

# **South Wootton Neighbourhood Plan 2015-2026**

**A report to King's Lynn and West Norfolk Borough  
Council on the South Wootton Neighbourhood Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) MA, DMS, MRTPI  
Assistant Director – Economic, Environment & Cultural Services**

## **Executive Summary**

- 1 I was appointed by King's Lynn and West Norfolk Borough Council in June 2015 to carry out the independent examination of the South Wootton Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 10 July 2015.
- 3 The Plan proposes a wide range of policies and seeks to bring forward positive and sustainable development in the parish. There is a very clear focus on safeguarding the very distinctive character of the village and its open spaces.
- 4 The Plan is underpinned by community support and engagement. It seeks to achieve sustainable development in the parish and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the South Wootton Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**27 July 2015**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the South Wootton Neighbourhood Plan 2015-2026 (SWNP).
- 1.2 The plan has been submitted to King's Lynn and West Norfolk Borough Council (KLWNBC) by South Wootton Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the SWNP is legally compliant and meets the Basic Conditions that such plans are required to meet. It also considers the content of the plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the SWNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the SWNP would then be used to determine planning applications within the plan boundary and sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the legislative and procedural requirements.

2.2 I was appointed by KLWNBC, with the consent of the South Wootton Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the KLWNBC and the South Wootton Parish Council. I do not have any interest in any land that may be affected by the Plan.

2.2 I possess the appropriate qualifications and experience to undertake this role. I am Assistant Director – Economic, Environment and Cultural Services at Herefordshire Council and I have over 30 years' experience in various local authorities. I am a chartered town planner and have experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

2.3 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:

- (a) that the SWNP is submitted to a referendum; or
- (b) that the SWNP should proceed to referendum as modified (based on my recommendations); or
- (c) that the SWNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

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

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted SWNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point in paragraphs 2.5 to 2.8 below.

2.5 In order to comply with the Basic Condition relating to European obligations the Borough Council has undertaken a screening opinion. This process establishes whether the SWNP would require a Strategic Environmental Assessment (SEA) under the provision of the SEA Directive and UK regulations. I am satisfied that KLWNBC followed the required process in consulting with English Heritage, the Environment Agency and Natural England.

2.6 This process resulted in the following opinions:

- SEA Screening Opinion – an SEA of the SWNP is not required as the plan is unlikely to have significant environmental effects because it constitutes a minor modification to the provision of the King's Lynn and West Norfolk Core Strategy (adopted 2011).
- HRA Screening Opinion – an Appropriate Assessment of the SWNP is not required because the Plan is not likely to have a significant effect on a European site or a European off-shore marine site (either alone or in combination with other plans or projects).

2.7 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either the neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am satisfied that the submitted SWNP is compatible with this aspect of European obligations.

2.8 In a similar fashion I am satisfied that the submitted SWNP has had regard to the fundamental rights and freedoms guaranteed under the ECHR and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted SWNP does not breach, nor is in any way incompatible with the ECHR.

2.9 In examining the SWNP I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.10 Having addressed the matters identified in paragraph 2.9 of this report I am satisfied that all of the points have been met subject to the contents of this report.

### **3 Procedural Matters**

3.1 In undertaking this examination I have considered the following documents:

- the submitted SWNP.
- the SWNP Basic Conditions Statement.
- the SWNP Consultation Statement.
- the SWNP SEA & HRA Screening Opinions.
- the representations made to the SWNP.
- the saved policies of the King's Lynn and West Norfolk Local Plan 1998.
- the adopted King's Lynn and West Norfolk Core Strategy 2011.
- the King's Lynn and West Norfolk Proposed Site Allocations and Development Management Policies Plan as submitted for examination on 22 April 2015.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- the Ministerial Statement (March 2015).

3.2 I carried out an unaccompanied visit to the Plan area on 10 July 2015. I looked at the position of the plan area to its wider context , to the character of the village core and to the identified areas of local green space. I paid particular attention to the growth areas to the extreme west and east of the Plan area. In doing so I looked at the relationship between these areas and the policies proposed in the SWNP. My site inspection is covered in more detail in paragraphs 5.8 to 5.10 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the SWNP could be examined without the need for a public hearing. I advised KLWNBC of this decision early in the examination process.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plan become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement helpfully includes the Parish Council's own statement of community involvement that sets out the basic principles and standards that were applied to the wider consultation process.
- 4.3 It is clear that consultation has underpinned the Plan's production. Progress on the Plan was regularly reported within the community and a special neighbourhood plan newsletter was prepared. Detailed consultation with the community was carried out in February 2013 by means of a questionnaire survey.
- 4.4 A series of meetings took place between the Parish Council and the Borough Council's Planning Policy Team. This collaborative approach is good practice. It also reflects the overlapping processes of the parish council's production of the SWNP and the Borough Council's production of its own proposed Site Allocations and Development Management Policies Plan (and as submitted for its own examination in April 2015).
- 4.5 In response to specific questions that I raised during the course of the examination the Parish Council has provided me with additional detail on the scale and level of the consultation feedback in general, and the extent to which responses made to the draft Plan assisted in the formulation of the submitted Plan.
- 4.6 From all the evidence provided to me as part of the examination, I can see that the SWNP has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. On this basis I am satisfied that the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

