Additionally..."
- Para 11, line 4, "...Local Green Spaces, and setting out..." (NB, Local Green Space is managed in the same way as Green Belt, which does not simply rule out development, but which, in general terms, provides for development that is not inappropriate)
- Para 12, line 3, "...used by the Borough Council and..."
- Figure 1, sub-title underneath Figure, "Neighbourhood Area designated April 2019"
- Figure 2, last point, "GYBC and Broads Authority make the Neighbourhood Plan and its policies become part of the adopted Development Plan for the area"

- Para 17, line 2, “...consulted upon between August...”

b) Councils consideration of modification(s)

The Councils agree with the Examiner to make these changes (no comments).

c) Councils decision

Accept Examiner’s recommended modifications.

Policy 1: Housing Type and Mix

a) Examiner’s Recommendations:

- Delete the wording of Policy 1 (and Footnote 1) and replace with:

“Housing proposals should provide a mix of housing types and sizes that reflect local housing need, taking into account the best available and proportionate evidence. Housing proposals should provide for small (one or two bedroom) homes in line with the Table below, unless evidence is provided showing that a lower number is justified or that the scheme is made unviable. The provision of dwellings comprising five bedrooms or more will not be supported, unless this would clearly and demonstrably meet a local housing need.

- INSERT TABLE HERE – NB, change first column reference to “1-3 dwellings” to “2 to 3 dwellings”

The development of affordable housing within the development limits and proposals for Rural Exception Sites adjacent to development limits will be supported.”

- Para 19, line 5, change to “...Council has not allocated...”
- Para 19, line 8, change to “...the Borough Council...” Also, delete last two sentences of Para (“This situation could occur...a five-year land supply.”)
- Para 25, delete from end of second sentence (noting comments above and that the Neighbourhood Plan cannot control what Local Planning Authorities may or may not do) (“Policy 1 seeks...planning policy.”)
- Delete Para 26, which reads as though it is a Policy requirement, which it is not (and I note that planning application requirements are set nationally and by Local Planning Authorities)
- Delete Para 27 (which is covered by the adopted Development Plan)
- Para 28, delete last sentence, which goes beyond the scope of a Neighbourhood Plan (“Further to this...impacts.”)

b) Councils consideration of modification(s)

The Councils agree with the Examiner as follows:

- the reformulation of sentences and alternative wording as stated provides clarity
- that the Neighbourhood Plan’s policy implementation will be the responsibility of the Local Planning Authorities may or may not do

- that the supporting text should not read as though it is a policy requirement
- there is no need to repeat policies from the Development Plan

c) Councils decision

Accept Examiner's recommended modifications.

Policy 2: Design

a) Examiner's Recommendations:

- Policy 2, delete "(see Policy 5)." The Development Plan should be considered as a whole and there is no need to provide cross references to other policies within it.
- Policy 2, delete from line 5 to end of first para ("Design which...Park status") and replace with: "All development must respect local character and development within the Broads must preserve or enhance cultural heritage."
- Policy 2, second para, change to "...must be sympathetic in..."
- Policy 2, delete fourth, fifth, sixth and last paras ("All new...each dwelling") and replace with: "Development should seek to achieve high energy efficient standards and new homes or commercial developments requiring car parking should provide electric car charging points."
- Developments including both market and affordable housing should be designed to be tenure blind."
- Para 29, line 4, add "...design policies. In this regard, the Government has recently published a National Design Code. During consultations..."
- Delete Paras 30 and 31

b) Councils consideration of modification(s)

- the Development Plan should be considered as a whole and there is no need to provide cross references to other policies within it
- that policy should reflect the NPPF's requirement to secure tree-lined streets
- the plan cannot include national technical standards such as energy efficiency standards as set out in a Written Ministerial Statement
- the reformulation of sentences and alternative wording as stated provides clarity
- reference to the National Design Code is welcomed

c) Councils decision

Accept Examiner's recommended modifications.

Policy 3: Enhancing the Natural Environment

a) Examiner's Recommendations:

- Policy 3, delete policy text and replace with:

“All major development must enhance the natural environment and contribute to local wildlife habitats, demonstrating: a) at least a 10% net gain in biodiversity on site; and b) Delivery of green infrastructure of high environmental quality.

