URN: **21-157**

Subject: **Winterton-on-Sea Neighbourhood Plan examination & recommendation**

Report to: **Full Council – 9 December 2021**

Report by: **Nick Fountain, Senior Strategic Planner**

SUBJECT MATTER

Winterton-on-Sea Neighbourhood Plan Examiner's report & recommendation

RECOMMENDATION

That Full Council:

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

1. Introduction

1.1. A neighbourhood plan is a plan prepared by a local community (usually led by the parish council), that contains land use policies. The Borough Council formally designated the Neighbourhood Area for Winterton-on-Sea in March 2017 at which point the parish council (working with consultants) began preparing the neighbourhood plan. The parish council has engaged with the local community including consultation on a pre-submission draft of the neighbourhood plan.

1.2. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council and Broads Authority have provided advice and assistance over the course of the plan being prepared. The Borough Council also provided some final comments on the plan proposals as part of an informal 'health-check' before the plan was submitted.

Local Plan Working Party

1.3. Throughout plan preparation and formal decision making, the progress of the neighbourhood plan has been presented to members of the Local Plan Working Party. Members have had opportunities to feedback ideas to officers to shape consultation responses, and in providing advice and guidance to the parish council. The Examiner's Report recommendations were taken to Local Plan Working Party and endorsed to Full Council on 23rd November 2021.

Final stages of the plan

1.4. The plan was submitted to the Borough Council in March 2021, with the parish council having undertaken early local consultations. The Borough Council published and consulted on the submitted plan in May 2021. An independent examiner was then appointed to examine the plan. To aid the examination, the Examiner then asked the Borough Council to undertake a focused consultation on implications of the revised National Planning Policy Framework on the neighbourhood plan. Responses from each of the respective consultations were passed to the Examiner for consideration, though it is worth noting that few responses were received at either of these stages.

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

1.6. It is worth noting that officers had a chance to look through a draft of this report for fact checking. This included the opportunity to identify any factual errors before the final report was issued on 15th November 2021.

1.7. In summary, the Examiner has found that subject to some necessary modifications, the neighbourhood plan meets the basic conditions and can proceed to referendum. No extension has been recommended to the referendum area, which would maintain the whole parish of Winterton-on-Sea as the area over which the referendum would apply.

2. Winterton-on-Sea Neighbourhood Plan

2.1. The plan encompasses visions and objectives covering housing, the environment, community assets, traffic and transport. The plan period runs to 2030 aligning with the Core Strategy.

2.2. The proposed policies have a particular focus on preserving both the historic character and sensitive environment of the settlement and the parish. In summary the policies in the submission plan seek to:

- Support low occupancy, affordable homes suitable for young and elderly residents
- Preserve the historic character of the village centre
- Restrict new second homes
- Encourage tourist development
- Support conservation and habitat enhancement, including biodiversity net gain on new developments
- Expect mitigation measures against flooding
- Limit development of high-grade agricultural land

- Support small-scale businesses development within development limits
- Designate Local Green Spaces
- Support car parking facilities and provide basic car parking standards

3. Examiner recommendations

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

- Subject to modifications the plan meets the basic conditions including:
    - Having regard to national policies and advice
    - Is in general conformity with the strategic policies of the Development Plan
    - Meets the retained European Union Obligations (transposed into UK law):
        - The Environmental Assessment of Plans and Programmes Regulations 2004 (Environmental Assessment Regulations)
        - The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations)
    - Does not breach the European Convention on Human Rights

- The modifications to policies and supporting text were relatively minor text changes, with the exceptions of Local Green Space (CA3) policy where text has been removed and design (HO3) where text has been added. Such modifications include:
    - Excluding the Broads Area from affordable housing exception schemes
    - Re-titling the 'Village Centre' (dropped historic)
    - Clarifying support for innovative design
    - Adding requirement for tree-lined streets
    - Applying the national threshold to development for requiring a Surface Water Drainage Strategy
    - Ensuring that all new development takes account of high grade agricultural land
    - Consideration of the historic local character and distinctiveness around the church
    - Ensuring that complementary uses in the primary school are compatible with nearby housing
    - Ensuring Local Green Space policy is consistent with Green Belts as set out in national policy
    - Aligning investment into open spaces with the Local Plan
    - Ensuring that 'Community Aspirations' are distinguished from policies in the plan

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). 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 possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.

4.2. 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 only 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.

4.3. Having carefully reviewed the Examiner's report and recommendations, officers consider that the examination has been carried out correctly in considering the basic conditions and where necessary this has required modifications to the policies and supporting text. Officers, therefore, see no justification to depart from the recommendations contained within the Examiner's report.

Joint decision

4.4. The designated neighbourhood area, which is the whole parish, also extends into the Broads area, meaning that the Broads Authority has joint responsibility in decision making (with the Borough Council) for local planning authority duties. The Borough Council has taken the lead in supporting the parish council preparing the plan by providing advice and assistance, organising and coordinating actions, responses, consultations and decisions. The Broads Authority will also need to consider the Examiner's recommendations and come to a decision at their Planning Committee (scheduled on 3rd December 2021). Therefore, a formal joint decision will not be issued until the decision is made by Full Council.

General conformity with existing Local Plan

4.5. One of the key basic conditions is that the neighbourhood plan is in general conformity with the strategic policies of the adopted local plan. It is important to note that officers have over the preparation of the plan provided advice in respect of the emerging Local Plan Part 2 (LPP2) strategic policies. While policies from the LPP2 cannot be considered under the basic conditions (as they are not adopted policies), the Examiner's report does have regard to these and officers are content that the neighbourhood plan is in any case in general conformity with these policies. This is of particular relevance as it is anticipated that the LPP2 will be formally adopted at the same Full Council meeting just after the decision on the Examiner's recommendations is made.

4.6. Where there are elements of policy that may conflict, these will be resolved by favouring the most recently adopted policy. Therefore, the neighbourhood plan policies would take precedence as they will be formally adopted following the referendum (which will occur after the LPP2 is adopted). Such conflicts should only occur in very limited circumstances and would only apply in non-strategic policy matters.

Environmental Assessment & Habitat Regulations

4.7. Another important consideration at this stage is compliance with the Environmental Assessment and Habitat Regulations Assessment (HRA) legislative requirements, as the Borough Council (along with the Broads Authority) is the 'competent authority'. The parish council prepared a screening report which along with the Borough Council's screening assessment was consulted on (with the statutory bodies) and the screening determination published in April 2019.

4.8. The screening determination confirmed that the plan would not have any likely significant effects on the environment or any likely significant effects on nearby habitat sites (National Site Network habitat sites), and therefore the plan did not require a full Sustainability Appraisal or Appropriate Assessment. Since then, the plan has been subject to relatively minor updates by the parish council following consultation, and those suggested modifications from the Examiner. Having considered these, officers have concluded that the findings of the 2019 screening determination remain valid and appropriate, meeting the legislative requirements.

4.9. It is therefore important to acknowledge that by accepting the Examiner's recommendations, that the Borough Council (and Broads Authority) as competent authority accept the findings of the Screening Determination that the plan would not have any likely significant effects on the environment or any likely significant effects (including the consideration of in-combination effects) on nearby habitat sites (National Site Network habitat sites). The neighbourhood plan is therefore 'screened out' and does not require a full Sustainability Appraisal or Appropriate Assessment.

Neighbourhood Referendum

4.10. If the neighbourhood plan and the modifications that the Examiner has proposed are accepted, the plan should proceed to a neighbourhood referendum. The referendum asks whether residents would like the neighbourhood plan to help decide on planning applications in their area. Essentially, a successful vote ensures that the local authority will adopt the plan as part of their Development Plan to be used when determining planning applications.

4.11. Such a referendum needs to take place within 56 days from the day after the date of the decision on examiner recommendations. A 28 day notice period of the referendum date also needs to be published within that 56 day period. Having liaised with the Electoral Services team, the referendum could be held on **Thursday 24th February 2022**. The Examiner has recommended that the referendum area is not expanded beyond the designated neighbourhood plan area; and therefore, it would remain as the whole parish area. There appears little justification to disagree with this approach.

Decision Statement

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

5. Next Steps

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

5.2. As discussed above, should Full Council come to a different recommendation to that of the Examiner, a decision statement will still need to be issued and this could require further consultation and potentially re-examination.

