

**URN:** 32-021  
**Subject:** Hemsby Neighbourhood Plan examination & recommendation  
**Report to:** Full Council – 23 March 2023  
**Report by:** Nick Fountain, Principal Strategic Planner

#### **SUBJECT MATTER**

Hemsby Neighbourhood Plan examiner's report & recommendations

#### **RECOMMENDATION**

That Full Council:

- Approves the recommended modifications to the Hemsby Neighbourhood Plan as set out in the Examiner's Report
- Approves the referendum area as the designated Hemsby Neighbourhood Area as recommended in the Examiner's Report.
- Agree the Hemsby 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 Hemsby 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 whole parish area as the Neighbourhood Area for Hemsby in November 2017. This is the point at which 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.
- 1.3. 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 2022. An independent Examiner was then appointed to examine the

plan. To aid the examination, the Examiner then asked some clarification questions with responses from the Borough Council, Broads Authority and parish council. The responses were passed to the Examiner for consideration and published on the Borough Council's website.

- 1.4. The appointed Examiner has now examined the Hemsby Neighbourhood Plan and provided a 'fact check' report with their proposed recommendations. The fact check report proved the opportunity to identify any factual errors. The final Examiner's report is expected imminently. 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.
- 1.5. 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, which would maintain the whole parish of Hemsby as the area over which the referendum would apply.

#### Local Plan Working Party

- 1.6. 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 endorsed to Full Council from the Local Plan Working Party meeting of 7<sup>th</sup> March 2023.

## **2. Hemsby Neighbourhood Plan**

- 2.1. The plan encompasses visions and aims covering tourism, housing and design, the natural environment, and the historic environment. The plan period runs to 2036 which extends beyond the current Local Plan period (2030).
- 2.2. In summary the policies within the neighbourhood plan seek to:
  - Support affordable housing and low occupancy homes
  - Preserve and enhance the character areas of the village through design measures
  - Protect dark skies
  - Promote sustainable transport
  - Protect tourist accommodation
  - Retain trees and hedgerows
  - Protect 'Green Corridors'
  - Designate Local Green Spaces
  - Identify and protect key views
  - Encourage the use of sustainable urban drainage systems
  - Protect community assets and infrastructure
  - Identify non-designated heritage assets

## **3. Examiner recommendations**

- 3.1. The following paragraphs provide a summary of the Examiner's recommendations following examination of the neighbourhood plan. 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

3.2. The Examiner has proposed modifications throughout the plan, though many of these are minor textual changes. The Examiner has addressed the issues raised by the Borough Council at Publication Stage. The following modifications had more significant text added or removed and have been described below in more detail:

- Updating any references to the NPPF as necessary
- Replacement mapping for clarity
- **Policy 1: Affordable Housing** – Affordable housing tenure split consistent with the findings of the Hesmy Housing Needs Assessment, and the First Homes discount to be applied is made consistent with the Borough Council at 50%
- **Policy 3: Design** – Increased flexibility within the policy to have ‘regard to’ the supporting Design Codes (rather than to be consistent with)
- **Policy 4: Support properties at risk from coastal erosion** – The policy has been replaced as a ‘community action’ as it seeks to review the plan should land or funding become available to support relocation, which the Examiner considered not strictly to be a planning policy
- **Policy 7: Public Transport Improvements** – To remove overly restrictive requirements and ensure consistency with national planning policy in respect of planning obligations
- **Policy 8: Residential parking standards** – Removing standards that were not evidenced
- **Policy 13: Surface Water Flooding** – Replaced wording to avoid repetition and contradiction of national planning policy
- **Policy 14: Biodiversity Improvements** – Replaced wording for consistency with national and local planning policy
- **Policy 15: Green Corridors** – To avoid unnecessary prescription where the policy had described types of ‘harm’
- **Policy 16: Local Green Spaces** – Highfield Equestrian Centre local green space removed, boundaries amended, and policy wording amended to be consistent with national policy
- **Policy 17: Protection of important local views** – Views 1 (from Yarmouth Road) and 3 (from Winterton Road) removed, and two views amended to focal points
- **Policy 19: Community facilities** – ‘Kings Head Public House’ provided as its own separate policy
- **Policy 21: Non-Designated Heritage Assets** – Removed sites that failed to meet criteria (Kiah Homebakes, Hemsby Post Office, Richardson’s Holiday Park, Former Pontins Holiday Park, Stone Cottage, Branton House) and amended policy wording consistent to national policy

#### 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). A decision must also be made by the Broads Authority.

- 4.2. Local Planning Authorities must consider whether to accept the report recommendations or decline/refuse the plan and set out and publish its reasons in a decision statement. 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 public consultation, and the possibility of a re-examination.
- 4.3. Such decisions must be made within the framework set out in the Regulations and Schedule 4B to the 1990 Town and Country Planning Act (as amended). Broadly speaking, the reasons to decline or reject the plan are where the plan fails to meet the basic conditions or Human Right Convention as set out in the legislative requirements. Based on the Examiner's findings it is considered unlikely that the plan falls short of the basic conditions or wider legislative requirements with the modifications proposed by the Examiner.

#### General conformity with existing Local Plan

- 4.4. 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 provided advice in respect of the strategic policies over the preparation of the neighbourhood plan. The representations made by the Borough Council at Publication stage (endorsed by LPWP and Full Council) have been considered and satisfactorily addressed by the Examiner.
- 4.5. Where there are elements of policy that may have the potential to conflict with the Local Plan, 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, after those of the current Local Plan. Such conflicts should be rare occurrences and would only apply in non-strategic policy matters.
- 4.6. 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

- 4.7. 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 31<sup>st</sup> March 2023). Therefore, a formal joint decision will not be issued until that date.

#### Environmental Assessment & Habitat Regulations

- 4.8. 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 April 2022. The screening determination confirmed that the plan would not have any likely significant effects on the environment or adverse impacts on nearby habitat sites (National Site Network habitat sites), and therefore the plan did not require a full Sustainability Appraisal or Appropriate Assessment.

- 4.9. 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 April 2022 screening determination remain valid and appropriate, meeting the legislative requirements.
- 4.10. 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 Hemsby Neighbourhood Plan is therefore 'screened out' and does not require a full Sustainability Appraisal or Appropriate Assessment.

#### Neighbourhood Referendum

- 4.11. If the Examiner's recommendations as 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.
- 4.12. 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 (note that the relevant Broads Authority committee is scheduled on 31 March 2023). Having liaised with the Electoral Services team, the referendum could be held on **Thursday 22<sup>nd</sup> June 2023**. 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

- 4.13. 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). A 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 of the plan.

## 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 Hemsby 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 22<sup>nd</sup> June 2023** 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 Hemsby Neighbourhood Plan \(pre-examination therefore excludes modifications\)](#)
- [SEA & HRA Screening Opinion](#)
- [Submitted SEA & HRA Screening Assessment](#)

## 9. Appendix

- Appendix 1 – Examiner's Report on Hemsby Neighbourhood Plan
- Appendix 2 – Hemsby Neighbourhood Plan Examination Decision Statement

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

<b>Area for consideration</b>	<b>Comment</b>
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 4 (Strategic Environmental Assessment & Habitat Regulations Assessment)
Risk Implications:	See Section 4 (Strategic Environmental Assessment & Habitat Regulations Assessment)
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

# **HEMSBY NEIGHBOURHOOD PLAN**

## **Report to Great Yarmouth Borough Council of the Independent Examination**

**By Independent Examiner, Tony Burton CBE BA MPhil (Town Planning) Hon FRIBA FRSA**

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**March 2023**



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# 1. Executive Summary

1. I was appointed by Great Yarmouth Borough Council with the support of Hemsby Parish Council and the involvement of the Broads Authority to carry out the independent examination of the Hemsby Neighbourhood Plan.

2. I undertook the examination by reviewing the submitted Plan, associated documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.

3. I consider the Plan to be an adequate expression of the community's views and ambitions for Hemsby. It is based on an effective programme of public consultation which has informed a Vision to 2036. This is to be achieved through a set of ten objectives and 20 planning policies largely dealing with matters distinct to the locality. The Plan also includes a number of Community Actions through local projects and initiatives. The Plan is supported by a Consultation Statement and Basic Conditions Statement and Strategic Environmental Assessment and Habitats Regulations Assessment screening reports. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authorities.

4. I have considered the 18 separate representations made on the submitted Plan. These are addressed in this report as appropriate.

5. Subject to the recommended modifications set out in this report I conclude that the Hemsby Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations.

6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Hemsby.

## 2. Introduction

7. This report sets out the findings of my independent examination of the Hemsby Neighbourhood Plan. The Plan was submitted to Great Yarmouth Borough Council by Hemsby Parish Council as the Qualifying Body. The neighbourhood area also includes a part of the Broads Authority Executive Area and the Broads Authority has been involved in the Examination.

8. I was appointed as the independent examiner of the Hemsby Neighbourhood Plan by Great Yarmouth Borough Council with the agreement of Hemsby Parish Council and the Broads Authority.