- 4.7 Consultation on the submitted plan was undertaken by the Borough Council from 23 April 2015 to 4 June 2015. This exercise generated comments from the following persons or organisations:
  - The Environment Agency
  - Sport England
  - Norfolk County Council
  - George Goddard Ltd

- Ashdale Land and Property Company Ltd
- Historic England
- Camland Development
- Natural England
- Mrs A Isted
- JCJ Planning
- King's Lynn and West Norfolk Borough Council



## **5 The Plan Area and the Development Plan Context**

### *The Plan Area*

- 5.1 The Plan area covers the full extent of the South Wootton parish. South Wootton is an attractive village on the northern side of King's Lynn. The separate settlement of North Wootton lies to the immediate north. The village of South Wootton itself is located in the eastern part of the Plan area. The remainder of the Plan area to the west consists of agricultural land and marshes and extends to the River Great Ouse.
- 5.2 There is a clear historic core to the village based around Nursery Lane/Church Lane/The Green. At the heart of this historic area are the three listed buildings of Old Hall, St Mary's Church and the War Memorial. There are several brown slip carstone buildings with red brick detailing in the core of the village and which contribute significantly to its character and appearance. Beyond this historic core there are a variety of predominantly residential properties of differing size and character. Different parts of the village have different characteristics. Nursery Lane has an open character and which stems from the significant open spaces and the positioning of the buildings in relation to the road. The differing types and styles of buildings also add to its visual interest. Castle Rising Road is characterised by large, individual houses set in large plots and with substantial landscaping and trees. Grimston Road to the east of the village is very different in character. It is one of the principal main roads in the King's Lynn area (A418). It provides strategic access to and from King's Lynn and its northern industrial estates to the wider road network (A149 & A47). To the south of the Grimston Road there is an extensive area of residential properties of varied age.

### *Development Plan Context*

- 5.3 The development plan context is both comprehensive and up-to-date. This has provided a clear framework for the preparation of the neighbourhood plan.
- 5.4 The King's Lynn and West Norfolk Core Strategy was adopted in 2011. South Wootton is designated as one of the settlements adjacent to King's Lynn in that document. It is also identified as one of the 'strategic locations' forming 'urban expansion areas' and which together will accommodate a significant proportion of the town's growth over the plan period to 2026.
- 5.5 A Site Allocations and Development Management Policies Plan is now at an advanced stage of preparation. It will provide detail to give effect to the implementation of the Core Strategy. The Plan was submitted to the Secretary of State in April 2015 and the examination hearings commenced on 7 July 2015. Proposed policies of particular relevance to South Wootton include:

Site specific policies

- E3.1 Hall Lane South Wootton – allocation for 300 dwellings (wholly within the Plan area).
- E4.1 Knight's Hall – allocation for 650 dwellings (partly within the Plan area).

Development Management Policies

- DM2 Development Boundaries
- DM9 Community Facilities
- DM12 Strategic Road Network
- DM13 Environment Design and Amenity

- 5.6 These policies in general and the site specific policies in particular, have evolved as the Site Allocations Plan has developed. The dwelling numbers in E3.1 and E4.1 have been reduced from 800 to 750 dwellings respectively as set out in an earlier draft of the plan.
- 5.7 There are also a variety of saved policies from the King's Lynn and West Norfolk Local Plan 1998 that remain extant in the Plan area.