6. Financial Implications

6.1. The Borough Council has already received £5,000 for the adopted neighbourhood plan area (it has actually received 5 of these through the first 5 adopted areas). This funding will support the payments required to appoint independent examiners.

6.2. The Borough Council should receive a further Government grant of £20,000 when a decision statement is issued to send the neighbourhood plan to referendum.

6.3. All costs associated with officer resources, the examination and referendum of the Neighbourhood Plans are expected to be covered by this Government funding.

7. Conclusion

7.1. The first recommendation is that the Full Council accepts the Examiner's proposed modifications to the Winterton-on-Sea 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 next year within the required time limit, and **Thursday 24th February 2022** is the proposed date for this to take place.

7.3. Finally, to meet the legislative requirements at this stage, it is recommended that Full Council approves the attached Decision Statement for publication on the Borough Council's website.

8. Links

- Submission version of Winterton-on-Sea Neighbourhood Plan (pre-examination therefore excludes modifications)
- SEA & HRA Screening Assessment

9. Appendices

Appendix 1 – Examiner's Report on Winterton-on-Sea Neighbourhood Plan

Appendix 2 – Winterton-on-Sea Examiner's Report 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?

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Local Plan Part 1: Core Strategy, 2001 Borough-wide Local Plan

Financial Implications (including VAT and tax):	See Section 6
Legal Implications (including human rights):	See Section 4
Risk Implications:	See Section 4
Equality Issues/EQIA assessment:	n/a
Crime & Disorder:	n/a
Every Child Matters:	n/a

Winterton-on-Sea Neighbourhood Plan
2020-2030

Report by Independent Examiner to Great Yarmouth Borough Council

Ann Skippers BSc (Hons) MRTPI FHEA FRSA AoU
15 November 2021

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Summary

I have been appointed as the independent examiner of the Winterton-on-Sea Neighbourhood Development Plan.

Winterton-on-Sea is a village on the east coast of Norfolk. The Plan area is valued by residents and visitors alike for the attractive village, the beach and its sand dunes. The older part of the village is closely knit with dense development and narrow lanes whilst newer development emanates out from the village centre. There is a Conservation Area and the Church dates back to the early 13th century and is Grade I listed. Part of the Plan area falls within the Norfolk and Suffolk Broads and this part of the Plan area therefore falls under the jurisdiction of the Broads Authority. With a population of around 1,300, swelled by year round tourism, it supports a number of services and facilities including a primary school, pub and some shops.

The Plan is presented to a high standard and contains 16 policies covering a range of topics from design and Local Green Spaces to principal residence housing. There are no site allocations. All of the policies seek to add local detail to local planning authority level policies or cover issues which are particularly pertinent to the Parish, but may not be included in a local plan. The Plan is accompanied by an evidence base which is a good resource and all the supporting documents are clear and easy to read. The Plan is commendably ambitious in its outlook and in what it seeks to achieve.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Great Yarmouth Borough Council that the Winterton-on-Sea Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
15 November 2021

1.0 Introduction

This is the report of the independent examiner into the Winterton-on-Sea Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Great Yarmouth Borough Council (GYBC) with the agreement of the Parish Council and the Broads Authority (BA), to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

Part of the Plan area falls within the Norfolk and Suffolk Broads and falls under the jurisdiction of the BA. I have been instructed by Great Yarmouth Borough Council and therefore can only address my report to that authority as my client. However, all parties are aware that the BA plays an important role as the other authority responsible for progressing the Plan to its next stages.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions[1] are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area

[1] Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations[2]
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.[3] It states 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.

The examiner is also required to check[4] whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.[5]

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

[2] Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020
[3] Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
[4] Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act
[5] The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authorities, in this case GYBC and the BA. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

3.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).[6]

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.[7] Often representations suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG[8] explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.[9]

After consideration of all the documentation, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council did not make any comments.

The Government published a new National Planning Policy Framework (NPPF) in July 2021 shortly after the Regulation 16 stage had ended and before the examination had commenced. Given that the NPPF is a key document issued by the Secretary of State against which the Plan is examined, I suggested that a short period of consultation specifically on the newly published NPPF be held. This was to give all interested parties, GYBC, the BA and the Parish Council an opportunity to consider whether the new NPPF

[6] PPG para 055 ref id 41-055-20180222
[7] Ibid
[8] Ibid para 056 ref id 41-056-20180222
[9] Ibid

had any implications for the Plan.

This stage of focused and additional consultation resulted in two representations. The Parish Council was also given an opportunity to comment on any representations received, but chose not to do so.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Nick Fountain at GYBC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 4 November 2021.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2017 following a public meeting to discuss the development of a neighbourhood plan. A Steering Group was established in mid 2017 to lead preparation on the Plan.

An Issues and Options consultation was held with local residents and businesses in November 2018. This took the form of a paper and online survey distributed to all households. This was advertised in the Parish newsletter. An event was also held attended by 60 people.

A dedicated page was set up on the Parish Council website.

Pre-submission (Regulation 14) consultation took place between 19 March – 2 May 2020. This was extended to 16 May because of lockdown restrictions. GYBC then recommended a further six-week period of consultation which ran from 28 May – 9

July. Hard copies and online copies of the Plan were available during this period. It was advertised on the website, via posters around the village, an article in the village newsletter and on Facebook.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 21 May – 16 July 2021.

Just before the examination commenced, as explained earlier, the Government published a new NPPF. In order to give all interested parties, GYBC and the BA and the Parish Council an opportunity to consider whether this had any implications for the Plan, a further two-week period of consultation was carried out. This consultation ended on 21 September 2021.

A total of 10 representations were received. Whilst I make reference to some responses and not others, I have considered all of the representations and taken them into account in preparing my report.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Winterton-on-Sea Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. GYBC and the BA approved the designation of the area on 18 August 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 4 of the Plan.

Plan period

The Plan period is 2020 – 2030. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.[10]

In this instance, two Community Policies, arising from the Plan-making process, have been identified. I recommend later in this report that they are renamed as "Community Aspirations" and that an explanatory paragraph regarding their status is included within the Plan. Subject to these modifications, the Plan will satisfactorily deal with this requirement.

6.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.[11]

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.[12] They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.[13]

[10] PPG para 004 ref id 41-004-20190509
[11] NPPF para 13
[12] Ibid para 28
[13] Ibid

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.[14]

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.[15]

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.[16]

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous[17] to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.[18]

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.[19] It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.[20]

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance. A table[21] sets out how the Plan aligns with the (previous) NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

[14] NPPF para 29
[15] Ibid para 31
[16] Ibid para 16
[17] PPG para 041 ref id 41-041-20140306
[18] Ibid
[19] Ibid para 040 ref id 41-040-20160211
[20] Ibid
[21] Basic Conditions Statement Figure 2 on page 6

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.[22] This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.[23] The objectives are economic, social and environmental.[24]

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.[25]

Whilst this has formed part of my own assessment, the table in the Basic Conditions Statement cross references how each Plan policy helps to achieve sustainable development as outlined in the NPPF.[26]

General conformity with the strategic policies in the development plan

The Plan area falls within two local authority boundaries; GYBC and the BA.

The development plan consists of the Great Yarmouth Local Plan Core Strategy 2013 – 2030 (CS) and the Local Plan for the Broads 2015 – 2036 (LP). A number of saved policies from the Great Yarmouth Borough-wide Local Plan 2001 also remain in force until the emerging Local Plan Part 2 is adopted.

GYBC confirmed that in terms of the saved policies of the Borough-wide Local Plan 2001, Policies HOU7, HOU8 and HOU10 are in regular use and regarded as strategic.

The GYBC Local Plan 2001 was adopted in February 2001, the CS was adopted on 21 December 2015 and the Local Plan for the Boards in May 2019.

The LP is applicable to the part of the Plan area which falls within the BA's jurisdiction. The LP contains three types of policies; strategic, development management and site specific. I have considered the whole plan, but paid particular attention to the strategic policies given the wording of the relevant basic condition.

In addition there are three minerals and waste planning policy documents which also make up the development plan for the area; these are the Core Strategy and Minerals and Waste Development Management Policies Development Plan Document 2010 – 2026 adopted in September 2011, the Minerals Site Specific Allocations Development Plan Document (DPD) adopted in October 20143 and amended in December 2017 and the Waste Site Specific Allocations DPD adopted in October 2013.