Development should protect and enhance natural features, such as trees and hedgerows. In circumstances where replacement planting is found to be acceptable in accordance with statutory requirements, it must be with native species that are of an equal or greater ecological value.”

- Para 36, line 4, change to “...exists. New development...”

b) Councils consideration of modification(s)

The Councils agree with the Examiner’s changes including:

- the reformulation of sentences and alternative wording as stated
- the changes to Biodiversity Net Gain threshold of development in advance of further national legislation on the matter

c) Councils decision

Accept Examiner’s recommended modifications.

Policy 4: Local Green Space

a) Examiner’s Recommendations:

- Policy 4, line 1, change to “...as shown on the plans below are designated...”
- Policy 4, delete all text after the list of the 10 areas of Local Green Space and replace with: “The management of development within areas of Local Green Space will be consistent with that for development within Green Belts as set out in national policy.”
- Add to or replace Figure 4 with detailed plans on an Ordnance Survey Map Base, or similar, showing the precise boundaries of each designated area of Local Green Space.
- These could be on individual or shared plans, the only requirement being that the boundary of each Local Green Space is presented so clearly as to be beyond any dispute. These plans should be provided below or instead of Figure 4
- Delete paragraphs 45 to 52

b) Councils consideration of modification(s)

The Councils agree with the Examiner’s changes including:

- the policy should be worded consistently with Green Belt policy as set out in the NPPF.
- the changes to Figure 4 showing more clearly the boundaries of the Local Green Spaces

c) Councils decision

Accept Examiner's recommended modifications.

Policy 5: Landscape Setting

a) Examiner's Recommendations:

- Policy 5, delete first two sentences and replace with: "Development must respect the character of the landscape, including the key views identified in Figure 6."
- Policy 5, delete third paragraph and replace with "Outside the Broads Authority Area (where Local Plan for the Broads Policy SP4 applies), the loss of the best and most versatile agricultural land will not be supported other than where it can be demonstrated that significant community benefits demonstrably outweigh the harm arising from such loss."
- Policy 5, delete last sentence

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the reformulation of sentences and alternative wording as stated
- the policy should be worded consistently with consideration of the landscapes and agricultural land as set out in the NPPF.

c) Councils decision

Accept Examiner's recommended modifications.

Policy 6: Dark Skies

a) Examiner's Recommendations:

- Policy 6, change first para to: "...Fleggburgh. Development proposals should seek to minimise light spillage through good design and should not introduce lighting that results in the loss of night-time dark skies."
- Policy 6, delete second para
- Para 64, change to "...developers in respect of good design related to dark skies."

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the reformulation of sentences and alternative wording as stated
- the suggested wording is more reflective of controls that can be used within the planning system

c) Councils decision

Accept Examiner's recommended modifications.

Policy 7: Surface Water Management

a) Examiner's Recommendations:

- Policy 7 change first para to: "Development proposals should be designed...an effective drainage scheme, will be supported."
- Policy 7, delete second and third paras and replace with: "The development of Sustainable Drainage Systems (SuDS), including the use of permeable materials to increase infiltration capacity, the incorporation of on-site water storage, the use of swales and green roofs and the use of other SuDS methods of conveying or storing surface water will be supported."
- Para 70, line 9, "...sources of flooding and..."
- Para 71, line 6, change to "...schemes, should have regard to the guidance..."
- Para 72, delete first and second sentences which read as though they comprise a Policy requirement, but which do not ("Small...pipes.")

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the reformulation of sentences and alternative wording as stated
- that the supporting text should not read as though it is a policy requirement

c) Councils decision

Accept Examiner's recommended modifications.

Policy 8: Village Centre

a) Examiner's Recommendations:

- Policy 8, delete text and replace with "The development of new small scale community facilities and/or services within or adjacent to the village centre, as indicated on Figure 7, will be supported. Improvements to footpaths and/or the provision of cycle ways to the village centre will be supported."