*Site Visit*

- 5.8 I carried out an unaccompanied visit to the Plan area on 10 July 2015. I walked along Low Road to the North Lynn Industrial Estate, along Nursery Lane to the Plan boundary, along Castle Rising Road to the King's Lynn Golf Club, and along Grimston Road to the Plan boundary to the east. I looked in detail at the community and commercial facilities in Nursery Lane, Church Lane and Hall Lane. I also looked at the various identified areas of Local Green Space (policy E3).
- 5.9 It was very clear that there is a strong sense of community in the Plan area. The quality of the public realm was very high in general, and the open spaces around the pond and Nursery Lane were beautifully maintained. There were also clear signs of environmental sustainability and local pride. In particular several trees have been planted in recent years at the junction of Bracken Road and Meadow Road, and a new hedge has been planted at the junction of Common Lane and Nursery Lane.
- 5.10 This sense of local pride and maintenance is also reflected in the local building stock. Properties and gardens are very well-maintained. Several modern houses have been constructed using local vernacular materials. In other cases houses have incorporated sections or panels of these same vernacular materials in their walls/garages and extensions. The whole effect is one of a favoured residential area with its own distinct identity. The plan area has a pleasant, well-maintained character with mature trees and gardens and generally low density housing.

## **6 The Neighbourhood Plan and its priorities**

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.5 to 2.8 of this report have already addressed the issue of conformity with the European Union legislation.

### *National Planning Policies and Guidance*

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the South Wootton Neighbourhood Plan:

- be genuinely plan led – in this case the relationship between the neighbourhood plan, the adopted 2011 Core Strategy and the emerging Site Allocations and Development Management Policies Plan.
- proactively drive and support sustainable development (homes, businesses and thriving places).
- recognise the intrinsic character and beauty of the countryside and supporting thriving local communities.
- support the transition to a low carbon future.
- conserve heritage assets.
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- take account of and support local strategies to improve health, social and cultural well-being.

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in Local Plans and plan positively to support local development that is outside the strategic elements of the Local Plan.

6.6 In addition to the NPPF I have also taken account of other elements of national planning guidance including the Planning Practice Guidance and the ministerial statements of March and May 2015.

- 6.7 Having considered all the evidence and representations submitted as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the parish and promotes sustainable growth. At its heart are a suite of policies that set out to safeguard its distinctiveness and character. Whilst there are different views on the scale of the proposed strategic allocations this does not detract from the approach that has been taken.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 & 154). This has been reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) comments that policies in neighbourhood plans should be drafted with sufficient clarity that a decision maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision and are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in South Wootton. In the economic dimension the Plan supplements the approach in the Borough Council's development plan with regard to both the South Wootton and Knight's Hill strategic housing allocations. The Plan also seeks to retain existing shops and promote new retail outlets. It also has a positive policy for local business units. In the social role it includes policies with regard to education, primary health care facilities and community infrastructure. In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. It has policies that address landscape character, sustainable drainage, Local Green Spaces and the quality of design.

*General conformity with the strategic policies in the development plan*

- 6.11 I have already commented in detail on the development plan context in King's Lynn and West Norfolk in paragraphs 5.3 to 5.7 of this report.

6.12 It is clear that the submitted SWNP seeks to supplement the strategic detail already included in the adopted Core Strategy (2011) and the emerging Site Allocations and Development Management Policies Plan (2015). The latter document in particular provides significant detail on its expectations for the development of the site specific policies in the SWNP areas (in its policies E3.1 and E4.1). I make specific comments on this matter in paragraph 7.11 of this report.

## **7 The Neighbourhood Plan policies**

- 7.1 This section of the report comments on the range of policies in the Plan. In particular it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases I have recommended changes to the text to reflect proposed modifications to policies.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is concise and distinctive to the Plan area. Other than to comply with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 In some cases I have recommended that non-land use policies are repositioned into a separate part of the Plan from the main land use policies. This approach directly reflects the approach in Planning Policy Guidance (41-004-20140306) and which indicates that neighbourhood plans must address the development and use of land. The same paragraph identifies that the neighbourhood planning process can inspire local people to consider other ways to improve their neighbourhood than through the development and use of land. 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 uses matters should be clearly identifiable.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated changes to the text of the Plan are set out in italic print.

### *Sections 1-6 of the Plan*

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way.
- 7.9 In two parts of the Introduction (Section 1) to the Plan reference is made to the dialogue that continues to take place between the Parish Council and the Borough Council on the scale of development to be accommodated on the two strategic housing sites. This matter also appears in Section 7.2 of the Plan (in policies for housing).