9. I am independent of Hemsby Parish Council, Great Yarmouth Borough Council and Broads Authority. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the Neighbourhood Plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and

- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that 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 2017. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Hemsby Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental and Habitats Regulations Assessment screening reports
- the relevant parts of the Great Yarmouth Core Strategy (Part 1) (2015) and the Local Plan Part 2 (2021) and the Local Plan for the Broads (2019)
- representations made on the submitted neighbourhood plan
- relevant material held on the Hemsby Parish Council and Great Yarmouth Borough Council websites
- National Planning Policy Framework (2021)
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was initiated under an earlier version of the National Planning Policy Framework than that used for my examination but the consultation on the submitted Plan took place after the most recent NPPF's publication in July 2021 and this is addressed by the Basic Conditions Statement.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing.

16. I carried out an unaccompanied visit to the Neighbourhood Area on a weekday during January. I visited the main locations addressed in the Plan, including the proposed Local Green Spaces, Important Local Views, Green Corridors, Priority Routes and Non-designated Heritage Assets along with a selection of the community infrastructure and the "Pontins site". My visit included all of the character areas identified in the Hemsby Design Codes.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in "speech marks". Existing wording is in "*italics*". Modifications are also recommended to some parts of the supporting text. These recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are indicated by [square brackets]. These optional modifications are numbered from OM1. Some changes will also be needed to the supporting text and documents consequential to the modifications, including those identified by Great Yarmouth Borough Council through the examination process.

18. Producing the Hemsby Neighbourhood Plan has clearly involved significant effort over many years led by the Steering Group. The process began in 2017 and is informed by significant community involvement. There is evidence of collaboration with Great Yarmouth Borough Council and continuing this will be important in ensuring implementation of the Plan. Broads Authority has also been involved. The commitment of all those who have worked so hard over such a long period of time to prepare the Plan is to be commended and I would like to thank all those at Hemsby Parish Council, Great Yarmouth Borough Council and Broads Authority who have supported this examination process.

### **3. Compliance with matters other than the Basic Conditions**

19. I am required to check compliance of the Plan with a number of matters.

#### Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Hemsby Parish Council – which being a parish council is the only body that can prepare a neighbourhood plan for the area.

#### Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area which comprises the area of Hemsby and was agreed by Great Yarmouth Borough Council with the involvement of Broads Authority on 10 November 2017.

22. The boundary of the neighbourhood area is shown in Figure 1 on a basic base map. A detailed map of the boundary as used for the designation is available online.

- OM1 – [Provide a link to a map showing the detail of the neighbourhood area boundary]

#### Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues.

#### Plan period

24. The period of the neighbourhood plan runs from 2021 to 2036. This looks beyond the 2030 end date of the consolidated Great Yarmouth Local Plan and is consistent with the time period of the Broads Local Plan. Reviews of both the Great Yarmouth Plan and the Broads Authority Local Plan are at an early stage and both look forward to 2041. The period is shown on the Plan cover.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

## 4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Hemsby Neighbourhood Plan website and Facebook page. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first raised in 2017. This was guided by a Steering Group comprising both residents and Parish Council members.

27. The public consultation process began in 2020 after designation of the neighbourhood area. The approach has been adequately open and transparent and participation levels have been adequate. A number of different engagement methods have been used, including a website, public meetings, social media, surveys, postcards, open meetings online during lockdown, videos and posters. Information has been delivered to every household on a number of occasions during the Plan's preparation and it has been distributed through local shops and other facilities.

28. The consultation included meetings with local stakeholders, landowners and businesses, including the landowners for each proposed Local Green Space. Public meetings have been attended by up to 40 people and over 300 responses (c10%) were received to a key survey. A poster competition was run for the local primary school.

29. The consultation included a call for sites to accommodate development relocating as a result of coastal erosion. After further consultation the identified site was not taken forward through the Plan given conflicts with other policies and a clear community preference for it to remain undeveloped.

30. Great Yarmouth Borough Council has been involved in the emerging Plan before formal consultation on the draft. Broads Authority has also been involved.

31. The Plan was subject to Regulation 14 consultation between 16 May and 26 June 2022. The consultation included three consultation events, a door drop leaflet/survey, an



online survey, posters and promotion online and via social media. Printed copies of the draft Plan were placed in community venues. There is evidence of the consultation including the required statutory and other consultees. The consultation events attracted 60 participants and 33 responses were received, including 26 from local residents.

32. Details of the response to the survey and to each of the stakeholder representations are provided in the Consultation Statement and there is evidence of changes being made to the Plan.

33. 18 separate representations have been made on the submitted Plan, including from residents, landowners and statutory bodies. All the representations have been considered as part of the examination and are addressed as appropriate in this report.

34. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at different stages in its development. Participation rates have been relatively modest but appropriate opportunities to shape the Plan as it has developed have been provided. Local businesses, landowners and the local planning authorities have been engaged through the process.

## 5. General comments on the Plan's presentation

### Vision and Objectives

35. The Plan includes a Vision for Hemsby. This reflects the feedback received through consultation and is consistent with the objectives and policies in the Plan. The overall approach focuses on sustaining the character of the village through sustainable growth that recognises the dual role for both tourists and residents and also addresses current environmental challenges. The Vision is consistent with sustainable development and this is complemented by the Plan's aims which expand on the opportunities for new development which meets needs and provides necessary infrastructure.

### Other issues

36. The Plan is clearly structured and has a consistent format. The pagination in the later parts of the Plan does not match that of the Contents and, if it is to be retained given my recommended modification, Appendix A is more suited to the Plan's evidence base. There is an inconsistency in how the maps and photographs are identified in the Plan with Figure 4 being the only Figure that relates to photographs. Other photographs are not numbered.

- OM2 – [Remove reference to "*Figure 4*" on page 36 and renumber the other Figures accordingly]

37. The Policies are generally supported by evidence although there are issues which I address in relation to individual policies. It would be helpful if links were provided as appropriate to documents referenced in the Plan, including in footnotes. The submission documents include one titled as the "*Evidence Base*" that does not include all relevant documents and it would be helpful if all documents contributing to the evidence base were available in a single location.

- OM3 – [Provide a link to the Plan's complete evidence base]

38. The Plan includes a number of maps which relate to specific policies. They do not provide sufficiently accurate boundaries or locations to provide necessary certainty. This is in part due to their size and also due to the base map which lacks necessary detail to identify boundaries. It would be helpful if larger, high resolution copies using a more appropriate base map were provided, including as links. In some instances this is essential where it is critical to the utility of a policy and this is addressed in relation to these individual policies. It will be helpful to include the boundary of the Broads Authority Executive Area where appropriate in the maps, including where identified by Broads Authority in its representations.

- OM4 – [Provide higher quality, larger scale maps using a more appropriate base map which provides clarity on boundaries and locations, including as links, and include the boundary of the Broads Authority Executive Area where appropriate]

39. The Community Actions are described in paragraph 5.4 as “*policies*” and this is not the case. It is a potential source of confusion. This is also identified as an issue by Broads Authority. The numbering of the Community Actions is not in order, with Community Action 4 coming before Community Action 3.

- M1 – Amend paragraph 5.4 to replace “*policies*” with “*matters addressed*” in the third line

40. Representations from Broads Authority and the Lead Local Flood Authority make a number of practical suggestions for improving legibility and understanding of the Plan which might be considered in finalising the Plan. Broads Authority has also identified a small number of errors, such as the “*Local Plan*” reference in paragraph 6.28. These are not necessary to meet the Basic Conditions.

- OM5 – [Give consideration to practical suggestions for improving legibility and understanding of the Plan made in representations from Broads Authority and the Lead Local Flood Authority]

## 6. Compliance with the Basic Conditions

### National planning policy

41. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates each of the Plan’s policies and objectives to the National Planning Policy Framework (NPPF) (July 2021).

42. The Basic Conditions Statement includes a table that relates each of the Plan’s policies to relevant sections of the NPPF and, where appropriate, to Planning Practice Guidance. This assessment is supported by a brief commentary and no instances of conflict are identified. It concludes that this “*demonstrates how HNP [Hemsby Neighbourhood Plan] has had regard to national policy*”.

43. I address some issues with regard to national planning policy in my consideration of individual policies and recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to serve a clear purpose and the need to avoid duplication. I also address the requirement expressed in national planning policy and Planning Practice Guidance that “*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.*” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

44. Generally, I agree with the Basic Conditions Statement and conclude that the Plan has regard to national planning policy and guidance but there are exceptions as set out in my comments below. These include the need for some policies to be more clearly expressed and/or evidenced, for policies to serve a clear purpose and for duplication with other planning policies or the NPPF to be avoided.

45. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

#### Sustainable development

46. The Plan must “*contribute to the achievement of sustainable development*”. This is addressed in the Basic Conditions Statement by reference to the evidence of being consistent with the NPPF and an assertion that the Plan is positively prepared. The analysis is limited although my own conclusion based on the Vision, Aims and Plan policies is that the overall contribution of the Plan to sustainable development is positive. I am satisfied that the Plan meets this Basic Condition.

#### Development plan

47. The Plan must be “*in general conformity with the strategic policies of the development plan*”. The Basic Conditions Statement addresses this by relating each of the Plan’s policies to relevant policies in the Great Yarmouth and Broads Authority Local Plans and providing a brief commentary.

48. The assessment identifies a number of instances where a Plan policy goes beyond the strategic policies in the Local Plans in the detail of identifying considerations deemed appropriate to the particular circumstances of Hemsby and supported by relevant evidence. This is a purpose of neighbourhood planning. Great Yarmouth Borough Council has questioned whether the Plan is in general conformity with the strategic policies of the development plan in relation to both the identification of local views and the identification of some non-designated heritage assets. I address this in my examination of these individual policies.