[22] NPPF para 7
[23] Ibid para 8
[24] Ibid
[25] Ibid para 9
[26] Basic Conditions Statement Figure 2 on page 6

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to relevant CS and LP policies.[27] Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

Emerging Plan

GYBC submitted the Great Yarmouth Local Plan Part 2 (LP Part 2) Development Management Policies and Site Allocations to the Inspectorate on 31 July 2020 for independent examination. Examination hearing sessions took place between 2 March - 29 April 2021. The hearing sessions were formally closed by the Inspector on 29 April 2021. In response to the Inspector's post-hearings note, the Council has prepared potential modifications to the Local Plan Part 2. Public consultation on the potential modifications closed on 3 September 2021. The Inspector's Final Report dated 5 November was been received by GYBC during the course of this examination. GYBC's website indicates that "it is currently expected that the Council will consider the adoption of the plan at the Full Council meeting on 09 December 2021".

There is no legal requirement to examine the Plan against emerging policy. However, PPG[28] advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.[29]

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG[30] confirms that it is the responsibility of the local planning authority, in this case GYBC and the BA, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is GYBC and the BA who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

[27] Basic Conditions Statement Figure 3 on page 12
[28] PPG para 009 ref id 41-009-20190509
[29] Ibid
[30] Ibid para 031 ref id 11-031-20150209

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

The Basic Conditions Statement refers to the Screening Opinion dated July 2019 which has been prepared by GYBC. Although it is titled SEA Screening Opinion it also covers HRA matters. It also refers to the SEA and HRA Screening Report of April 2019 prepared by Collective Community Planning on behalf of the Parish Council.

After consultation with the statutory bodies, the Screening Opinion concluded that the Plan is not likely to have significant environmental effects. It sets out a number of reasons including conformity with the CS, its operation at a small scale, the absence of site allocations, the limited opportunity for new development and the recognition of the sensitive landscape and conservation of environmental assets.

I have treated this information to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.[31]

Taking account of the characteristics of the Plan, the information and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, the Plan area falls within the Winterton-Horsey Dunes Special Area of Conservation (SAC) and the Great Yarmouth North Denes Special Protection Area

[31] PPG para 028 ref id 11-028-20150209

(SPA). The Screening Assessment also considered other European sites within 15km of the Plan area.

As the Plan does not make any site allocations and many policies seek to conserve or enhance the natural environment, it was considered that the Plan is unlikely to present additional residential or recreational disturbance beyond that identified in the CS.

The Screening Opinion, prepared by GYBC, concludes that the Plan will not have any likely significant effects either alone or in combination with other plans and projects and therefore screens the Plan out from requiring an appropriate assessment.

NE was consulted and did not make any comments.

The conclusion is therefore that the Plan does not require further assessment.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Opinion that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.[32] In undertaking work on SEA and HRA, GYBC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard. The BA has not raised any concerns.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.[33] Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights. I discuss this aspect further in my assessment of Policy HO4.

[32] PPG para 031 ref id 11-031-20150209
[33] Basic Conditions Statement page 15

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. As a reminder, where modifications are recommended they appear in **bold text** and where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a very high standard and contains 16 policies. The Plan begins with a helpful contents page.

Introduction

This is an interesting section which sets out the context for the Plan and highlights many interesting attributes about the Parish. It explains that the Plan builds on work undertaken for a Parish Plan in 2004.

Neighbourhood Planning

This section sets out how the Plan has evolved; it does so in an engaging and informative way.

Vision and Objectives

The vision for the area is:

> "Winterton-on-Sea will be a thriving community and popular visitor destination, providing a range of local services and facilities.
>
> It will have a good balance between the needs of residents and those visiting for the day or longer. It will retain the quiet, laid-back feel that is fitting for an old fishing village, with low traffic volumes and speeds away from the main roads.
>
> The village will enjoy a good mix of housing, including homes for younger residents and families, which have been designed sensitively and reflecting the local character.
>
> The natural environment, including the sensitive dunes, will still be precious to the community and its condition and ecology will have improved."

This very locally distinctive and clear vision is supported by seven objectives. All the objectives are articulated well, relate to the development and use of land and will help to deliver the vision.

Housing

It is useful for me at this juncture to set out the planning context. CS Policy CS1 seeks to create sustainable communities, supporting sustainable growth that is of a scale and in a location that complements the character and supports the function of settlements.

CS Policy CS2 sets out how this will be achieved. Winterton-on-Sea is identified as a Primary Village in the CS. The CS describes these as smaller settlements with a small range of services and opportunities for employment, retail and education. They serve a limited local catchment and have a lower level of access to public transport.

CS Policy CS2 directs about 30% of new residential development to the Primary Villages.

Policy SP15 of the Local Plan for the Broads sets out how the BA seeks to meet its objectively assessed housing need. The size and type of new homes is to be based on the latest evidence of local needs. Development is to be located to protect the countryside from inappropriate uses to achieve sustainable patterns of development by concentrating development in locations with local facilities, high levels of accessibility and where previously developed land is used. Elsewhere housing is only permitted where necessary including affordable housing where local housing need has been shown.

Neither the CS, the LP, Local Plan for the Broads or the emerging LP Part 2 allocate any sites for housing development to Winterton-on-Sea. As the latest available figure, emerging LP Part 2 Policy GSP2 sets out a zero housing requirement for the Plan area, although this does not in itself preclude any development coming forward through the neighbourhood planning mechanism.

I turn now to the planning policies.

Policy HO1: Housing Mix

The Plan explains there is a high proportion of detached homes, often of three or more bedrooms, in the area. Home ownership is high. There are few one-bed properties; round 3% of the total stock and about 34% of homes are one or two bedroomed, less than the Borough average. In contrast the Plan explains that about a third of households are single indicating a mismatch between the stock and need.

This also points to a common phenomenon of a lack of opportunity for older people in the village to downsize thereby 'freeing up' often under-occupied larger properties for families.

The Parish has an increasing ageing population profile. This is increasing faster than surrounding communities suggesting older people are choosing to move to this community.

This could have an impact on the school and its future viability. A mix of homes is needed to attract younger families to stay and move to the community as well as providing for downsizers.

Affordable housing demand outstrips supply, again particularly for smaller units. The Plan explains that no new affordable homes have been constructed recently.

The Plan therefore seeks to ensure that any new development reflects the type and size of home most needed in the locality. This is in line with the supporting text for CS Policy CS2 which acknowledges the need for additional housing to meet local housing needs, especially for young families and older people balanced against the need to protect the individual character and identity of each village.

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.[34]

Nationally, PPG states that the need to provide housing for older people is critical and offering a choice of accommodation to suit changing needs can help independent living for longer.[35] The evidence sitting behind the emerging LP Part 2 also indicates that the Borough has a relatively aged population structure and this is likely to become more pronounced.[36]

The policy seeks a mix of housing types on all sites. For sites of five or more units, the policy seeks 33% of dwellings to be two bedroomed or less. Whilst there is little explanation of this threshold in the Plan, it does reflect the five units threshold for affordable housing in designated rural areas meaning there is some precedent for such a figure in planning terms. Given the requirements of the policy a threshold below this number would be difficult to deliver in my view. I am therefore comfortable with this as a policy basis particularly given the inbuilt flexibility within the policy which acknowledges the importance of evidence and viability considerations.

The policy will have regard to national policy, contribute to the achievement of sustainable development and be in general conformity with strategic policy, particularly CS Policies CS2, CS3 and LP Policy SP15. It therefore meets the basic conditions and no modifications are recommended.

[34] NPPF para 60
[35] PPG para 001 ref id 63-001-20190626
[36] Emerging Local Plan Part 2, Tracked Changes Version page 126

Policy HO2: Affordable Housing

Given the background explained above in relation to Policy HO1, the Plan supports the provision of affordable housing in schemes which would not otherwise provide affordable housing, considering such provision to be a significant community benefit, helping to deliver sustainable development in the Plan area.

The NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies can set a lower threshold of 5 units or fewer).[37]

The policy then represents a departure from the NPPF. However, given the need to provide more affordable housing, the identified benefits of such provision for this community and the lack of any such provision in recent years, I consider that such a departure is, in this instance, justified. The policy also does not lower the threshold in the NPPF, but rather indicates it support for schemes which provide affordable housing.