- 7.10 Paragraph 184 of the NPPF is clear that neighbourhood plans must be in general conformity with the strategic policies of the local plan and that such plans should not promote less development than set out in the Local Plan or undermine its strategic policies. I recognise that there is an important debate on the scale and nature of development on these and other strategic housing sites in the Borough. However that is a debate for the Proposed Site Allocations and Development Management Policies Plan. I am aware that the Parish Council has submitted its own comments directly to the Plan inspector and for a reduced scale of development as set out in the Introduction and Paragraph 7.2 of the submitted SWNP.
- 7.11 In all the circumstances I recommend the removal of sections of text from the submitted plan and as detailed below. In so doing the SWNP will not conflict with the NPPF. Irrespective of the outcome of the Planning Inspector's examination of the Site Allocations Plan, the submitted SWNP will retain its own integrity on this matter. In particular its policy H1 centres on a master plan led approach. This approach is largely supported by the developers concerned.

**Delete the following sections of supporting text from the Plan**

*Introduction*

*Second paragraph: From 'The Parish Council (5<sup>th</sup> line) to Councils Documents' (12<sup>th</sup> line).*

*Third paragraph: From 'The Parish Council (7<sup>th</sup> line) to Borough Council's document' (17<sup>th</sup> line).*

*Section 7 – SWNP Policies Paragraph 7.2*

*First paragraph: From 'South Wootton Parish Council (9<sup>th</sup> line) to Evidence Base' (13<sup>th</sup> line).*

*Policies in General*

- 7.12 The presentation of the Plan does not make any contrast between the policies themselves and the remainder of the Plan. In most cases the distinction between policy and supporting text is clear. In other cases it is less obvious. This issue is more than one of taste or preference. Once made the neighbourhood plan will form part of the development plan and decision-makers will need to have clarity on the policies in the SWNP. The current presentation of the Plan is a matter addressed in the comments made by the Borough Council in its capacity as the Local Planning Authority. On this basis I recommend:

**Make a clear distinction between policies and other text in the Plan.**

### *Policy E1 Landscape Character*

- 7.13 This policy is well-developed and seeks to safeguard woodlands, tree belts and hedgerows which feature heavily in the character and appearance of the area. The policy has the general support of developers and the Borough Council. However these bodies suggest that a greater degree of flexibility would be appropriate. Given the scale of development promoted in the SWNP area by the Site Allocations Plan it will be appropriate to introduce a degree of flexibility into the policy and to require appropriate replacement planting in circumstances where the loss of existing vegetation is unavoidable. As such I recommend:

**Insert full stop after distinctiveness on the fifth line.**

**Amend policy thereafter to read:**

**Where appropriate such features should be enhanced as part of any adjacent development. Where the removal of vegetation identified on the Proposals Map is required to facilitate development any such removal should be kept to a minimum and appropriate replacement planting should be delivered as part of the detailed proposal.**

### *Policy E2 Sustainable Drainage*

- 7.14 This policy reflects the drainage and ecological issues that affect much of the Plan area. It is both appropriate and distinctive. The first sentence of the policy as set out in the submitted plan is supporting text rather than policy. On this basis I recommend:

**Reposition the first sentence of policy as drafted from Policy E1 into the supporting text at Paragraph 7.1.**

### *Policy E3 Open Spaces*

- 7.15 This policy sets out to protect identified local green spaces against built development. It is a distinctive policy that clearly relates to the local character of the Plan area. Open spaces feature heavily in my summary of this character in paragraphs 5.8/5.9 of this report. I am satisfied that the areas identified on the Proposals Map are important local green spaces that should be safeguarded.
- 7.16 Given the scale of these areas it would be helpful if the various component parts could be listed in the policy and annotated as such on the Proposals Map. This would add both clarity and certainty for the general public and decision makers throughout the Plan period. By way of example the rectangular open space to the east of Nursery Lane could be identified as Local Green Space 1 (Village Green/Duck Pond). I recognise that open spaces have little regard for administrative or parish boundaries. Nevertheless in order to comply with legislation the area of local green space overlapping the northern boundary of the Plan area and extending into North Wootton should not be shown on the Proposals Map. I have also



recommended a minor revision to the wording of the policy. In summary I recommend:

**Replace ‘building developments’ with ‘built development’ in the second line of the policy.**

**List the component Local Green Spaces in the policy and refine the Proposals Map as such.**

**Remove the element of Local Green Space (in the north of the Plan area) that extends beyond the SWNP area itself.**

*Policy E4 Strategic Landscape Framework*

- 7.17 This policy sets out to minimise the visual effect of the growth areas from main roads and the surrounding countryside. It meets the basic conditions.

*Policy E5 New Growth Areas*

- 7.18 This policy sets out to ensure that new developments will include appropriate planting to safeguard and enhance the landscape character of the area. It meets the basic conditions.