49. I am satisfied the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

### Strategic Environmental Assessment

50. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A screening assessment was submitted by Hemsby Parish Council and reviewed by Great Yarmouth Borough Council with the involvement of Broads Authority. The review identified a small number of desirable minor modifications and concluded that the Plan *“is not likely to have significant environmental effects”* and should be *“screened out”*. This is agreed by Historic England, Natural England and Environment Agency and also by Norfolk County Council (including in its role as Lead Local Flood Authority).

51. I conclude that the Plan meets this Basic Condition.

### Habitats Regulations Assessment

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment was submitted by Hemsby Parish Council and reviewed by Great Yarmouth Borough Council with the involvement of Broads Authority. The Broads Special Area of Conservation and Broadland Special Protection Area are both within the neighbourhood area. Great Yarmouth Borough Council agrees that the impact from residential or recreational disturbance is not additional to that resulting from existing development plans. No likely significant effects in relation to air quality, water quality (including the treatment of wastewater and surface water) or urban impacts are expected. Great Yarmouth Borough Council concludes that *“no ‘appropriate assessment’ or full ‘Habitat Regulations Assessment’ is therefore required”* and this is agreed by Natural England.

53. I conclude that the Plan meets this Basic Condition.

### Other European obligations

54. The Plan must be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement states that the Plan *“is highly likely to be compatible”*. No contrary evidence has been presented and there is evidence of changes being made to the Plan during its preparation. I conclude that there

has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been handled in an appropriate manner with changes made to the Plan.

55. I conclude that the Plan meets this Basic Condition.

## 7. Detailed comments on the Plan policies

56. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text and headings and supporting documents will need to be amended to take account of the recommended modifications.

### Housing and Design

57. **Policy 1** – This establishes a preferred mix of affordable housing types in new development.

58. The Plan is informed by a Housing Needs Assessment undertaken for Hemsby Parish Council by AECOM. The assessment is based on an approach widely used by AECOM in other neighbourhood plans as part of the technical support provided to neighbourhood planning under a Government funded programme. It recommends a local variation on the affordable housing mix provided as a "*starting point*" in Policy H1 of Great Yarmouth's Local Plan.

59. Planning Practice Guidance recognises not only the role of neighbourhood planning in supporting First Homes but that "*neighbourhood plans may be able to vary the types of affordable housing that will be expected*" (PPG, Paragraph: 017 Reference ID: 70-017-20210524).

60. The affordable housing mix proposed in Policy 1 is of 25% First Homes and 75% affordable rent. This differs from that recommended in the Housing Needs Assessment which is for "*25% first homes, 10% shared ownership and 5% rent to buy, and 60% affordable homes for rent*". The evidence base does not therefore support Policy H1. I recommend that the Policy relates to the categories of affordable housing provided in the Glossary of the National Planning Policy Framework which combines shared ownership and rent to buy. The desired breakdown of 10% shared ownership and 5% rent to buy can be included in the supporting text.



61. Policy H1 additionally proposes First Homes at a discount of *“between 40% and 50%”* drawing on the evidence from the Housing Needs Assessment. Planning Practice Guidance offers *“neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this”* (PPG, Paragraph: 004 Reference ID: 70-004-20210524). The Policy needs to set the discount at either 40% or 50% and I am satisfied with the evidence for a 50% discount. This is supported by Great Yarmouth Council in its representations that *“more recent evidence from the Borough-wide Local Housing Needs Assessment (2022) suggests a 50% discount would be necessary to meet all levels of need”*.

62. As drafted the Policy does not specify the type of site which qualifies and it is written as if it were a policy from the local authority. I note Broads Authority’s preference for a statement that First Homes cannot come forward in the Broads but am satisfied that the Policy H1’s restriction to major development and the absence of site allocations in the Broads Authority Executive Area makes this unnecessary.

63. Policy H1 does not meet the Basic Conditions.

- **M2 – Amend Policy H1 to:**
  - **Replace the first paragraph with “As a starting point the following split in the affordable housing requirement for residential developments of 10 dwellings or more or on sites of 0.5 hectares or more will be sought:**
    - a) 25% first homes**
    - b) 60% affordable homes for rent**
    - c) 15% other affordable homes”**
  - **In the third paragraph delete *“between 40% and”***
- **M3 – Make the following changes to the supporting text:**
  - Paragraph 6.5 – replace the final sentence with “The Housing Needs Assessment provides evidence of a more localised split of 25% First Homes, 10% shared ownership, 5% rent to buy and 60% affordable rent. Policy 1 sets proportions of

affordable housing mix in line with this evidence. It categorises affordable housing in line with the glossary in the National Planning Policy Framework which combines rent to buy with shared ownership.”

- Paragraph 6.6 – replace the final three sentences with “In terms of First Homes, the Housing Needs Assessment provides robust evidence that there is a need to require higher minimum discounts for First Homes at up to 50% because a discount of 30% only narrowly reaches those households on average incomes.”

64. **Policy 2** – This seeks a mix of housing types and sizes that reflect local needs based upon available evidence and a minimum of 60% two-bedroom or fewer dwellings unless there is contrary evidence.

65. The Policy is supported by the Hemsby Housing Needs Assessment which identifies an existing housing stock with a relative abundance of four-bedroom and a relative lack of one-bedroom properties. The evidence supports a future mix of dwellings with over 60% two-bedroom or smaller dwellings.

66. The Policy drafting lacks some clarity and the rationale for the Policy approach in supporting downsizing and younger residents is best addressed in the supporting text. The Policy will apply to all planning applications for housing development regardless of their open-market or affordable components and so the second paragraph is unnecessary.

67. Policy 2 meets the Basic Conditions although I make an optional modification to improve its clarity.

- OM6 – [Amend Policy 2 to:
  - Replace the first sentence with “Residential development proposals should provide a mix of housing types and sizes which reflect local housing needs on the basis of the best available and proportionate evidence.”
  - Delete the third sentence
  - Delete the second paragraph]

68. **Policy 3** – This requires development proposals outside the Broads Authority Executive Area to be consistent with the Hemsby Design Codes and identifies design considerations considered to be especially important.

69. The Policy is supported by the Hemsby Design Codes report prepared by AECOM. This identifies five character areas and provides basic design codes which are applied to relevant character areas and an additional area for new development. This work was included in the wider consultation on the Plan.

70. I share some of Great Yarmouth Borough Council’s concerns about the quality and prescriptiveness of the Design Codes. While they provide relevant, locally specific guidance which can inform development they do not provide a sufficiently robust evidence base to prescribe development outcomes.

71. In addition to referencing the Design Codes, the Policy identifies four specific design considerations to be addressed. The first consideration relating to density is already addressed by considering the Design Codes and there is a lack of clarity over what constitutes a *“particularly sensitive location”*. I was informed that this relates to the circumstances identified in Great Yarmouth Local Plan Policy H3 where *“In limited circumstances, such as where a site location is particularly sensitive owing to its distinct local character, the Borough Council will consider the acceptability of lower housing densities.”* This is addressed by a need to have regard to the Design Codes which provides the means through which sensitivity is identified.

72. The fourth consideration lacks a definition of what constitutes *“major”* housing development and I recommend using that provided in national planning policy – *“development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”* (NPPF, Annex 2, Glossary). It is appropriate to either include this definition or reference the definition in national planning policy which could be subject to change.

73. The Policy is overly prescriptive and goes beyond the necessary flexibility for planning policy required by stating what “*must*” or “*will need*” to be addressed by development proposals. National planning policy requires neighbourhood plans to be positive in approach and proportionate and for planning policies to avoid being inflexible. This issue recurs in other policies.

74. Policy 3 does not meet the Basic Conditions.

- **M4 – Amend Policy 3 to:**
  - **Replace “*will need to be consistent with*” with “*should have regard to*”**
  - **Delete sub-paragraph a)**
  - **In sub-paragraphs c) and d) replace “*must*” with “*should*”**
  - **For sub-paragraph d) provide a definition of “*major development*” in the supporting text consistent with national planning policy or include a statement that major development is as defined in national planning policy**
- **M5 – Replace the final sentence of paragraph 6.21 with “Policy H3 in the Local Plan sets out that lower densities may be acceptable in sensitive locations, and Policy 3 identifies where this is the case through reference to the design code.”**

75. **Policy 4** – This triggers a focused review of the Plan where defined circumstances in relation to sea defences and the availability of land are met.

76. A significant number of representations from residents relate to the desire for more sea defences at Hemsby. This is understandable but Policy 4 relates to a procedural matter which is not within the scope of planning policy. Planning policies relate to the development of land and are used to inform development management decisions on planning applications. The criteria triggering a Plan review is not a relevant planning policy consideration. The policy intent could be addressed through a Community Action.

77. Policy 4 does not meet the Basic Conditions.

- **M6 – Delete Policy 4**
- OM7 – [Consider addressing the circumstances relating to coastal erosion and sea defences which would result in a review of the Plan as a Community Action]

### Infrastructure

78. **Policy 5** – This supports expansion of Hemsby Medical Centre subject to relevant considerations.