The policy then supports small-scale rural exception sites or entry-level exception sites for affordable housing outside the development limits of the village. Three criteria are included; firstly that the site is "reasonably adjacent" to the development limits, secondly the site has reasonable and safe access to local amenities using sustainable transport and lastly that the homes are provided to those in local housing need in perpetuity.

Entry-level homes are referred to in the NPPF.[38] Such sites should not be on land already allocated for housing. They should comprise one or more of the types of affordable housing defined in the NPPF's glossary. They should be adjacent to existing settlements and be proportionate in size, not compromise the protection given to areas or assets of particular importance and comply with local design policy and standards.

The Plan acknowledges that the policy takes a departure from the stance in the NPPF as is indicates that sites should be "reasonably adjacent" rather than adjacent. The supporting text explains what this means in the Parish and why such a departure is being made. The policy also includes caveats other than location; it refers to access to local services and facilities and the need for such housing to remain in perpetuity.

CS Policy CS4 explains that one of the greatest challenges facing the Borough is the need to provide additional affordable housing. Within this policy, support is given for housing on small rural exception sites subject to a number of criteria including where the site is within or adjacent to the existing settlement. The policy therefore also does not precisely align with the wording of CS Policy CS4. However, GYBC, at fact check stage, has indicated disagreement with me over this and has confirmed that CS Policy CS4 has a similar level of flexibility given it permits adjacent sites.

[37] NPPF para 64
[38] Ibid para 72

Given the overwhelming need for affordable housing in the community and given the nature of the village and its coastal location and the opportunities within it for much needed affordable housing, I consider this is justified. I note that GYBC has not objected to this policy although the BA has raised concerns.

In reaching this conclusion, I am mindful of the need to promote a sustainable pattern of development that meets the development needs of the area[39] and that in rural areas planning policies should be responsive to local circumstances and support housing developments that reflect local needs.[40]

The NPPF continues that local planning authorities should support opportunities to bring forward rural exception sites.[41]

The NPPF also indicates that, in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and policies should identify opportunities for villages to grow and thrive.[42] Therefore given the community have identified opportunities through policy to address the provision of affordable housing, I consider the policy has regard to the NPPF. There is no reason to suspect that this policy would constrain the delivery of important national policy objectives and every reason to suspect that this policy would provide an opportunity for much needed affordable housing to be built.

There is a minor addition to the supporting text to make it read better.

Part of the Plan area falls within the jurisdiction of the BA. The NPPF is clear that entry-level homes should not be permitted within the BA area. I consider this should be acknowledged in the Plan. A modification is therefore made to address this.

In addition, a Written Ministerial Statement (WMS) of 24 May 2021 introduced First Homes, a new scheme to provide homes for first time buyers at a minimum discount of 30% and which replaces entry-level exception sites. I note that there is a transition period for plan-making in relation to First Homes. Neighbourhood plans submitted for examination before 28 June 2021 are not required to reflect the First Homes policy requirements.[43] This applies in this case. I also note that one of the criteria the WMS refers to the First Homes exception sites is for sites to be adjacent to existing settlements. I consider my discussion above also covers this point. It may be useful to consider an early update to the Plan in respect of First Homes.

With these modifications, the policy will meet the basic conditions. It has regard to national policy, will be in general conformity with CS Policy CS4 by adding a local layer of detail and flexibility given the circumstances and nature of this Plan area and help to achieve sustainable development.

[39] NPPF para 11
[40] Ibid para 78
[41] Ibid
[42] Ibid para 79
[43] WMS of 24 May 2021 and PPG para 018 ref id 70-018-20210524

- **Add the word "*to*" before "…the settlement" in the third sentence of paragraph 38 on page 10 of the Plan**

- **Add a new sentence at the end of the policy that reads: "*It should be noted that national policy does not permit entry-level exception sites within the Broads Authority area.*"**

Policy HO3: Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.[44]

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.[45]

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.[46]

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.[47]

Policy HO3 sets out the expectations for new development whilst not seeking to stifle innovation. It refers to the Historic Village Centre which is defined on Figure 4 on page 22 of the Plan. The proposed Historic Village Centre designation is supported by a Character Appraisal which forms Appendix 1 of the Plan.

I explain in my discussion of Policy E3, the modifications I consider should be made to this proposed designation, but make a modification here to this policy to reflect the modifications made to Policy E3 later in this report.

Turning now to the criteria, only one of the criteria gives some cause for concern; the policy states that proposals outside of the village centre of an innovative design with high environmental standards will be supported. This could inadvertently lead to development which would not otherwise be acceptable. A modification is made to address this point.

[44] NPPF para 126
[45] Ibid para 127
[46] Ibid para 128
[47] Ibid para 130

The latest revision of the NPPF[48] makes it clear that the Government's intention is that all new streets include trees unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. In addition, opportunities should be taken to incorporate trees elsewhere in developments; appropriate measures should be in place to secure the long-term maintenance of newly-planted trees; and existing trees should be retained where possible. The NPPF indicates that planning policies should ensure that streets are tree-lined.[49] Therefore, to have regard to national policy it is necessary to include such requirements in Policy HO3.

With these modifications, the policy will meet the basic conditions. It will have regard to the NPPF, be in general conformity with CS Policies CS1, CS9, CS10 and CS12 and Local Plan for the Broads Policies SP3 and SP5 in particular and help to achieve sustainable development.

- **Delete the word "historic" from paragraphs two and three and five of the policy and change all references to "village centre" to "*V*illage *C*entre"**

- **Add the words "*subject to other policies of the development plan"* at the end of the first sentence of paragraph three of the policy that begins: "Proposals outside of the [historic] village centre that are of an innovative design…"**

- **Add a new criterion to the policy that reads: "*Tree-lined streets should be included in developments unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Trees should be included within developments where the opportunity arises. Where development is permitted, conditions will be imposed to secure the long-term maintenance of newly-planted trees. Existing trees, tree belts and hedgerows should be retained wherever possible*."**

Policy HO4: Principal Residence Housing

A Second and Holiday Homes Evidence Base document has been prepared in support of this policy. This explains that data from the Census 2011 showed that just over 13% of homes in Winterton-on-Sea have no usual residents and that this had increased slightly since 2001. A comparison with nearby coastal communities shows that Winterton-on-Sea has a lower proportion than some, but nevertheless still considerably more that the Great Yarmouth and national averages. Anecdotal evidence from the Steering Group suggest the number of holiday and second homes has risen over the last few years.

In some streets of the village, the number of holiday and second homes outnumbers those occupied by permanent residents. These roads are all within the village centre. Some 67 holiday homes have been identified using publicly available sources of information.

[48] NPPF para 131
[49] Ibid

Council tax records have also been investigated. These show around a third of homes are second or holiday homes, but this figure includes the holiday units at Harmanus and the Winterton Valley estate.

The impact of such a high proportion of holiday homes has resulted in higher house prices, pricing out local people and families. In turn this impacts upon the viability of certain facilities and services such as the school for example. The presence of empty homes for part of the year can lead to a sense of isolation for those living near to such properties and impacts on the sustainability of the resident population in terms of community cohesion.

There is little doubt that the benefits brought by visitors and tourism are recognised and supported by the community. However, the impact of a high number of properties left empty for long periods is of great concern.

The local community feel that any increase in holiday and second homes threatens the long-term viability and vitality of the village as a sustainable year-round community. The near closure of the primary school due to a decline in numbers and the sense of isolation felt by those living close to empty homes is illustrative of some of the issues.

Policy HO4 therefore seeks to restrict the occupation of any new dwellings as "principal residences" i.e. the sole or main home of the occupants. The restriction would last in perpetuity and be secured via planning condition or obligation.

It would not apply to those proposals specifically for tourist accommodation.

In my judgment, the adverse impact on the local community and the local economy in terms of availability of housing and its affordability through the uncontrolled growth of second homes does merit the restriction of new second homes in relation to the achievement of sustainable development.

The NPPF is very clear that the purpose of the planning system is to contribute to the achievement of sustainable development.[50] The three overarching objectives are interdependent and should be pursued in mutually supportive ways.[51]

Policy HO4 does not restrict housing per se; it seeks to support strong, responsive and vibrant communities through the provision of a sufficient number and range of homes to meet the needs of present and future generations. This is very much part of the social objective referred to in the NPPF.[52] The restriction on occupation will help to mean that new homes are built in the right place, helping to build a strong, responsive and competitive economy, a key part of the economic objective. Finally, the policy will make effective use of land bearing in mind the constraints of the Plan area, part of the environmental objective.