*Policy H1 Growth Areas*

- 7.19 This policy relates to the two growth areas identified either wholly or partially with the SWNP area. It specifies that the development should be masterplan led. This policy reflects the community’s wish that new development is sensitively incorporated into the existing village. As a policy it supplements the extensive policy base for both sites as set out in the submitted Site Allocation Plan. I have read the representations on this policy and I am satisfied that it meets the basic conditions without any further elaboration. For clarity it would be helpful if the policy indicated that only part of the Knight’s Hill site is within the SWNP boundary. As such I recommend the inclusion of the following wording into the policy:

**Insert ‘insofar as it is within the Plan boundary’ after ‘Knight’s Hill’ in the second line of the policy.**

*Policy H2 High Quality Design*

- 7.20 This policy sets out the Plan’s expectations for high quality design. In my view this policy is both important and appropriate given the character of the environment in the Plan area. This policy gets to the heart of the environmental aspect of sustainable development. The policy has been positively supported through the consultation process. It is particularly encouraging that it has achieved support from the development industry.

- 7.21 Historic England usefully suggested the incorporation of an additional bullet point in the policy to require new housing developments to respect views of the church tower where it is visibly across the open land to the west of the existing settlement. This is a helpful comment and reflects the importance of the historic environment as recently established in case law. I reflect this below in my proposed modifications.
- 7.22 I have also proposed some modifications to tidy up the wording of two of the bullet points to provide clarity. I have also proposed some minor working changes to the policy so that it is capable of clear and consistent application by decision makers. In summary I recommend the following modifications:

**Replace initial part of the policy with the following:**

**Layouts for new development should be designed to the highest possible standard taking into account the character of the village. Dependant on the size and scale of individual sites, planning applications will be expected to:**

**After each bullet point replace existing full stop with a semi-colon followed by 'and'.**

**Insert additional bullet point to read:**

**Respect views of the church tower both within the village and across existing open land to the west of the existing village.**

**Replace the third bullet point with:**

**Provide highways and vehicular accesses that incorporate trees and landscaping and include car parking, footpaths, soft-boundary treatments and sensitively designed and located gardens.**

**Replace the ninth bullet point with:**

**Create safe and accessible environments by incorporating 'Secured by Design' principles.**

*Policy H3 Infill Development*

- 7.23 This policy sets out the Plan's policy for infill development within the village development boundary. This is likely to be a significant policy for decision makers throughout the Plan period.
- 7.24 As drafted the policy is unclear in its extent and purpose. This is reflected in the comments from the Borough Council. Historic England has also usefully commented that the policy should be extended to ensure that the setting of listed buildings is respected. As the policy sits in the housing part of the Plan, I have proposed modifications to reflect the scale and character of future housing development that is likely to come forward in the Plan period. As such I recommend that the policy is modified as set out below:

**Within the village development boundary the residential development of infill plots or of existing residential garden areas will be acceptable subject to the following criteria:**

- **the development is sensitively designed and of high quality; and**
- **the proposed development has due regard to the character and density of the surrounding area; and**
- **the proposed development would not have significant harmful impacts on the amenities of surrounding residential properties and other activities; and**
- **the proposed development would not have significant harmful impacts on the local road network.**

#### *Policy H4 Density*

7.25 This policy sets out to identify a specific standard for building density in the Plan area.

7.26 All parties support the principle of achieving spacious and well-designed residential development in the Plan area in general and within the growth areas in particular. However the proposed introduction of a prescriptive density (of 16 dwellings per hectare average on each scheme) is a blunt mechanism. It may also have unintended consequences and prevent the development of creative and innovative proposals. It may also have an impact on the viability and/or delivery of strategic proposals contrary to national planning policy.

7.27 However within the context of the existing character of the Plan area I can see that there would be real merit in retaining a modified version of this policy. In order to meet the basic conditions its focus should be on retaining and reflecting local character rather than prescribing specific densities for new residential development. In summary I recommend that the policy should be modified as follows:

#### **H4 Local Character**

**Proposed residential development densities will be required to demonstrate that they respond to their context and help preserve the open and green character of the village.**

#### *H5 Building for Life*

#### *H6 Sustainable Development*

#### *H7 Space and Mass*

7.28 The submitted Plan includes three policies that address the issues of lifetime properties (H5), building sustainability (H6) and internal space standards (H7). These policies as drafted and included in the submitted version of the Plan were previously entirely appropriate and reflected both local circumstances and plan-making practice elsewhere in England.