79. While the Plan acknowledges that provision for future medical and health needs is a strategic matter there is evidence of public support for improved access to such facilities. The Policy is positively worded and enabling. The requirement to meet with existing parking standards is addressed by Great Yarmouth Local Plan Policy I1 and it is national planning policy that the wording of development plans should *“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area”* (NPPF, paragraph 16 f)). The Plan also lacks any reference to the source of the *“county parking standards”* (which could be provided in the supporting text) and the requirement not to *“impede the free flow of traffic”* lacks clarity.

80. Policy 5 does not meet the Basic Conditions.

- **M7 – Amend Policy 5 to delete the second sentence**

### Transport

81. **Policy 6** – This addresses the need to provide access the services and facilities through new development linking to existing active travel networks, with well designed lighting that does not harm dark skies in the Broads and improvements to priority routes to surrounding villages.

82. There is evidence of support for better connections in the public engagement on the Plan and the Policy is supported by a Community Action to improve walking and cycling routes to neighbouring villages.

83. The first part of the Policy relates to *“major development”* while it is unclear whether this extends to the second part other than by the indirect reference to Policy 3 which addresses the need for major housing development to provide street lighting. The Policy lacks a definition of *“major development”*. There is also a need to clarify that the reference to *“Hemsby”* relates to the settlement and not the neighbourhood area. The Policy is overly prescriptive in stating what *“must”* happen and the references to the Community Action and Policy 3 are superfluous. I note that the final part of Community Action 4 addressing the potential impact of street lighting on Green Corridors is not addressed by either Policy 3 or Policy 6.

84. The Plan shows four routes in Figure 2 linking Hemsby to the surrounding area in need of improvement for pedestrians and there is evidence of public support for this approach. Three routes would be adjacent to roads and the fourth would be along an old railway line. This latter route is also recognised in the Great Yarmouth Local Plan.

85. Policy 6 seeks both to take opportunities to support improvements to these priority routes and expect any development adjacent to them to support improvements. The first part of this Policy is more appropriate as a Community Action as it does not directly relate to new development. It is addressed by Community Action 2. It is not appropriate to expect all development adjacent to the routes to support their improvement. Planning obligations and conditions are only appropriate where they are necessary to make a development acceptable (NPPF, paragraphs 55-57) and so the Policy will only be appropriate in these circumstances.

86. Policy 6 does not meet the Basic Conditions.

- **M8 – Amend Policy 6 to:**
  - **Insert “the built-up area of” before “Hemsby”**
  - **Insert “major” after “new” in the second paragraph**
  - **Delete “reflecting the priorities in Community Action 2”**

- **Replace “Any lighting must be well designed, as per Policy 3,” with “Any lighting should be well designed”**
- **Provide a definition of “major development” in the supporting text consistent with national planning policy**
- **Replace the third paragraph with “Where appropriate and necessary, development proposals adjacent to any of the priority routes shown in Figure 2 should support their improvement in line with creating safe, accessible, all-weather routes.”**

87. **Policy 7** – This supports improvement to bus facilities and services as a result of major development.

88. The Policy applies to all “major development” or that which “is likely to result in a significant increase in travel demand”. It lacks a definition of “major development” and it is not appropriate to expect all major development to support improved bus services and facilities. Planning obligations and conditions are only appropriate where they are necessary to make a development acceptable (NPPF, paragraphs 55-57) and so the Policy will only be appropriate in these circumstances. The Policy is unduly prescriptive in stating what “will” need to be provided.

89. The location of new bus stops is not a planning matter other than where associated with new development.

90. Policy 7 does not meet the Basic Conditions.

- **M9 – Amend Policy 7 to:**
  - **Delete the first and third paragraphs**
  - **Replace the second paragraph with “New major development likely to result in a significant increase in travel demand should, where appropriate, contribute to more frequent bus services to key destinations and improved bus waiting facilities, including new and upgraded stops and shelters,**

**waiting areas with good quality seating and timetable displays and areas for people to leave mobility scooters and wheelchairs where possible.”**

91. **Policy 8** – This specifies minimum parking standards for different sizes of residential development subject to relevant design and landscaping considerations.

92. The Policy is grounded in a concern that there is *“Evidence in Hemsby that insufficient off-road parking in new developments has led to unplanned on-street parking”* and that Norfolk County Council’s parking standards are now out of date following the revision to national planning policy that maximum parking standards need to be clearly justified (NPPF, paragraph 108). The Plan justifies specific minimum parking standards on the basis of 2011 Census data trends being projected forward to 2041.

93. No substantive evidence of insufficient off-road parking was provided in the submission documents and while it is appropriate to set locally derived parking standards these need to be based on a more robust and recent evidence base than that presented. I also note that Norfolk County Council’s parking standards are not considered out of date elsewhere in the Plan as they are cited in Policy 5. The Policy is unduly prescriptive in stating what *“shall”* be done. The supporting text should be amended in line with the recommended modification.

94. Policy 8 does not meet the Basic Conditions.

- **M10 – Amend Policy 8 to:**
  - **Replace the first paragraph with “New residential development should where practicable and feasible provide sufficient off-road vehicle parking to avoid significant impacts on traffic flows.”**
  - **In the second paragraph replace “Where these standards cannot be met” with “Where sufficient off-road parking cannot be provided”**
  - **In the third paragraph replace “shall” with “should”**

95. **Policy 9** – This supports additional off-road parking in two non-residential locations.



96. The Policy is positively worded and appropriate. It is informed by public feedback on the Plan. The Policy references a street named variously as “Kings Way”, “King’s Way” and “Kingsway” in the Plan.

97. Policy 9 meets the Basic Conditions.

- OM8 – [Provide a consistent and accurate naming of streets throughout the Plan]

### Tourism

98. **Policy 10** – This supports retention of existing tourist accommodation and supports new tourist accommodation which meets the same design standards as residential development.

99. Hemsby is one of the largest coastal resorts in Norfolk and tourism is a very significant land use which makes a major impact on the neighbourhood area.

100. The Policy extends existing protections in Great Yarmouth Local Plan Policy L1 for the Holiday Accommodation Area in the east to the whole neighbourhood area. The drafting of the Policy is negatively worded in stating what will be “*strongly resisted*”. National planning policy is for plans to be “*prepared positively*” (NPPF, paragraph 16) and this would also be more consistent with Local Plan Policy L1. Representations from Broads Authority express concern about the lack of detail on what information needs to be provided and this can be addressed by referencing the information needs required by Local Plan Policy L1.

101. The second part of the Policy is positively worded except in relation to hotels. Hotels are not addressed in the supporting text and there is no justification provided for such a negative approach. I was informed the exclusion related to the identification of hotels as town centre uses in national planning policy. While hotels are an example of a town centre use they are not exclusively so. New hotel development will be subject to the same planning policy considerations that currently exist and need not be cited by the Policy.

102. It is appropriate to require consistent design standards for holiday accommodation although the Policy is unduly prescriptive in stating what “*must*” occur and duplicates Policy 3 by referencing it.

103. Policy 10 does not meet the Basic Conditions

- **M11 – Amend Policy 10 to:**
  - In the first paragraph delete “*be strongly resisted and*”
  - In the second paragraph delete “*This does not apply to hotels*”
  - In the third paragraph replace “*must*” with “*should*”; insert “*of design*” after “*quality*” and end the sentence at “*dwellings*”
- M12 – Include reference to the information requirements for demonstrating a current use is unviable being the same as those required by Local Plan Policy L1 in the supporting text

104. **Policy 11** – This seeks to protect existing tourism facilities and establishes criteria against which proposals for loss will be considered and a requirement for evidence of community consultation to be provided.

105. The Policy extends a general protection in Great Yarmouth Local Plan Policy L1 for “*tourism uses*” within the Holiday Accommodation Area to the whole neighbourhood area and introduces criteria for considering proposals for any loss.

106. The Policy introduces three considerations, each of which may support proposals resulting in the loss of an existing tourism facility. These are incorrectly presented as an either/or and this reduces the Policy’s clarity. The Policy is negatively worded in stating what will be “*strongly resisted*”. The clarity of the drafting can also be improved to emphasise its application to tourism facilities.

107. The Policy introduces both feasibility and viability tests but requires evidence relating only to viability. This may not be relevant if the case being made is that an existing development is not feasible.

108. I note Broads Authority's concerns about the clarity of what must be demonstrated when considering a proposal leading to the loss of an existing tourist facility but am content that this can be addressed in the evidence that will be needed to support a relevant planning application.

109. The second part of the Policy relates to the information required to be submitted with a planning application. This is not directly a matter for planning policy and is addressed through the national information requirements (PPG Paragraph: 022 Reference ID: 14-022-20140306) and Great Yarmouth Borough Council's and Broads Authority's local validation checklists. There is no evidence provided as to why these information requirements should be extended.

110. Policy 11 does not meet the Basic Conditions:

- **M13 – Amend Policy 11 to:**
  - **Replace the first sentence with “The retention of existing tourism facilities in the parish will be strongly supported”**
  - **At the end of the third line delete “either”**
  - **In section a. insert “tourism” before “facility”**
  - **In section b. replace “it” with “the tourism facility”**
  - **In section c. replace “will need to be” with “is” and “assessment” with “or feasibility assessment as appropriate”**
  - **Delete the second paragraph**

111. **Policy 12** – This supports a range of specific developments which promote the area as a visitor destination.