[50] NPPF para 7
[51] Ibid para 8
[52] Ibid

Turning now to human rights, I do not consider that the policy is incompatible with the Human Rights Act 2008 or Article 8 of the ECHR. The planning system often imposes restrictions on occupation, for example in relation to agricultural occupancy or affordable housing or housing for older people. It is argued that the policy is in the economic and social well-being of the fabric of Winterton-on-Sea, now and in the future. The policy would protect the rights and freedoms of others currently adversely affected by the unrestricted occupancy.

The policy only applies to new dwellings; it does not restrict the whole housing market. Furthermore support is given to holiday and tourist accommodation elsewhere in the Plan.

Therefore the objective of the policy to provide homes for local people, but importantly also to support an increase in the number of year-round residents, creating a more balanced and sustainable community in Winterton-on-Sea, is appropriate and justified.

I am also mindful that a similar policy has been adopted in St Ives, Cornwall. Whilst each policy must be considered on its own merits, as I have done here, the wording of the policy is similar and therefore I consider it to be enforceable.

There is a small revision to paragraph 43 to make the supporting text read better.

With this modification, the policy will meet the basic conditions by having regard to the NPPF and helping to achieve sustainable development.

- **Add the word "*of*" after "The socio-economic effects…" in the first sentence of paragraph 43 on page 12 of the Plan**

Policy HO5: Tourist Accommodation

The NPPF supports a prosperous rural economy and one of the ways of achieving this is through support for sustainable rural tourism and leisure developments which respect the character of the countryside.[53]

Policy HO5 supports tourist accommodation if the proposal meets three criteria. Firstly, such development is located within the development limits or on sites which are well-related to the village and at an appropriate scale. Secondly, it supports appropriate conversions of existing buildings. Lastly, the development should be for short stay lets only. This latter requirement could be achieved through planning conditions or obligations and incidentally I note this element is similar in wording to Policy DM30 of the Local Plan for the Broads.

[53] NPPF para 84

CS Policy CS8 promotes visitor accommodation and attractions as well as supporting the development of high quality tourist facilities of a suitable scale when considering infrastructure requirements and the settlement hierarchy. It specifically refers to the Winterton-Horsey Dunes SAC, seeking to protect it from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism.

There is no conflict between this policy and Policy HO4.

I note that paragraph 49 on page 13 of the Plan is clear that Policy HO5 will only apply outside of the BA's jurisdiction. I consider this is clearly set out and that this approach is acceptable.

I consider the policy meets the basic conditions. It has regard to the NPPF in that it supports sustainable rural tourism and the policy sets out what this means in this Plan area, is in general conformity with CS Policy CS8 in particular and will help to achieve sustainable development. No modifications are recommended.

Environment

Policy E1: Protecting and Enhancing the Environment

The NPPF[54] is clear that planning policies should contribute to and enhance the natural and local environment including through minimising impacts on biodiversity and providing net gains.

The Plan explains that the dunes are particularly valued by residents and visitors and the dunes, dune grassland, dune heath and beach give, what the Plan describes, as a "…wild and windswept character".[55] I saw this myself at my site visit.

The dunes are a Site of Special Scientific Interest (SSSI), and Area of Outstanding Natural Beauty (AONB), a SAC and National Nature Reserve (NNR). However, there is some evidence of the dunes being in an unfavourable condition and active plans are in place to support their conservation.

There are three County Wildlife Sites (CWS).

Policy E1 seeks a 10% net gain in biodiversity. The Government announced it would mandate net gains for biodiversity in the Environment Bill. The Environment Bill received Royal Assent on 9 November 2021. The mandatory biodiversity gain is, as I understand it, likely to become law through secondary legislation in 2023.[56] Whilst this is not yet a statutory requirement, there is some basis for introducing a policy basis in this Parish given its plethora of sites and its location in and close to the Norfolk and

[54] NPPF para 174
[55] The Plan para 50 on page 15
[56] Source of information Local Government Association www.local.gov.uk accessed 12 November 2021

Suffolk Broads. The NPPF is promotes the pursuance of opportunities for securing net gains[57] and PPG indicates that policies can be used to set out a suitable approach.[58] No representations have raised concerns about the introduction of this into policy.

The policy then expects development to incorporate conservation and/or habitat enhancement with the Winterton-Horsey Dunes SAC and the three CWSs.

Finally, the policy resists development that would have a negative impact on the Winterton-Horsey Dunes SAC or SSSI.

I consider the policy meets the basic conditions. It takes its lead from the NPPF and will help to achieve sustainable development given the net gain in biodiversity currently sought. The policy is supported by local evidence and is in general conformity with CS Policies CS9 and CS11 and Local Plan for the Broads Policy SP6 in particular and will help to achieve sustainable development.

Policy E2: Surface Water Flooding and Drainage

I note that this policy is numbered E4 in the Plan and that later policies are numbered E2 and E3. I recommend that the policies are numbered in sequence and that is a simple editing matter.

This policy requires any development within areas of high and medium risk from surface water flooding and any site of five or more dwellings to have a proportionate Surface Water Drainage Strategy. The Lead Local Flood Authority (LLFA) has welcomed the policy but advises that the thresholds in the policy should be reviewed to align with the NPPF and their own Guidance Document. A modification is therefore made to address this concern and ensure the policy has regard to the NPPF and will achieve sustainable development.

I note the LLFA highlight the importance of considering surface water within the Plan area. They recommend that the Plan includes a caveat that any development demonstrates there is no increased risk of flooding and mitigation measures are implemented to address surface water within development sites. As part of their recommendation, the inclusion of SuDs is referred to. Whilst I do not recommend the inclusion of the text and policy the LLFA recommends as this would amount to a significant rewrite of this part of the Plan, I do consider the information given by the LLFA is sufficient to justify the policy as written, particularly as the policy has inbuilt flexibility over the appropriateness of such use.

The second element supports proposals which improve surface water drainage.

SuDs are to be considered in all developments.

[57] NPPF para 179
[58] PPG para 021 ref id 8-021-20190721

On-site water storage is required.

The last element of the policy requires new development to have mains sewerage and where this is not possible, an assessment to show that any impact on the SAC is acceptable.

The NPPF is clear that inappropriate development in areas at risk of flooding should be avoided.[59] It continues that development should incorporate SuDs unless there is clear evidence this would be inappropriate.[60]

The CS states that the use of SuDs has a key role in reducing flood risk[61] and Policies CS11, CS12 and CS13 all refer to the appropriate use of SuDs in all developments. CS Policy CS13 in particular addresses flood risk.

Policy SP2 of the Local Plan for the Broads requires appropriate surface water drainage mitigation measures and Policy DM6 indicates SuDs should be used, unless soil conditions and engineering feasibility indicate otherwise.

The LLFA also advises to update a link on page 18 of the Plan.

With these modifications, I consider the policy will have regard to the NPPF, be in general conformity with CS Policies CS11, CS12 and CS13 in particular as well as Policy SP2 of the Local Plan for the Broads and help to achieve sustainable development thereby meeting the basic conditions.

- **Delete the words "and all developments of 5 or more properties" from the first paragraph of the policy and replace with "*and for other development in line with national policy requirements*"**

- **Update the link on page 18 of the Plan**

Policy E3: High Grade Agricultural Land

The Plan explains the village is surrounded by agricultural land and paddocks. Some of the land is Grade 1 or 2. Figure 3 shows the agricultural land classification. The policy only supports major development on Grade 1 or 2 agricultural land in exceptional circumstances.

The exceptional circumstances are set out in the policy and are that there is a demonstrable need for the development and no alternative sites on poorer quality land are available, the development is shown to be the most sustainable option or there is overriding community benefit. The circumstances are written in the alternative.

[59] NPPF para 159
[60] Ibid para 167
[61] CS page 93

The NPPF recognises the wider benefits from natural capital and ecosystems services including the economic and other benefits of the best and most versatile agricultural land.[62]

CS Policy CS6 refers to minimising the loss of the best and most versatile agricultural land, only permitting development if it can be shown there is an overriding sustainability benefit and no realistic opportunity for the development to go elsewhere.