- 7.29 However the Written Statement to Parliament on 25 March 2015 by the Secretary of State introduced significant changes to national planning policy with regard to these three proposed policy approaches. In particular the statement set out the government's new national policy on the setting of technical standards for new dwellings. The statement indicates that it should be taken into account in applying the NPPF, and in particular the policies on local standards or requirements at paragraph 95, 174 and 177 in both plan-making and decision-taking.
- 7.30 The effect of this statement is that local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging local plans or neighbourhood plans any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Housing to be achieved by new development.
- 7.31 I recognise that this statement may result in an outcome that the Parish Council could not have anticipated at the time of the finalisation of the Plan. Nevertheless the SWNP needs to take account of this recent guidance. As such I recommend the deletion of these three policies from the Plan. In effect these issues will now fall to be considered against current and future Building Regulations.

**Delete Policies H5/H6/H7.**

*H8 Garages*

- 7.32 This policy sets out specific guidance for residential garages. Whilst it is a very detailed policy its inclusion in the Plan is important given the character of the SWNP area.
- 7.33 There are elements of the policy which are supporting text rather than policy and are reflected in my recommendations below. It will also be useful if the policy title clarifies that it refers to residential garages. In summary I recommend the following modifications to the policy.

**Change title to 'Residential Garages'**

**Change second bullet point to read:**

**Be of a size to accommodate modern cars and bicycles having regard to Norfolk County Council standards.**

**Delete 'Rolled shingle ..... create problems'.**

*H9 Affordable Housing*

- 7.34 This policy sets out to ensure that affordable housing is dispersed through new developments. This policy is entirely appropriate and meets the basic conditions as drafted.

*B1 Local Shops retained*

- 7.35 This policy sets out to retain local shopping facilities. The policy is appropriate to the Plan area. I recommend that the policy title be modified slightly by the deletion of the word 'retained' and its replacement with 'The Retention of ...'.

**Amend policy title to read:  
Retention of Local Shops**

*B2 Local Shops*

- 7.36 This proposal provides policy guidance for planning applications for new shops in the Plan area.
- 7.37 As currently drafted the policy does not specify whether it applies throughout the Plan area or specifically within the growth areas. In development plan terms neighbourhood shopping facilities in the growth areas would be acceptable. This approach is included within the policy wording of both policies E3.1 and E4.1 of the Site Allocations and Development Management Policies Plan. Elsewhere in the Plan area retail development would be determined in accordance with Policy CS02 of the adopted Core Strategy. In addition the policy also lacks clarity on the number of retail units that would be approved. It is also unclear whether the italicised text at the end of the policy is intended to be part of the policy itself. Its wording indicates that it is supporting text rather than policy.
- 7.38 I propose modifications to the policy to address these various issues. In particular I have recommended modifications to the policy so that it refers exclusively to the growth areas. Any applications that may come forward within the wider Plan area can be determined on their own merits and against national and local planning policy. In summary I recommend that the policy is modified as follows:

**Modify policy title to read:  
'Development of local shops in growth areas'**

**Modify policy to read:  
Proposals for local scale retail development within the identified strategic growth areas will be acceptable subject to the following criteria:**

- they are of a scale and nature directly related to the residential development concerned; and
- they are consistent in location and scale with the master plan for the development of the strategic housing site concerned; and
- they will not have a detrimental impact on the local highway network; and

- **they make appropriate provision for customer car parking and the loading and unloading of goods within the context of the masterplan for the strategic housing site concerned.**

### *B3 Home Working*

- 7.39 This policy promotes homeworking insofar as any proposal may require planning permission. As submitted the policy is entirely appropriate and meets the basic conditions.

### *B4 Employment & Access*

- 7.40 This policy sets out requirements for access requirements to new developments generating employment. Its application is slightly unclear as it refers to rather dated guidance from Norfolk County Council (2007) and indicates that an update to that guidance is imminent.
- 7.41 In order to simplify the policy, and to ensure its applicability throughout the Plan period, I recommend that the policy is replaced with the following:

**Proposals for new employment development will be expected to incorporate adequate and appropriate provision for vehicle turning and servicing, and adequate and appropriate associated provision for staff and customer vehicle and cycle parking.**

### *B5 Local Business Units*

- 7.42 This policy sets out guidance on the development of local small scale business units. My comments overlap with those on policy B2. The language of the policy suggests that it applies to growth areas.
- 7.43 As with the approach that I have adopted to policy B2 I recommend that the policy is modified so that it applies specifically to the growth areas. Similarly any application that may come forward for business use within the remainder of the Plan area can be determined on its own merits and against national and local planning policy. In summary I recommend that the policy is modified as follows:

**Modify policy title to read:**

**'Development of local business units in growth areas'**

**Amend policy to read:**

**Proposals for local small scale storage/light industrial units/offices (B1/B8) units within the identified growth areas will be acceptable subject to the following criteria:**

- **they are of a scale and nature directly related to the development of the strategic growth area; and**

- they are consistent in location and scale with the master plan for the development of the site concerned; and
- they will not have a detrimental impact on the local highway network; and
- they make appropriate provision for service traffic and staff and customer car parking.