112. The Policy is positively worded and enabling. The drafting of the Policy could be improved to provide greater clarity. I note Broads Authority's support for the Policy to include reference to other planning policies needing to be satisfied but this would serve no clear purpose as all relevant planning policies need to be considered in relation to a planning application as a matter of planning law.

113. Policy 12 meets the Basic Conditions.

- OM9 – [Replace the first line with “The following development proposals which promote Hemsby as a visitor destination”]

#### Flood and Water Management

114. **Policy 13** – This establishes requirements for new development which reduce the risk of surface water flooding.

115. Hemsby is recognised as a Critical Drainage Catchment at significant risk from flooding. This is addressed in existing planning policy, including Great Yarmouth Local Plan policies CS13 and E1 and Broads Authority's Local Plan policies SP2 and DM6 and in national planning policy.

116. Managing flood risk is largely a strategic issue and much of Policy 13 duplicates existing planning policy, including the need for relevant information and assessments to be provided, the use of Sustainable Urban Drainage Systems and the need to ensure flood risk is not increased elsewhere. The variation in drafting between the different policies is also a source of potential confusion that reduces certainty for applicants. It is unnecessary and potentially confusing to include suggested wording for a policy in paragraph 10.15 of the supporting text.

117. While there is scope for the Plan to provide a locally specific approach this needs to be supported by appropriate evidence. The two locally specific issues identified are the impact of insensitively designed attenuation ponds and the locations identified in paragraph 10.7 which “*frequently flood*”.

118. The consenting procedures of the Broads Internal Drainage Board addressed in the final paragraph are not matters for planning policy.

119. Policy 13 does not meet the Basic Conditions.

- **M14 – Replace Policy 13 with “New development proposals should have due regard to the risk of surface water flooding within the neighbourhood area, particularly in relation to areas prone to flooding as identified by the Lead Local Flood Authority data. Where attenuation ponds are necessary they should be well designed to minimise risks to public safety, mitigate their visual impact and create additional habitat where possible.”**
- OM10 – [Delete paragraphs 10.10, 10.14 and 10.15]

#### Natural Environment

120. **Policy 14** – This establishes a need for new development to contribute positively to wildlife and habitats, protect trees, woods and hedges and address losses.

121. The Policy is general in its intent and applies to all development, including changes of use, except alterations to individual houses. This is inconsistent as there other minor developments and changes of use which can have a lesser impact on biodiversity than alterations to a dwelling. No explanation for the sole exclusion of “*alterations to a single dwelling house*” is provided.

122. The general nature of the Policy means it duplicates existing planning policy, including Great Yarmouth Local Plan policies CS11 and E4 and Broads Authority’s Local Plan policies SP6 and DM13 and national planning policy. It also anticipates implementation of measures on biodiversity net gain only recently introduced into law but not yet in force and with important details on how it will apply to different levels and types of development still being finalised. I have been informed by both Broads Authority and Hemsby Parish Council that other neighbourhood plans within the Great Yarmouth area do include policies

supporting requirements for 10% biodiversity net gain but these are differently drafted and/or do not apply to all development or relate to a specific level of biodiversity net gain. Much of the Policy does not “*serve a clear purpose*” (NPPF, paragraph 16 f)) and the variation in drafting between the different policies in the neighbourhood and Local Plans is also a source of potential confusion that reduces certainty for applicants. The recommended modification seeks to avoid this risk while recognising the desire of the parish council to include a policy that addresses this issue.

123. It is unclear why the requirements relating to trees relate only to residential development and why, especially given the Plan’s emphasis on climate change, there is a requirement to plant only “*native species*” when replacing trees.

124. Policy 14 does not meet the Basic Conditions.

- **M15 – Replace Policy 14 with “New development proposals should contribute to and enhance the natural and local environment, securing net gains for biodiversity and retaining existing trees, woodlands, hedgerows and copses wherever possible. Residential development making use of soft boundary features will be supported.”**

125. **Policy 15** – This identifies a number of Green Corridors and establishes relevant considerations for development proposals which may impact on them.

126. The Policy is supported by Figure 5 which provides a broad indication of the location of Green Corridors in the neighbourhood area. It also depicts the broad location of “*buffer zones for designated sites*” although these are not addressed in Policy 15. Paragraph 11.8 of the supporting text indicates that these should also be considered as part of the Green Corridors. It is clear that relevant organisations have been engaged in identifying the location of the Green Corridors although only limited evidence is provided. There is evidence of strong public support for their inclusion in the Plan.

127. The geographical definition of the Green Corridors is crudely depicted as a thick line with no clear identification of the boundaries. The supporting text acknowledges the Green

Corridors are “*indicative*” although it is not clear that this relates to their location. Notwithstanding this indicative status the Policy drafting is relatively detailed and prescriptive. No evidence or justification is provided for supporting biodiversity net gain in the Green Corridors over statutory credits. The Policy also includes detail about what may cause harm which is better located in the supporting text. The function of Green Corridors in the supporting text is wider than that in the Policy which focuses on its role in supporting wildlife. The Policy is unduly prescriptive in stating what “*must*” occur.

128. I visited each of the proposed Green Corridors during my visit and am content with their broad location and function while recognising there are other locations which fulfil a similar function. My proposed modifications are to recognise their indicative status and avoid an inappropriately prescriptive approach.

129. Policy 15 does not meet the Basic Conditions.

- **M16 - Amend Policy15 to:**
  - **In the first line replace “*identified*” with “*indicative*” and insert “, including the Buffer Zones for Designated Sites,” after “*Corridors*”**
  - **In the first bullet delete from “*demonstrate*” to end and insert “where it is likely to have a significant impact it should address how it will mitigate any likely harm”**
  - **In the second bullet delete from “*as a result*” to end and insert “this will be supported where it is delivered within an identified Green Corridor”**
  - **Replace “*must*” with “*should*” in both instances**
  
- M17 – Insert “the location of” after “*stage*” in paragraph 11.7

130. **Policy 16** – This designates 11 Local Green Spaces and introduces related development management policies.

131. The importance of green and open spaces to the neighbourhood area is clearly demonstrated in the results of public consultation. The Policy is supported by an

assessment of the case for designating each of the Local Green Spaces in a manner consistent with national planning policy requirements (paragraph 102, NPPF). There is evidence of effective engagement with these landowners. The assessment includes a map of the boundaries of each of the proposed Local Green Spaces and this is also provided in Figure 6. The base map does not enable to detailed boundary of each designated space to be identified.

132. I visited each of the proposed Local Green Spaces. I concur with the assessment provided with the following exceptions or areas for clarification:

1. Water's Lane – the rationale for the western boundary is unclear given the function of the land further west although its location is defined by a bank and tree line. The boundary at the north east corner needs to be cut off to exclude The Pavilion building
2. Pit Road/North Road Junction – this is one of the least tranquil locations proposed for designation and it does not qualify as being “*demonstrably special*” for this purpose. I am, however, satisfied that its character, planting and use is likely to make it special for the purposes of designation
3. Church and burial ground – the boundary should exclude the car park in the north east corner which does not satisfy the designation criteria and which has a clearly defined boundary
4. Highfield Equestrian Centre – it is unclear what special value this location has over other green spaces on the edge of the village, including other adjacent land in equestrian use. There is no evidence provided as to how its use as a commercial equestrian centre is demonstrably special to the whole community. As noted by the owners of the site, who object to the proposed designation, the rationale for the boundary is also unclear



7. Ryelands Green Space – the boundary should include the whole area bounded by the wooden fence and this is unclear from the map provided

10. St Mary's Close – the boundary of each of the three areas proposed is inconsistent. It should be bounded by the perimeter paths and exclude the land immediately in front of each row of dwellings. It is unclear why the wooded triangle of land on St Mary's Close to the north west of the sites proposed is not included in the proposals for designation given it performs the same function.

133. I note the representations from the owner of The Lodge near to the proposed Brick Green Covert Local Green Space and the concerns about promoting public access. Local Green Space designation confers no additional rights of public access and it is appropriate for private land where it meets the criteria set out in national planning policy. These concerns will need to be considered in relation to implementation of Community Action 5, Heritage Wayfinding.

134. Appendix A addresses the implications of the Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259) which has been interpreted as meaning that to be afforded a level of protection consistent with them being Green Belt, Local Green Spaces need only be designated by the Plan and it is inappropriate to include any wording that sets out how development proposals should be managed.

135. While I recognise the reasoning for selective justification of how different exceptions to Green Belt policy apply in the context of the Local Green Spaces following on from the Court of Appeal case, the content of Policy 16 is also dependent on the quality of the assessment that has justified its designation. While the assessment is sufficient to support designation it lacks the depth of analysis required to provide a basis against which to assess individual development proposals in relation to the defined exceptions. As one example, the assessment of Pit Road/North Road Junction as tranquil is not one I share although there are other attributes which warrant its designation. A more robust assessment of the quality of each Local Green Space would be required if it is to be the basis of an assessment

of what makes it special to the community that justifies a variation in approach. This could be considered during a future Plan review.

136. Consequently I do not agree that the divergence from Green Belt is sufficiently robustly explained and recommend modifying the Policy to address this.