I can see no reason why this policy refers only to major development. The NPPF and CS Policy CS6 do not make any such differentiation. A modification is therefore made to ensure the policy applies to all development and is clearly worded.

I consider that the circumstances set out should be collected together and not be read in the alternative in order to be in general conformity with the NPPF and CS Policy CS6 in particular.

I note that paragraph 61 on page 18 of the Plan is clear that this policy will only apply outside of the Broads Authority jurisdiction. I consider this is clearly set out and that this approach is acceptable.

With these modifications, the policy will have regard to the NPPF, will be in general conformity with strategic policies CS Policies CS6 and CS11 in particular and will help to achieve sustainable development.

- **Change the first sentence of the policy to read: "*Development on Grade 1 or 2 agricultural land* that is viable arable land…" [retain remainder of sentence to bullet points]**

- **Change both words "or" at the end of the first and second bullet points of the policy to "*and*"**

Policy E4: Protecting Winterton-on-Sea's Heritage

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.[63] It continues that plans should set out a positive strategy for the conservation and enjoyment of the historic environment.[64]

Winterton-on-Sea is a distinctive village and Parish. As a small fishing community, the village has evolved over the years. The village core is centred around a village green and there are many houses of distinct character and appearance as well as the landmark Church tower.

[62] NPPF para 174
[63] Ibid para 189
[64] Ibid para 190

There is a Conservation Area (CA) which is in two parts. The Church is a Grade I listed building.

This policy seeks to designate a "Historic Village Centre", shown on Figure 4 on page 22 of the Plan. I find Figure 4 to be difficult to decipher and suggest it is replaced in the interests of clarity with a better map.

The proposed designation would include part of the CA, but also the east side of Wilmer Avenue, an additional part of Back Part and the village green. The supporting text makes reference to the Character Appraisal (Appendix 1 of the Plan). I checked with GYBC and the Parish Council whether this was the document referred to in paragraph 65 and it was confirmed it is.

Much of the proposed area overlaps with the CA. The policy seeks to make the Historic Village Centre equivalent to the CA. This would need to go through the requisite procedures. It may well be that it would be appropriate to extend the CA at some point in the future. However, given this is not the case at the present time, the policy needs some differentiation.

The additional elements added to form the designation are not justified sufficiently in the Character Appraisal in terms of their historic value and the line drawn on Figure 4.

However, the purpose of the designation seems to me to have a different intention from that of the CA and there is benefit to the proposed identification of the village centre in policy terms. I therefore propose that the designated area is retained, but it is referred to as the village centre rather than the historic village centre. When I look at the policies the designation is important for and relevant to, I do not feel this approach will significantly change the intention and purpose of the relevant policies. A modification is therefore made to this effect.

The policy does not explicitly designate the [now] Village Centre and so a modification is made to ensure this is clear.

In addition the policy indicates that development should preserve and enhance the character of these areas (the CA and the Historic Village Centre). This does not reflect the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In any case, given the other modifications I have made to the policy, its wording now needs to be revised.

Paragraph 66 of the supporting text refers to Policy HO4 on design. This policy number will now have changed as a result of a sequencing error in the Plan. This should be amended in the interests of accuracy. In addition, it may be that this policy also changes its number and paragraph 65 will then need updating to ensure it refers to the correct policy number. Both issues are considered to be minor editing matters.

With these modifications, the policy will have regard to the NPPF, be in general conformity with CS Policies CS9 and CS10 and help to achieve sustainable development thereby meeting the basic conditions.

- **Revise Figure 4 to make it clearer and retitle it to "Winterton-on-Sea's *Conservation Area and Village Centre*" and amend key as necessary**

- **Change the title of the policy to "Protecting Winterton-on-Sea's Heritage *and its Village Centre*"**

- **Add a new sentence at the start of the policy which reads: "*A Village Centre is designated and is shown on Figure 4.*"**

- **Delete the word "Historic" from "Historic Village Centre" in the last sentence of paragraph one of the policy**

- **Reword the [existing] second paragraph of the policy to read: "*Any development should take account of the landscape setting, open spaces, heritage assets and the key views and vistas of the Church which make a valued contribution to the area. Development should make a positive contribution to local character and distinctiveness.*"**

- **Delete the word "Historic" from "Historic Village Centre" in two places in paragraph 65 of the supporting text**

Community Assets

Policy CA1: Winterton-on-Sea Primary School

The village has both a primary and nursery school. The primary school has faced potential closure in the past because of declining numbers.

This policy supports complementary uses of the primary school and nursery grounds as long as the principle function as an education facility is maintained and there is benefit to the local community. A travel plan is also required to support any proposal.

In principle, this policy has the potential to support the school site and benefit the local community. I have considered whether the term "complementary uses" is sufficiently clear. I conclude that it is. However, I am mindful that the school is close to residential properties and consider it would be helpful to add a criterion to ensure that any other uses are compatible with the surrounding context of the school site.

The NPPF indicates that a sufficient choice of school places should be available.[65] This policy will help to ensure that the school is retained and meets the needs of the local community.

A modification is also made to change "principle" in the policy to "principal" meaning the most important.

With this modification, the policy will meet the basic conditions. It will have regard to the NPPF, be in general conformity with strategic policy and help to achieve sustainable development.

- **Change the first sentence of the policy to read: "Proposals for complementary uses of the primary school and nursery grounds will be supported where they maintain its *principal* function as an education facility*, benefit* the wider community *and are compatible with the amenities of nearby residents."***

Policy CA2: Economic Development

Policy CA2 supports small businesses and economic development within the development limits of the village. Development should have sufficient off-road parking or not generate a material increase in traffic in the Village Centre. The policy gives more information about what this means in the Plan area in the supporting text. Lastly, any proposal should be accompanied by a travel plan.

The NPPF supports a prosperous rural economy.[66] However, it also permits various types of development in rural areas including through the conversion of existing buildings and new buildings and the diversification of land-based rural businesses.[67] The retention and development of accessible local services is also promoted.[68] It continues that planning policies should recognise that sites to meet local business needs and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not served well by public transport.[69]

I therefore consider this policy is too restrictive having regard to the NPPF.

CS Policy CS6, amongst other things, encourages the development of small-scale business units including those that support the rural economy and rural diversification and supporting development essential to sustain a rural workforce including community facilities.

[65] NPPF para 95
[66] Ibid para 84
[67] Ibid
[68] Ibid
[69] Ibid para 85

CS Policy CS8 promotes visitor accommodation and attractions as well as supporting the development of high quality tourist facilities of a suitable scale when considering infrastructure requirements and the settlement hierarchy. It specifically refers to the Winterton-Horsey Dunes SAC, seeking to protect it from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism.

Policy SP10 of the Local Plan for the Broads supports proposals that contribute towards sustainable economic growth, prosperity and employment as long as there are no adverse impacts on the special qualities of the Broads and there is sufficient infrastructure to accommodate proposals.

The simplest way of dealing with this issue is to modify the policy so that it only applies within the development limits as per the first sentence of the policy. A modification is therefore made to ensure the policy has regard to the NPPF and is realistic in its policy expectation approach to economic development within the Plan area.

There are consequential amendments to the policy and its supporting text as a result of the recommended modifications to Policy E4.

With these modifications, the policy will meet the basic conditions by having regard to the NPPF, be in general conformity with CS Policies CS6 and CS8 and Policy SP10 of the Local Plan for the Broads and help to achieve sustainable development.

- **Retitle the policy "*Economic Development within the Development Limits*"**

- **Delete the word "Historic" from the second bullet point of the policy and from the first bullet point of paragraph 73 on page 24 of the Plan**

Policy CA3: Designated Local Green Spaces

Seven areas of Local Green Space (LGS) are proposed.

The NPPF explains that LGSs are green areas of particular importance to local communities.[70]

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.[71] It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.[72]

The NPPF sets out three criteria for green spaces.[73] These are that the green space

[70] NPPF para 101
[71] Ibid
[72] Ibid
[73] Ibid para 102

should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw each of the proposed spaces at my site visit.

1. **The Allotments** are adjacent to the Church and graveyard. They are well used and used to grow food, encourage people to take exercise and are valued for contributing to community cohesion.

2. **Bulmer Pit** is a pond. It is valued for its wildlife.

3. **Duffles Pond** is a community wildlife area and adjacent to the allotments. It has walkways and seating. It is valued for its wildlife and recreation, but also has historic importance as it used to grow with for wicker basket making.