#### *B6 Broadband Provision*

7.44 This policy sets out to ensure that broadband infrastructure should be continually updated. I am satisfied that this is a land-use policy as it refers to the physical elements of broadband infrastructure (insofar as it may require planning permission). Improved broadband facilities will assist in business activity in general and homeworking (Policy B3) in particular. As such this policy directly contributes to the economic dimension of sustainable development. As submitted this policy meets the basic conditions.

#### *S1 Education*

7.45 This policy sets out to ensure that appropriate provision is made for the delivery of education infrastructure associated with the strategic growth identified in whole or in part in the Plan area.

7.46 A policy of this type is appropriate given the planned residential growth in the Plan area. The policy reflects policies E3.1 and E4.1 in the submitted Site Allocations Plan produced by the Borough Council and which also sets out requirements for financial contributions towards additional primary and secondary school places. However the Policy is either unclear or uncertain in two areas. The first area is its indication that other education infrastructure contributions will also be negotiable but without any guidance or clarification. The second area is that these negotiations are indicated to take place through the Community Infrastructure Levy. Whilst work is well underway on this important piece of work and comments have been invited on the Preliminary Draft Charging Schedule, its eventual adoption remains some time away.

7.47 On this basis I recommend that the policy is modified as follows:

**Proposed residential development in the identified housing allocations in the Plan area should make appropriate financial contributions towards the following education provision:**

- pre-school provision.
- primary school provision.
- any improvements and/or extensions that may be required to the catchment high school.

## *S2 Primary Health Care*

- 7.48 This policy as drafted sets out the Parish Council's views about the need for a care facility in the Plan area. It provides advice to the NHS Commissioning Group.
- 7.49 Whilst its ambitions are laudable the policy is not a land use policy – it does not identify or safeguard a site for this purpose. On this basis, and in accordance with national guidance as identified in paragraph 7.4 of this report, I recommend the following course of action.

### **Reposition the policy as drafted to a separate, non-land use part of the Plan.**

## *S3 Community Infrastructure*

- 7.50 This policy sets out the Plan's approach to community infrastructure. As drafted the policy includes land use and non-land use elements. It also includes elements of supporting text within the policy itself.
- 7.51 This is a policy that should properly remain in the Plan given the scale of new residential growth proposed. In order to resolve the various issues set out above I recommend that the policy is modified to read as follows:

**The Parish Council will liaise with the Borough and County Councils to ensure that local infrastructure funding is applied to ensure that local facilities are developed in association with new residential growth in the Plan area. Funding will be directed towards the following priorities:**

- **a community centre with library.**
- **community sports facilities with playing fields and changing facilities.**
- **the development of youth facilities and activities.**
- **the maintenance or development of community open spaces and woodland belts.**
- **the expansion of post office services.**

*Insert new text in Section 7.4 of the Plan between second and third paragraph as included in the Submitted Plan as follows:*

*There will be significant opportunities to improve and extend community infrastructure in the Plan area as a result of a delivery of the strategic housing allocations. Some of this infrastructure will be of a strategic nature (transportation and educational facilities). Some of this will be of a more local level through either a section 106 agreement or through the local proportion of the Community Infrastructure Levy once introduced. Policy S3 sets out the Plan's priority for the application of this local funding.*



#### *S4 Sustainable Construction*

- 7.52 This policy proposes guidance for construction methods and furnishing of buildings.
- 7.53 It is not a land-use policy, and as with Policy S2, I recommend the following course of action:

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

#### *S5 Play Areas*

- 7.54 This policy sets out to ensure the provision and maintenance of children's play areas. I recommend that it is modified to read as follows:

**Play areas for children within residential areas shall be provided and maintained for an appropriate period.**

*Insert new text in Section 7.4 of the Plan (after the third paragraph as included in the submitted Plan):*

*Policy S5 requires the provision of appropriate play space in residential areas to standards and guidelines in place at the time of the granting of planning permission. At the time of the making of the Plan advice from Fields in Trust is particularly supported by the Parish Council.*

#### *S6 Cemetery and Allotments*

- 7.55 This policy makes provision for cemetery and allotment garden space. It meets the basic conditions in general, and promotes sustainable development in particular.