137. Policy 16 does not meet the Basic Conditions.

- **M18 – Amend Policy 16 to:**
  - **Insert “(Figure 6)” after “Space”**
  - **Delete “4. Part of the Highfield Equestrian Centre”**
  - **Delete from “These will” to the end**
  
- M19 – Amend the boundaries of Local Green Spaces 1, 3, 7 and 10 as indicated
  
- M20 – Provide higher quality, larger scale maps using a more appropriate base map, which enables the detailed boundaries of each Local Green Space to be determined
  
- M21 – Delete Appendix A

#### Important Views

138. **Policy 17** – This identifies and protects six “*important local views*”.

139. The Policy is supported by Figure 7 which locates each of the views and depicts the angle using lines that define its extent and the depth of view. A Views Assessment has been submitted as evidence in support of the views identified by the local community during consultation. This is based on a small number of criteria relating to public access and a clear reason for inclusion.

140. I visited each of the proposed views during my visit. I am content with the descriptions provided in the Views Assessment other than in relation to:

View 2 – This is particularly valued because of the view of Winterton Church and lighthouse. Yet, neither can be seen from the location shown in Figure 7. As shown the view is also largely towards the south east and both features are to the north east. The view described is located further east along Martham Road at the beginning of the built up area and looks north east

View 4 – This is described as being near the Met Station and looking north west. The location shown in Figure 7 is well north of the Met Station and largely looking north and north east. Hemsby Hall and buildings on Hall Road are not visible in the view as depicted which need to be looking north west.

141. I share some of Great Yarmouth Borough Council’s concerns at the extent of the views and the contrasting conclusions of other evidence in the *Landscape Character Assessment* (2008) and the *Settlement Fringe Landscape Sensitivity Study* (2016). There is a risk of the Policy resulting in a major restriction on development and the evidence base supporting the views is relatively light. This is especially the case with Views 1 and 3 which are of a general nature. I share concerns expressed in representations from the owners of Highfield Equestrian Centre that the rationale for the chosen field of View 1 is unclear given that a view of equivalent quality extend outside the field proposed. As identified Views 2 and 4 need amendment and can be more focused and Views 5 and 6 offer distinct views of the Broads and the valley and dunes which warrant recognition. A summary which justifies and describes the four views should be included as an Appendix.

142. The drafting of the Policy lacks clarity as to the type of development which needs to consider the views and the extent of harm that is relevant.

143. Policy 17 does not meet the Basic Conditions.

- **M22 – Amend Policy 17 to:**
  - **Delete Views 1 and 3**
  - **In the first sentence replace “six” with “four” and replace “Hemsby Neighbourhood Plan Views Assessment” with “Appendix ?”**

- **Replace the second sentence with “New development proposals which may impact on these views should be sited and designed to be of a form and scale that avoids or mitigates any significant harm to the view.”**
- M23 – Amend Figure 7 to:
  - Locate View 2 further east along Martham Road at the beginning of the built up area and looking in a narrow corridor north east which includes only Winterton Church and lighthouse and amend the assessment accordingly to recognise this as the significance of the view
  - Amend View 4 to provide a narrow corridor looking north west towards Hemsby Hall and buildings on Hall Road and amend the assessment accordingly to recognise this as the significance of the view

### Services and Facilities

144. **Policy 18** – This supports provision of leisure facilities for young people and requires new residential development to demonstrate consideration of their leisure needs.

145. The Policy is positively worded and enabling. The first part of the Policy lacks a definition of “*young people*” while the second part indicates these are “*under-18*”. There is no definition available in Great Yarmouth or the Broads Authority’s Local Plans and this definition should be provided in the supporting text. The Policy is unduly prescriptive in stating what “*will*” be expected and it would be disproportionate to require other than major new residential development to provide evidence of considering the needs of young people. The reference to considering other policies is unnecessary as development proposals are considered against all relevant development plan policies as a matter of law. The description of leisure services supporting “*youth clubs/service and activities*” is best located in the supporting text.

146. Policy 18 does not meet the Basic Conditions.

- **M24 – Amend Policy 18 to:**

- **Replace “*Subject to other relevant policies applications*” with “Plans for new development”**
- **Delete “; *leisure facilities could support youth clubs/services and activities*” and move it to the supporting text**
- **At the beginning of the second paragraph insert “Major”**
- **In the second paragraph replace “*will be expected to*” with “should”**
- **In the second paragraph replace “*needs of the new resident under-18 population*” with “leisure needs arising from additional young people”**
- **Provide a definition of young people as under-18 in the supporting text**

147. **Policy 19** – This addresses both general support for community facilities and for the development of the King’s Head into a community use.

148. The Policy is positively worded and enabling. I have considered whether the first part duplicates existing planning policy and, while there is an overlap with the Broads Authority Local Plan Policy SP16, I note Great Yarmouth Local Plan Policy C1 addresses only the retention of community facilities. The reference to considering other policies is unnecessary as development proposals are considered against all relevant development plan policies as a matter of law. There is no supporting text for this aspect of the Policy.

149. The King’s Head Public House is recognised as an Asset of Community Value and there is evidence of support for its retention as a community facility even if its function as a public house were to end. This is a focused Policy which should be separated from Policy 19. The examples of appropriate community uses that will be looked on favourably are best provided in the supporting text.

150. Policy 19 does not meet the Basic Conditions.

- **M25 – Amend Policy 19 to:**
  - **Delete “*Subject to other relevant policies*”**
  - **Delete the second part addressing the King’s Head**

- **M26 - Insert a new Policy:**
  - **“Kings Head Public House**  
**Proposals for the development of the Kings Head public house, an Asset of Community Value, into a community use will be supported if the public house closes within the plan period.”**
- OM11 – Provide a sub-heading and some supporting text for Policy 19 on Community Facilities
- OM12 – Provide examples of community uses for the King’s Head Public House which would be looked upon favourably in the supporting text

#### Historic Environment

151. **Policy 20** – This seeks to protect and enhance historic assets, requires development affecting listed buildings to be consistent with national planning policy and identifies a range of non-designated heritage assets to be considered by development proposals.

152. The treatment of designated heritage assets is addressed in national planning policy and the Local Plans. No clear purpose is served by the Plan addressing these issues without any additional local insight and the variation in drafting between the different policies is also a source of potential confusion that reduces certainty for applicants. Removing this aspect of the Policy also requires a change in its title.

153. The identification of locally important non-designated heritage assets is an important role played by neighbourhood planning. Policy 20 is supported by a Non-Designated Heritage Assessment describing the process through which a large number of assets have been identified. This includes a review of each asset which is said to be based on Historic England’s guidance on local listing and consultation with both Norfolk Historic Environment Service and residents prior to the consultation on the full Plan.

154. I am satisfied with the logic of this approach but the level of detail in the assessment of each asset is limited. Great Yarmouth Borough Council also expresses concerns that

*“some of the proposed non-designated heritage assets are not appropriately evidenced and fail to meet Historic England’s guiding criteria”* and I share this concern.

155. I visited the non-designated heritage assets during my visit and on the basis of this and the information provided do not consider the following proposals meet the evidence threshold for being identified as non-designated heritage assets:

4. Kiah Homebakes – no detail has been provided as to its historic significance

10. Hemsby Post Office – while the site may have historic interest there is no evidence of the current building having historic significance

18. Richardsons Holiday Park – this covers a very extensive area which largely comprises modern caravans. A more targeted assessment of the historic significance of parts of the site may reveal relevant assets but the proposal is too sweeping to merit inclusion

19. Former Pontins Holiday Park - this covers a very extensive area which largely comprises relatively recent buildings associated with the implementation of a recent planning permission. A more targeted assessment of the historic significance of parts of the site may reveal relevant assets but the proposal is too sweeping to merit inclusion

21. Former Railway Line – the entire route of the line is depicted in Figure 8 but the assessment addresses only the demolished bridge and associated mileposts. There is no assessment of where the engineering and earthworks associated with the line remain significant and much of it has been lost as a result of road construction, new development and farming. The proposal lacks sufficient evidence beyond recognising the individual mileposts

26. Stone Cottage – the only evidence provided is an approximate date of construction. This is insufficient to merit inclusion

27. Branton House - the only evidence provided is a very approximate date of construction and basic description. This is insufficient to merit inclusion

156. The Plan's treatment of non-designated heritage assets, including their setting, is not consistent with that in national planning policy (NPPF, paragraph 203) and it is unnecessary for this to be repeated. By recognising specific non-designated heritage assets the Plan will afford them additional protection.

157. A Heritage Statement is already required by both Great Yarmouth Borough Council and Broads Authority in relation to planning applications that affect heritage assets and the information required to be provided with a planning application is not directly a matter for planning policy.

158. There is a mismatch between the assets identified in Figure 8 and those listed on pages 55 and 56. Figure 8 shows 27 assets and the assessment identifies 26 assets (omitting Richardson's Holiday Park).

159. There is an inconsistency in the names used in Figure 8, the list provided on pages 55 and 56 of the Plan and the Non-Designated Heritage Assessment. This includes the use of completely different names (e.g. Pit Road Cottages and School Loke Cottages) as well as differences in detail (e.g. Congregation Chapel and Congregational Church). It would also improve clarity of the Plan if the assets listed in the Plan and included in the Assessment were numbered in the same manner as Figure 8.

160. Figure 8 does not locate the individual assets with sufficient clarity and a larger scale and different base map is required. In some instances the sites overlap, such as the location of WW2 pillboxes in the Holiday Parks, making it impossible to identify the correct location.