4. **Green space adjacent to the Village Hall** is in two areas either side of the Village Hall and provides an attractive setting for it as well as an amenity space and seating area. It is used for village events such as the fete and for picnics.

5. **The Playing Field** is valued as a recreation area. There is a cricket and football pitch and is well used for sports activities and walking. The car park at the front has been included in the proposed designation and I recommend this is removed given this part of the area is not a green space.

6. **The Children's Playground** is valued for its recreation. It is a large grassed area with play equipment.

7. **The Village Green** has historic importance and is valued for its setting and attractive planting. There is a boat with planting and the eye catching village sign as well as trees and seating.

In my view, all the proposed LGSs meet the criteria in the NPPF satisfactorily subject to the removal of the car park for the Playing Field.

All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 102 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the NPPF indicates that policies for managing development within a LGS should be consistent with those for Green Belts. The supporting text to the Plan seeks to explain why some of the development which is regarded as not inappropriate in the NPPF for green belts would not be suitable in this particular location. Whilst it would, in principle, be possible that a policy could diverge

from national policy, there needs to be substantive evidence to support taking such an approach.

However, following a recent Court of Appeal case with regard to the lawfulness of a LGS policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259), I consider it necessary to delete any wording that sets out how development proposals should be managed. The restrictions on development with regard to LGS designation will continue to apply through the NPPF. This will ensure that policies for managing development within a LGS are consistent with those for Green Belts. This approach helps to ensure that the policy meets the basic conditions and is lawful.

Subject to the above modifications, Policy CA3 has regard to national policy, contributes towards sustainable development, particularly the environmental objective and is in general conformity with strategic policy thereby meeting the basic conditions.

- **Remove the car parking area from WLGS5, the Playing Field from Figure 5**

- **Delete the sentence which begins "These should be protected from development…" from the policy**

- **Delete the penultimate paragraph of the policy which begins "Development that would harm the openness…"**

- **Delete the last paragraph of the policy which begins "Two of the green spaces…" from the policy but move to the supporting text if desired**

- **Retaining the first sentence of paragraph 76 on page 25 of the Plan, delete the remainder of this paragraph**

Policy CA4: Investment in Open Space

Access to a network of high quality open spaces is important for the health and well-being of communities as well as delivering benefits for nature and helping to address climate change.[74]

This policy sets out the expectation that new development will contribute to the provision of open space. It sets out the priorities for any contributions received which include LGSs and the improvement of public rights of way.

Whilst the policy has regard to the NPPF, is in general conformity with strategic policy CS Policy CS15 in particular and will help to achieve sustainable development, I consider

[74] NPPF para 98

it needs modification to make its intentions clearer. With this modification, it will meet the basic conditions.

- **Add at the start of the policy: "*Applicable development will be expected to contribute towards the provision of high-quality open space within the community, with a contribution in line with the policy in the relevant Local Plan*."**

Traffic and Transport

Policy TR1: Public Car Parking

Policy TR1 supports the change of use and development of existing public car parking sites as long as equivalent replacement parking is provided or the loss of the parking facility provides an overriding public or environmental benefit.

The policy supports the provision of new car parking outside the village centre where this does not increase traffic through the centre of the village and is well located. Given the nature of the village and the number of visitors it draws, public car parking is an important issue. The Plan explains that often visitors park on the street causing congestion. The availability of public transport means that most visitors and residents use a car.

CS Policy CS8 promotes visitor accommodation and attractions as well as supporting the development of high quality tourist facilities of a suitable scale when considering infrastructure requirements and the settlement hierarchy. It specifically refers to the Winterton-Horsey Dunes SAC, seeking to protect it from additional recreational pressure by seeking to provide facilities to mitigate the impact of tourism.

I consider it important that the amount and quality of parking is improved to ensure it is safe and convenient. This policy seeks to achieve that. The policy therefore meets the basic conditions, particularly helping to achieve sustainable development and no modifications are recommended.

Policy TR2: Residential Car Parking Standards

The NPPF is clear that if local parking standards are set, policies should take account of the accessibility of the development, the type, mix and use of the development, the availability of, and opportunities for, public transport, local car ownership levels and the

need for provision of spaces for charging plug-in and other ultra-low emission vehicles.[75]

The Plan explains that car ownership in the Parish is high. It is recognised that the availability and convenience of public transport is relatively poor. The area is rural in nature. Therefore there is a high reliance on use of the private car.

The policy sets a minimum car parking standard for new residential development. If the provision of parking would be at odds with local character or type of housing, the policy can be relaxed.

The policy meets the basic conditions having regard to the NPPF, is in general conformity with strategic policy CS Policy CS9 and will help to achieve sustainable development. No modifications are therefore recommended.

Policy TR3: Walking

The NPPF is keen to ensure that transport issues are considered from the earliest stages of plan-making so that, amongst other things, opportunities to promote walking, cycling and public transport use are taken.[76]

Policy TR3 promotes walking by expecting new development to improve existing footways and footpaths or create new ones. The policy recognises that, in the village centre, the lack of footways forms an integral part of the area's character and so has in-built flexibility.

The policy has particular regard to the NPPF, is in general conformity with CS Policies CS9 and CS16 and Policy SP8 of the Local Plan for the Broads and will help to achieve sustainable development. It meets the basic conditions and it is not necessary for me to recommend any modifications to it.

A reference to the Historic Village Centre needs to be changed in the light of the modifications recommended to Policy E3.

- **Delete the word "Historic" from paragraph 100 on page 33 of the Plan**

Community Policies

There are also two Community Policies in this section on traffic and transport. There has been no previous explanation of these policies. However, it is, as explained earlier, possible for neighbourhood plans to contain non development and land use aspirations

[75] NPPF para 107
[76] Ibid para 104

if they are clearly identified. In this case, I consider it would be preferable for the Community Policies to be called something other than policies to make sure there is clarity. In addition it would be useful to add an explanatory paragraph elsewhere in the Plan to set out the status of these aspirations.

- **Change the "Community Policy" to "Community *Aspiration*" [this will apply throughout the Plan document and this modification is not repeated elsewhere]**

- **Add a new paragraph at an appropriate location in the Plan which reads: "*A number of Community Aspirations have also been developed alongside the planning policies. These cover issues which are not development and use of land related, but nevertheless are important considerations which arose through work on the Plan. Their status is as non-statutory aspirations which the Parish Council will seek to progress during the lifetime of the Plan*."**

Appendix 1: Character Appraisal

This is a useful document.

8.0 Conclusions and recommendations

I am satisfied that the Winterton-on-Sea Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Great Yarmouth Borough Council that, subject to the modifications proposed in this report, the Winterton-on-Sea Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Winterton-on-Sea Neighbourhood Development Plan should proceed to a referendum based on the Winterton-on-Sea Neighbourhood Plan area as approved by Great Yarmouth Borough Council and the Broads Authority on 18 August 2017.

Ann Skippers MRTPI
Ann Skippers Planning
15 November 2021

Appendix 1 List of key documents specific to this examination

Winterton-on-Sea Neighbourhood Plan 2020 – 2030 Submission Version March 2021

Statement of Basic Conditions January 2021 (Collective Community Planning)

Consultation Statement August 2020

Strategic Environmental Assessment Screening Opinion July 2019 (GYBC) which includes the Habitats Regulations Assessment Screening Opinion

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Assessment April 2019 (Collective Community Planning)

Evidence Base and Key Issues Summer 2018 (Small Fish)

Evidence Base Update January 2021 (Collective Community Planning)

Second and Holiday Homes Evidence Base September 2020 (Collective Community Planning)

Great Yarmouth Local Plan: Core Strategy 2013 – 2030 adopted December 2015

Great Yarmouth Borough-wide Local Plan 2001 adopted February 2001

Local Plan for the Broads 2015 – 2036 adopted May 2019

Great Yarmouth Local Plan Part 2 Final Draft Plan with Proposed Main Modifications and Additional Modifications July 2021

Great Yarmouth Borough Council & Broads Authority Winterton-on-Sea Neighbourhood Plan Examiner's Report – Decision Statement

9th December 2021

1. Purpose of Statement

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

2. Plan background

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

An independent examiner was then appointed to examine the plan in accordance with paragraph 7 of Schedule 4B to the 1990 Town and Country planning Act (as amended). To aid the examination, the Examiner then asked the Borough Council to undertake a focused consultation on implications of the revised National Planning Policy Framework on the neighbourhood plan. Responses from each of the respective consultations were passed to the Examiner for consideration.