#### *T1 Wootton Gap*

- 7.56 This policy seeks the review and installation of appropriate modifications to traffic management systems at Wootton Gap.
- 7.57 I can understand its inclusion in the Plan. Nonetheless it is a non-land use policy. As with earlier policies in the submitted Plan I recommend the following course of action:

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

#### *T2 Grimston Road*

- 7.58 This policy requires improved traffic management and capacity at the junction of Langley Road and A148 Grimston Road. The same comments apply as in paragraph 7.57 of this report in relation to Policy T1.

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

*T3 Public Transport*

- 7.59 This policy proposes the enhancement of bus routes between South Wootton and King's Lynn. The same comments apply as in paragraphs 7.57 and 7.58 of this report in relation to Policies T1 and T2 respectively.

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

*T4 Walking and cycling in new development*

*T5 New paths and cycle ways*

- 7.60 These policies set out to encourage walking and cycling in new developments. T5 proposes certain new routes. As drafted, Policy T4 is partly promotional and partly a combination of policy and supporting text.
- 7.61 As drafted T5 sets out an ambition for the development of new footpaths and cycle paths that are not directly related to new development and which would improve the wider integration of existing networks. The specific proposals in T5 are neither programmed nor costed. In some cases the proposals have attracted representation from land owners (Priory Lane/Langley Road) and the Borough Council (Sandy Lane towards Roydon Common).
- 7.62 Given the characteristic of the Plan area these policies are understandable. However the routes are not specific and there is no clarity on their implementation or delivery. Taking all these factors together I recommend that policies T4 and T5 are combined into a single policy to read as follows:

**Walking and cycling facilities**

**Where appropriate footpaths and cycle routes should be incorporated within new developments. Satisfactory lighting of these facilities should be included within their design.**

**The development of additional footpaths and cycle routes more generally within the Plan area will be supported particularly where they have the ability to integrate new residential developments into existing footpaths and cycle routes.**

*Insert new text in Section 7.5 of the Plan (immediately after the penultimate paragraph) to read:*

*Good walking and cycling routes already exist in the Plan area, and new facilities should be incorporated into new developments. These facilities encourage healthy lifestyles; will provide sustainable transport opportunities and natural surveillance of public spaces and the public realm. The Plan also actively encourages the creation*

*of new routes within the wider Plan area. They provide an opportunity to integrate new developments into the existing village environment and community. Potential opportunities include an extension of a path/cycle path along Grimston Road from Langley Road into the lower part of the Knight's Hill strategic housing allocation and the promotion of quiet lane links.*

*T6 Primary School Traffic*

7.63 This policy seeks to manage traffic movements to the schools in Church Lane and Hall Lane.

7.64 It is not a land-use policy. As such I recommend the following course of action:

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

*T7 Speed Calming Measures*

7.65 The policy suggests that there should be continuing assessment and introduction of traffic calming measures for specified roads in the Plan area. It is not a land-use policy. As such I recommend the following course of action:

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

*T8 On-street Parking*

7.66 The policy seeks to reduce on-street and pavement parking. As drafted it is mixture of policy and supporting text. As such I recommend that it is modified to read as follows:

**In proposals for new residential development design solutions should be planned and implemented to minimise car parking other than in designated parking areas. Particular attention should be given to ensuring that access routes are designed to prevent or discourage on-street car parking.**

*T9 Bus Shelters*

7.67 The policy sets out the need for the provision of bus shelters in general, and in the strategic residential areas in particular.

7.68 However it is not a land-use policy. As such I recommend the following course of action:

**Reposition the policy as drafted to a separate, non-land use part of the Plan.**

## **8 Summary and Conclusions**

### *Summary*

- 8.1 The SWNP sets out a wide range of policies to guide and direct development proposals in the period up to 2026. It is concise and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the South Wootton Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Whilst I have proposed modifications to several policies and the deletion of some policies, the Plan itself remains fundamentally unchanged in its role, direction and its relationship to wider development in the Borough

### *Conclusion*

- 8.4 On the basis of the findings in this report I recommend to the King's Lynn and West Norfolk Borough Council that subject to the incorporation of modifications set out in this report that the South Wootton Neighbourhood Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. I consider the neighbourhood area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 5 June 2013.
- 8.6 It is very clear to me that a huge amount of hard work and dedication has been injected into the preparation of this Plan. I would like to record my thanks to all those who have assisted me in a variety of ways in the examination of the Plan. I am particularly grateful to those who have patiently and kindly responded to my requests for information and clarification throughout this time.

**Andrew Ashcroft**  
**Independent Examiner**  
**27 July 2015**