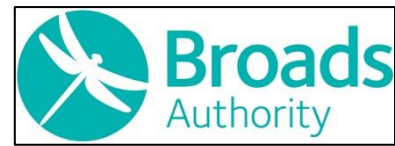
161. Policy 20 does not meet the Basic Conditions.



- **M27 – Replace Policy 20 with:**  
**“Non-designated Heritage Assets**  
**The buildings and structures shown in Figure 8 are recognised as non-designated heritage assets with a local historic value and significance which should be addressed by new development proposals.”**
  
- M28 – Amend Figure 8 and the list on pages 55 and 56 to:
  - Delete assets 4, 10, 18, 19, 26 and 27
  - Amend the location and description of asset 21 to address only the milestones associated with the former railway line
  - Be consistent in the naming of the assets
  - Be consistent in the numbering of the assets
  
- M29 - Provide higher quality, larger scale maps using a more appropriate base map, which enables the exact location or boundary of each non-designated heritage asset to be determined

## **8. Recommendation and Referendum Area**

162. I am satisfied the Hemsby Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no information to suggest other than that I recommend the referendum area matches that of the Neighbourhood Area.



## Great Yarmouth Borough Council & Broads Authority

### Decision Statement on Hemsby Neighbourhood Plan Examiner's Report 23<sup>rd</sup> & 31<sup>st</sup> March 2023

#### 1. Purpose of Statement

The Hemsby Neighbourhood Plan has been examined by an independent Examiner and they have issued the final Examiner's Report. This 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 August 2022, 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 September 2022.

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 Hemsby 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: *‘Subject to the recommended modifications set out in this report I conclude that the Hemsby Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommendations...I recommend that the modified Plan should proceed to Referendum and that this should be held within the Neighbourhood Area of Hemsby.’*

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 published Strategic Environmental Assessment Screening Opinion (dated April 2022) concluded that the Plan is not likely to have significant environmental effects.

Great Yarmouth Borough Council also published a Habitat Regulations Screening Opinion (dated April 2022). 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 the plan meets the Basic Condition in respect of Habitat Regulations Assessment, as Great Yarmouth Borough Council identified no likely significant effects, in agreement with Natural England.

### 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 (required to meet the Basic Conditions) and the majority of the ‘optional modifications’ (not necessary, but generally improve the plan). 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.

#### Section 1: Introduction

##### a) Examiner’s Recommendations:

- [Paragraph 1.2] Provide a link to a map showing the detail of the neighbourhood area boundary
- Provide a link to the Plan’s complete evidence base
- Paragraph 1.7 – Broads Authority suggested text changes

##### 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:**  
No modifications.
- b) Councils consideration of modification(s)**  
Agree
- c) Councils Decision**  
Accept Examiner's recommendation. No modification necessary.

## **Section 3: Consultation and Engagement**

- a) Examiner's Recommendations:**  
No modifications.
- b) Councils consideration of modification(s)**  
Agree
- c) Councils Decision**  
Accept Examiner's recommendation. No modification necessary.

## **Section 4: Vision and aims**

- a) Examiner's Recommendations:**
  - a. Paragraph 4.2, Criterion H – Broads Authority suggested text change
- b) Councils consideration of modification(s)**  
Agree
- c) Councils decision**  
Accept Examiner's recommended modification.

## **Section 5: Policy Context**

- a) Examiner's Recommendations:**  
Paragraph 5.4, line 3 – replace "policies" with "matters addressed"
- b) Councils consideration of modification(s)**  
Agree
- c) Councils decision**  
Accept Examiner's recommended modification.

## **Section 6: Housing and Design**

### *Policy 1: Affordable Housing*

- a) Examiner's Recommendations:**  
Amend Policy H1 to:

- Replace the first paragraph with “As a starting point the following split in the affordable housing requirement for residential developments of 10 dwellings or more or on sites of 0.5 hectares or more will be sought:
  - a) 25% first homes
  - b) 60% affordable homes for rent
  - c) 15% other affordable homes”
- In the third paragraph delete “*between 40% and*”
- Make the following changes to the supporting text:
  - Paragraph 6.5 – replace the final sentence with “The Housing Needs Assessment provides evidence of a more localised split of 25% First Homes, 10% shared ownership, 5% rent to buy and 60% affordable rent. Policy 1 sets proportions of affordable housing mix in line with this evidence. It categorises affordable housing in line with the glossary in the National Planning Policy Framework which combines rent to buy with shared ownership.”
  - Paragraph 6.6 – replace the final three sentences with “In terms of First Homes, the Housing Needs Assessment provides robust evidence that there is a need to require higher minimum discounts for First Homes at up to 50% because a discount of 30% only narrowly reaches those households on average incomes.”

**b) Councils consideration of modification(s)**

Agree

**c) Councils decision**

Accept Examiner’s recommended modification to provide consistency with the findings of the Hemsby Housing Needs Assessment. The First Homes discount will also be consistent with Great Yarmouth Borough Council.

*Policy 2: Housing Type & Mix*

**a) Examiner’s Recommendations:**

- Replace the first sentence with “Residential development proposals should provide a mix of housing types and sizes which reflect local housing needs on the basis of the best available and proportionate evidence.”
- Delete the third sentence
- Delete the second paragraph

**b) Councils consideration of modification(s)**

Agree. This provides necessary clarity.

**c) Councils decision**

Accept Examiner's recommended modifications.

#### *Policy 3: Design*

**a) Examiner's Recommendations:**

- Replace "will need to be consistent with" with "should have regard to"
- Delete sub-paragraph a)
- In sub-paragraphs c) and d) replace "must" with "should"
- For sub-paragraph d) provide a definition of "major development" in the supporting text consistent with national planning policy or include a statement that major development is as defined in national planning policy
- Replace the final sentence of paragraph 6.21 with "Policy H3 in the Local Plan sets out that lower densities may be acceptable in sensitive locations, and Policy 3 identifies where this is the case through reference to the design code."

**b) Councils consideration of modification(s)**

Agree. This reflects the status of the Design Codes as a supporting document. Clarity is also provided as to how density is applied through the neighbourhood plan.

**c) Councils decision**

Accept Examiner's recommended modifications.

#### *Policy 4: Support for properties at risk from coastal erosion*

**a) Examiner's Recommendations:**

- Delete Policy 4
- Consider addressing the circumstances relating to coastal erosion and sea defences which would result in a review of the Plan as a Community Action
- Paragraph 6.28 – Broads suggested amendment to remove 'emerging plan'

**b) Councils consideration of modification(s)**

Agree. This policy will be replaced as a 'Community Action' to ensure that the work and wider intentions of the policy can be acknowledged.

**c) Councils decision**

Accept Examiner's recommended modifications.

### **Section 7: Infrastructure**

#### *Policy 5: Hemsby Medical Centre*

**a) Examiner's Recommendations:**

Amend Policy 5 to delete the second sentence

**b) Councils consideration of modification(s)**

Agree. There is adequate coverage within existing local and national policy to address parking provision.

**c) Councils decision**

Accept Examiner's recommended modification.

**Section 8: Transport**

*Policy 6: Walking and Cycling Improvements*

**a) Examiner's Recommendations:**

Amend Policy 6 to:

- Insert "the built-up area of"" before "Hemsby"
- Insert "major" after "new" in the second paragraph
- Delete "reflecting the priorities in Community Action 2"
- Replace "Any lighting must be well designed, as per Policy 3," with "Any lighting should be well designed"
- Provide a definition of "major development" in the supporting text consistent with national planning policy
- Replace the third paragraph with "Where appropriate and necessary, development proposals adjacent to any of the priority routes shown in Figure 2 should support their improvement in line with creating safe, accessible, all-weather routes."

**b) Councils consideration of modification(s)**

Agree. The modifications ensure consistency with national policy in the use of planning obligations and conditions. They are only appropriate where they are necessary to make a development acceptable.

**c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 7: Public Transport Improvements*

**a) Examiner's Recommendations:**

Amend Policy 7 to:

- Delete the first and third paragraphs
- Replace the second paragraph with "New major development likely to result in a significant increase in travel demand should, where appropriate, contribute to more frequent bus services to key destinations and improved bus waiting facilities, including new and upgraded stops and shelters, waiting areas with good quality seating and timetable displays and areas for people to leave mobility scooters and wheelchairs where possible."
- Paragraph 8.18 – Broads suggested amendment to clarify sentence.
- Paragraph 8.23, final sentence – Broads suggested amendment to remove incomplete sentence.



**b) Councils consideration of modification(s)**

Agree. This provides clarity as to what transport infrastructure new major development can provide.

**c) Councils decision**

Accept Examiner's recommended modifications.

*Policy 8: Residential parking standards*

**a) Examiner's Recommendations:**

Amend Policy 8 to:

- Replace the first paragraph with "New residential development should where practicable and feasible provide sufficient off-road vehicle parking to avoid significant impacts on traffic flows."
- In the second paragraph replace "Where these standards cannot be met" with "Where sufficient off-road parking cannot be provided"
- In the third paragraph replace "shall" with "should"

**b) Councils consideration of modification(s)**

Agree. New standards cannot be applied without adequate evidence. In addition, there is a need to remove the final sentence of paragraph 8.28 which refers to the standards removed by the above Examiner recommendation.

**c) Councils decision**

Accept Examiner's recommended modifications & consequential removal of the final sentence of paragraph 8.28.