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the reformulation of sentences and alternative wording as stated

c) Councils decision

Accept Examiner's recommended modification.

Policy 9: Designated and non-designated heritage assets

a) Examiner's Recommendations:

- Policy 9, delete text and replace with:

"All heritage assets will be conserved in a manner appropriate to their significance, including the following non-designated heritage assets:

- Burgh Mill, Fleggburgh (also known as St Margarets)
- Hall Farm, Clippesby
- Clippesby House (Hall), Clippesby
- Rollesby Broads Complex
- The Cottage, Fleggburgh Common"
- Para 79, change first sentence to "The location of these non-designated assets is also shown on Figure 8. In..."
- Para 83, line 2, change to "...Team provides archaeological advice. Other aspects of advice and consultation relating to heritage assets fall within the responsibilities of the Local Planning Authorities." (delete rest of para)

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the policy should be worded consistently with consideration of the designated and non-designated heritage assets as set out in local and national planning policy
- the reformulation of sentences and alternative wording as stated

c) Councils decision

Accept Examiner's recommended modifications.

Policy 10: Sustainable Transport

a) Examiner's Recommendations:

- Delete wording of Policy 10 and replace with:

"The provision of new and/or the improvement of existing public rights of way will be supported. Improvements to highway safety, notably around Main Road close to the school and playing field, will be supported. Major new development should take opportunities to promote the use of public transport."

- Delete Para 90, which reads as though it is a policy but is not

- Delete Para 92, which goes into levels of detail unsupported by reference to any specific development and related contributions

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the policy should be worded consistently with consideration of promoting the use of sustainable forms of transport as set out in national planning policy
- the reformulation of sentences and alternative wording as stated

c) Councils decision

Accept Examiner's recommended modifications.

Policy 11: Traffic and Speed

a) Examiner's Recommendations:

- Policy 11, delete text and replace with "Development must not harm highway safety and improvements to highway safety, notably along the A1064, will be supported."
- Change title of Policy 11 to "Traffic and Safety"

b) Councils consideration of modification(s)

The Councils agree with the Examiner's changes including:

- the policy should be worded consistently with consideration of plan making and planning obligations as set out in national planning policy
- the reformulation of sentences and alternative wording as stated

c) Councils decision

Accept Examiner's recommended modifications.

Policy 12: Village Shop

a) Examiner's Recommendations:

- Policy 12, delete wording and replace with:

"The development of a small-scale local convenience store within or adjacent to the village centre, as identified in Figure 7, will be supported."
- Para 96, delete last sentence, which is not a policy requirement
- Delete Para 97, which reads as though it is a policy, but which is not

b) Councils consideration of modification(s)

The Councils agree with the Examiner as follows:

- the reformulation of sentences and alternative wording as stated provides clarity

- that the supporting text should not read as though it is a policy requirement

c) Councils decision

Accept Examiner's recommended modifications.

Appendix 1: Local Green Spaces

a) Examiner's Recommendations:

No modifications.

b) Councils consideration of modification(s)

Agree

c) Councils Decision

Accept Examiner's recommendation. No modification necessary.

Appendix 2: Key Views

a) Examiner's Recommendations:

No modifications.

b) Councils consideration of modification(s)

Agree

c) Councils Decision

Accept Examiner's recommendation. No modification necessary.

Other matters

a) Examiner's Recommendations:

- Update the Contents, paragraph and page numbering to take into account the recommendations contained in this Report

b) Councils consideration of modification(s)

Agree, consequential amendments will be required.

c) Councils Decision

Accept Examiner's recommended modifications.

6. Next steps

This Decision Statement and the Examiner's Report into the Neighbourhood Plan will be made available at the following online locations:

<https://www.great-yarmouth.gov.uk/fleggburgh-neighbourhood-plan>

<https://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>

<Fleggburgh Parish Council website>

Hard copies of this are also available for inspection at:

Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

The next stage is for the Neighbourhood Plan to proceed to a referendum within the neighbourhood area. Such a referendum needs to take place within 56 days from the day after the date of the decision. Notice will be given 28 days before the referendum takes place.

DRAFT