The appointed Examiner has now examined the Winterton-on-Sea 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 those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine.*'

This assessment includes consideration of the Environmental Assessment of Plans and Programmes Regulations 2004 (formerly the Strategic Environmental Assessment Directive) and the Conservation of Habitats and Species Regulations 2017 (or 'Habitat Regulations'). After consultation with the statutory bodies, the submitted Screening Opinion concluded that the Plan is not likely to have significant environmental effects. The Screening Opinion also concludes that the Plan will not have any likely significant effects upon nearby habitat sites (National Site Network designated habitat sites) either alone or in combination with other plans and projects, and therefore screens the Plan out from requiring an appropriate assessment.

The Examiner concludes that: '*Taking account of the characteristics of the Plan, the information and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied… Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Opinion that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.*'

As competent authority, Great Yarmouth Borough Council and the Broads Authority accept these findings.

4. Reason for decision

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

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

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Section of Submitted Neighbourhood Plan	Examiner's recommendation	Council consideration of recommendation	Council decision
Whole document	As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.	The Councils agree with the Examiner that the contents page, renumbering paragraphs or pages, should be renumbered as they appear sequentially.	Accept Examiner's recommended modifications.
Vision & Objectives	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy HO1: Housing Mix	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy HO2: Affordable Housing	• Add the word "to" before "…the settlement" in the third sentence of paragraph 38 on page 10 of the Plan • Add a new sentence at the end of the policy that reads: "It should be noted that national policy does not permit entry-level exception sites within the Broads Authority area."	The Councils agree with the Examiner's reasoning that the policy requires amendment to align with the NPPF in that entry-level homes should not be permitted within the BA area & the minor grammatical tweak for clarity.	Accept Examiner's recommended modifications.
Policy HO3: Design	• Delete the word "historic" from paragraphs two and three and five of the policy and change all references to "Village Centre" • Add the words "subject to other policies of the development plan" at the end of the first sentence of paragraph three of the policy that begins: "Proposals outside of the [historic] village centre that are of an innovative design…" • Add a new criterion to the policy that reads: "Tree-lined streets should be included in developments	The Councils agree with the Examiner's reasoning that: • The defined Village Centre should be made more distinct to the Conservation Area • To ensure that the plan aligns with other policies of the development plan	Accept Examiner's recommended modifications.

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	unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Trees should be included within developments where the opportunity arises. Where development is permitted, conditions will be imposed to secure the long-term maintenance of newly-planted trees. Existing trees, tree belts and hedgerows should be retained wherever possible."	• The policy should reflect the NPPF's requirement to secure tree-lined streets.	
Policy HO4: Principal Residence Housing	• Add the word "of" after "The socio-economic effects…" in the first sentence of paragraph 43 on page 12 of the Plan	The Councils agree with the Examiner's reasoning for the minor grammatical tweak.	Accept Examiner's recommended modifications.
Policy HO5: Tourist Accommodation	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy E1: Protecting and Enhancing the Environment	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy E2: Surface Water Flooding and Drainage [shown as Policy E4 in the Submitted plan]	• Delete the words "and all developments of 5 or more properties" from the first paragraph of the policy and replace with "and for other development in line with national policy requirements" • Update the link on page 18 of the Plan • I note that this policy is numbered E4 in the Plan and that later policies are numbered E2 and E3. I recommend that the policies are numbered in sequence and that is a simple editing matter.	The Councils agree with the Examiner's reasoning that the policy requires amendment to align with national policy & that the link should be updated. The Councils agree with the Examiner that the policies should be renumbered as they appear sequentially.	Accept Examiner's recommended modifications.
Policy E3: High Grade Agricultural Land	• Change the first sentence of the policy to read: "Development on Grade 1 or 2 agricultural land that is viable arable land…" [retain remainder of sentence to bullet points]	The Councils agree with the Examiner's reasoning that the policy could apply to all types of development (not just major development) and that all of the criteria should apply.	Accept Examiner's recommended modifications.

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	• Change both words "or" at the end of the first and second bullet points of the policy to "and"		
Policy E4: Protecting Winterton-on-Sea's Heritage	• Revise Figure 4 to make it clearer and retitle it to "Winterton-on-Sea's Conservation Area and Village Centre" and amend key as necessary • Change the title of the policy to "Protecting Winterton-on-Sea's Heritage and its Village Centre" • Add a new sentence at the start of the policy which reads: "A Village Centre is designated and is shown on Figure 4." • Delete the word "Historic" from "Historic Village Centre" in the last sentence of paragraph one of the policy • Reword the [existing] second paragraph of the policy to read: "Any development should take account of the landscape setting, open spaces, heritage assets and the key views and vistas of the Church which make a valued contribution to the area. Development should make a positive contribution to local character and distinctiveness." • Delete the word "Historic" from "Historic Village Centre" in two places in paragraph 65 of the supporting text	The Councils agree with the Examiner's reasoning that: • The defined Village Centre should be made more distinct to the Conservation Area • The revised wording to protect the landscape and character aspects of the village centre and Conservation Area better aligns the policy with local and national policy.	Accept Examiner's recommended modifications.
Policy CA1: Winterton-on-Sea Primary School	Change the first sentence of the policy to read: "Proposals for complementary uses of the primary school and nursery grounds will be supported where they maintain its principal function as an education facility, benefit the wider community and are compatible with the amenities of nearby residents."	The Councils agree with the Examiner's reasoning that the policy requires amendment to consider neighbouring residential properties & the minor grammatical tweak for clarity.	Accept Examiner's recommended modifications.
Policy CA2: Economic Development	• Retitle the policy "Economic Development within the Development Limits"	The Councils agree with the Examiner's reasoning that: • The policy only applies to such development within the	Accept Examiner's recommended modifications.

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	• Delete the word "Historic" from the second bullet point of the policy and from the first bullet point of paragraph 73 on page 24 of the Plan	Development Limits and should be titled as such • The defined Village Centre should be made more distinct to the Conservation Area	
Policy CA3: Designated Local Green Spaces	• Remove the car parking area from WLGS5, the Playing Field from Figure 5 • Delete the sentence which begins "These should be protected from development…" from the policy • Delete the penultimate paragraph of the policy which begins "Development that would harm the openness…" • Delete the last paragraph of the policy which begins "Two of the green spaces…" from the policy but move to the supporting text if desired • Retaining the first sentence of paragraph 76 on page 25 of the Plan, delete the remainder of this paragraph	The Councils agree with the Examiner's reasoning that: • Local Green Spaces (LGS's) should relate to the criteria set out in the NPPF, and this would not apply to the car park in WLGS5 • The policy should be worded consistently with Green Belt policy as set out in the NPPF • Supporting text should be amended accordingly	Accept Examiner's recommended modifications.
Policy CA4: Investment in Open Space	Add at the start of the policy: "Applicable development will be expected to contribute towards the provision of high-quality open space within the community, with a contribution in line with the policy in the relevant Local Plan."	The Councils agree with the Examiner's reasoning that the policy requires amendment to align with the Local Plan.	Accept Examiner's recommended modifications.
Policy TR1: Public car parking	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy TR2: Residential Car Parking Standards	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.

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Policy TR3: Walking	Delete the word “Historic” from paragraph 100 on page 33 of the Plan	The Councils agree with the Examiner’s reasoning that the defined Village Centre should be made more distinct to the Conservation Area	Accept Examiner’s recommended modifications.
Community Policies	• Change the “Community Policy” to “Community Aspiration” [this will apply throughout the Plan document and this modification is not repeated elsewhere] • Add a new paragraph at an appropriate location in the Plan which reads: “A number of Community Aspirations have also been developed alongside the planning policies. These cover issues which are not development and use of land related, but nevertheless are important considerations which arose through work on the Plan. Their status is as non-statutory aspirations which the Parish Council will seek to progress during the lifetime of the Plan.”	The Councils agree with the Examiner’s reasoning that ‘community policies’ should be clearly distinct from policies and therefore identified as aspirations.	Accept Examiner’s recommended modifications.

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5. Next steps

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

- <GYBC webpage>
- <Broads webpage>
- <PC webpage>

Inspection copies?

- Town Hall
- Village Hall

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

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