*Policy 9: Public car parking*

**a) Examiner's Recommendations:**

Provide a consistent and accurate naming of streets throughout the Plan

**b) Councils consideration of modification(s)**

Agree. In this particular instance the term "Kings Way" will be used to be consistent with that of the Borough Council's street naming records.

**c) Councils decision**

Accept Examiner's recommended modification which applies throughout the plan.

**Section 9: Tourism**

*Policy 10: Tourist Accommodation*

**a) Examiner's Recommendations:**

Amend Policy 10 to:

- In the first paragraph delete "be strongly resisted and"
- In the second paragraph delete "This does not apply to hotels"

- In the third paragraph replace “must” with “should”; insert “of design” after “quality” and end the sentence at “dwellings”
- Include reference to the information requirements for demonstrating a current use is unviable being the same as those required by Local Plan Policy L1 in the supporting text

**b) Councils consideration of modification(s)**

Agree. There modifications provide consistency with local and national policy.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 11: Loss of Tourism Facilities*

**a) Examiner’s Recommendations:**

Amend Policy 11 to:

- Replace the first sentence with “The retention of existing tourism facilities in the parish will be strongly supported”
- At the end of the third line delete “either”
- In section a. insert “tourism” before “facility”
- In section b. replace “it” with “the tourism facility”
- In section c. replace “will need to be” with “is” and “assessment” with “or feasibility assessment as appropriate”
- Delete the second paragraph

**b) Councils consideration of modification(s)**

Agree. The modifications improve the function and clarity of the policy in accordance with national policy.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 12: Tourism*

**a) Examiner’s Recommendations:**

- Replace the first line with “The following development proposals which promote Hemsby as a visitor destination”
- Paragraph 9.15 – Broads suggested amendment to clarify second sentence.

**b) Councils consideration of modification(s)**

Agree. This form of wording provides clarity.

**c) Councils decision**

Accept Examiner's recommended modifications.

## Section 10: Flood and Water Management

### *Policy 13: Surface Water Flooding*

#### **a) Examiner's Recommendations:**

- Replace Policy 13 with "New development proposals should have due regard to the risk of surface water flooding within the neighbourhood area, particularly in relation to areas prone to flooding as identified by the Lead Local Flood Authority data. Where attenuation ponds are necessary they should be well designed to minimise risks to public safety, mitigate their visual impact and create additional habitat where possible."
- Delete paragraphs 10.10, 10.14 and 10.15
- Lead Local Flood Authority suggested amendment to paragraph 10.6
- Broads Authority suggested amendment to paragraph 10.12 to refer to "or successor documents"
- Remove reference to "Figure 4" on page 36 and renumber the other Figures accordingly

#### **b) Councils consideration of modification(s)**

Agree. The wording provides consistency with local and national policy to address flood risk in a manageable way.

#### **c) Councils decision**

Accept Examiner's recommended modifications.

## Section 11: Natural Environment

### *Policy 14: Biodiversity Improvements*

#### **a) Examiner's Recommendations:**

- Replace Policy 14 with "New development proposals should contribute to and enhance the natural and local environment, securing net gains for biodiversity and retaining existing trees, woodlands, hedgerows and copses wherever possible. Residential development making use of soft boundary features will be supported."
- Broads Authority suggested amendment to paragraphs 11.2 and 11.3 to address typographical errors

#### **b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity in advance of the national implementation of net gain.

#### **c) Councils decision**

Accept Examiner's recommended modifications.

### *Policy 15: Green Corridors*

#### **a) Examiner's Recommendations:**

Amend Policy 15 to:

- In the first line replace "identified" with "indicative" and insert ", including the Buffer Zones for Designated Sites," after "Corridors"
- In the first bullet delete from "demonstrate" to end and insert "where it is likely to have a significant impact it should address how it will mitigate any likely harm"
- In the second bullet delete from "(as a result" to end and insert "this will be supported where it is delivered within an identified Green Corridor"
- Replace "must" with "should" in both instances
- Insert "the location of" after "stage" in paragraph 11.7
- Broads Authority suggested amendment to paragraph 11.10
- Replace Figure 5 with more detailed mapping

#### **b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity that the green corridors identified are indicative, it is proportionate to the evidence provided, and removes inappropriate prescription.

#### **c) Councils decision**

Accept Examiner's recommended modifications.

### *Policy 16: Local Green Spaces*

#### **a) Examiner's Recommendations:**

Amend Policy 16 to:

- Insert "(Figure 6)" after "Space"
- Delete "4. Part of the Highfield Equestrian Centre""
- Delete from "These will" to the end
- Amend the boundaries of Local Green Spaces 1, 3, 7 and 10 as indicated
- Provide higher quality, larger scale maps using a more appropriate base map, which enables the detailed boundaries of each Local Green Space to be determined
- Delete Appendix A [relating to Local Green Space policy interpretation]

#### **b) Councils consideration of modification(s)**

Agree. The amendments provide consistency to national planning policy which sets out the criteria for assessing Local Green Spaces for designation. Updated mapping can provide clarity on the extent of Local Green Space sites.

In addition, a consequential amendment is required to remove reference to an alternative approach to Local Green Space policy consistent with Green Belts in paragraph 11.15, following the Examiner's recommendations to the policy wording and appendix.

**c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendments to remove wording in paragraph 11.15.

## **Section 12: Important Views**

*Policy 17: Protection of important local views*

**a) Examiner's Recommendations:**

Amend Policy 17 to:

- Delete Views 1 and 3
- In the first sentence replace "six" with "four" and replace "Hemsby Neighbourhood Plan Views Assessment" with "Appendix ?"
- Replace the second sentence with "New development proposals which may impact on these views should be sited and designed to be of a form and scale that avoids or mitigates any significant harm to the view."
- Amend Figure 7 to:
  - Locate View 2 further east along Martham Road at the beginning of the built up area and looking in a narrow corridor north east which includes only Winterton Church and lighthouse and amend the assessment accordingly to recognise this as the significance of the view
  - Amend View 4 to provide a narrow corridor looking north west towards Hemsby Hall and buildings on Hall Road and amend the assessment accordingly to recognise this as the significance of the view

**b) Councils consideration of modification(s)**

Agree. The policy as amended is proportionate to the evidence provided and consistent with the findings of the Borough Council's Landscape Character Assessment (2008) and the Settlement Fringe Landscape Sensitivity Study (2016).

In addition, a consequential amendment is required to amend reference to four views (rather than six) in paragraph 12.3.

**c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendment to paragraph 12.3.

## **Section 13: Services and facilities**

*Policy 18: Provision of leisure facilities for young people*

**a) Examiner's Recommendations:**

Amend Policy 18 to:

- Replace “Subject to other relevant policies applications” with “Plans for new development”
- Delete “; leisure facilities could support youth clubs/services and activities” and move it to the supporting text
- At the beginning of the second paragraph insert “Major”
- In the second paragraph replace “will be expected to” with “should”
- In the second paragraph replace “needs of the new resident under-18 population” with “leisure needs arising from additional young people”
- Provide a definition of young people as under-18 in the supporting text

**b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and removes unjustified prescription.

**c) Councils decision**

Accept Examiner’s recommended modifications.

*Policy 19: Community facilities*

**a) Examiner’s Recommendations:**

Amend Policy 19 to:

- Delete “Subject to other relevant policies”
- Delete the second part addressing the King’s Head
- Insert a new Policy:
  - “Kings Head Public House  
  
Proposals for the development of the Kings Head public house, an Asset of Community Value, into a community use will be supported if the public house closes within the plan period.”
- Provide a sub-heading and some supporting text for Policy 19 on Community Facilities
- Provide examples of community uses for the King’s Head Public House which would be looked upon favourably in the supporting text

**b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and the King’s Head Public House proposal warrants its own focused policy.

**c) Councils decision**

Accept Examiner's recommended modifications.

## Section 14: Historic Environment

### *Policy 20: Non-Designated Heritage Assets*

#### **a) Examiner's Recommendations:**

Replace Policy 20 with:

- "Non-designated Heritage Assets

The buildings and structures shown in Figure 8 are recognised as non-designated heritage assets with a local historic value and significance which should be addressed by new development proposals."

- Amend Figure 8 and the list on pages 55 and 56 to:
  - i. Delete assets 4, 10, 18, 19, 26 and 27
  - ii. Amend the location and description of asset 21 to address only the milestones associated with the former railway line
  - iii. Be consistent in the naming of the assets
  - iv. Be consistent in the numbering of the assets
- Provide higher quality, larger scale maps using a more appropriate base map, which enables the exact location or boundary of each non-designated heritage asset to be determined

#### **b) Councils consideration of modification(s)**

Agree. The proposed wording provides clarity and consistency with national planning policy in respect of non-designated heritage assets. The sites removed do not meet Historic England's guideline criteria and lack appropriate evidence to be considered as non-designated heritage assets.

In addition, a consequential amendment is required to correct a typographical error in paragraph 14.3.

#### **c) Councils decision**

Accept Examiner's recommended modifications & the consequential amendment to paragraph 14.3.

## Consequential amendments

The following consequential amendments are required to support the Examiner's recommendations:

- Document title (replace submission draft with referendum version)
- Table of contents & page numbering
- Update policy and figure references

## **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/hemsby-neighbourhood-plan>

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

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 Hemsby 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.