

# Appendix 5

## Proposed modifications of the Brancaster Draft Neighbourhood Plan.

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The Borough Council must consider the Recommendations to the Borough Council of the Examiner of Brancaster Draft Neighbourhood Plan, and decide for itself whether it considers the Plan meets the 'Basic Conditions' (see Cabinet Report for details), or can be modified so that it does so.

The Examiner recommended (see Examiner's Report at Appendix 4) that the Plan did not currently be meet the Basic Conditions, but could be modified to do so. Officers agree with the broad thrust of the Examiners Recommendations, but consider that some of his recommended modifications are inappropriate, and recommend the alternatives identified below to make the Plan meet the Basic Conditions.

The following sets out for each of the Examiner's recommended modifications

- A. The Examiner's recommend modifications
- B. The relevant extract from the plan showing those changes
- C. Officer's recommended alternative modifications and the reasons for these, and
- D. The relevant extract from the plan showing the officer's recommended modifications.

In all cases text added is indicated by underlining, and deleted text by being ~~struck through~~.

### EXAMINER RECOMMENDATION 1

#### 1A. The Examiner's recommend modification

Include the following as the last three sentences in the second paragraph in the

"General Introduction" on page 5.

The Countryside and Rights of Way Act 2000 places a statutory duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it. "Relevant authorities" are any public bodies including local and statutory authorities, parish councils and statutory regulators. This is backed up by planning policies in the NPPF, which states in paragraph 115 that in AONB'S like national parks, great weight should be attached to conserving landscape and scenic beauty.

#### 2B. The relevant plan extract showing Examiner's modification

*[extract from page 5 of plan]*

General Introduction

The villages of Brancaster, Brancaster Staithe and Burnham Deepdale are situated on the North Norfolk coast. To the north are salt marshes and the sea; to the south is arable land. There are two churches within the villages and many 18th and 19th century cottages. There is a small port that is home to the local fishing industry and a base for leisure boating. The villages contain a small supermarket and some shops and businesses.

The villages are part of the North Norfolk Coast AONB, which enjoys equal status in landscape protection terms as our National Parks. They also border the North Norfolk Heritage Coast, which has multiple national and international nature conservation designations. The Countryside and Rights of Way Act 2000 places a statutory duty on relevant authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land within it. "Relevant authorities" are any public bodies including local and statutory authorities, parish councils and statutory regulators. This is backed up by planning policies in the NPPF, which states in paragraph 115 that in AONB'S like national parks, great weight should be attached to conserving landscape and scenic beauty.

A characteristic feature of this area is for the buildings to be set at right angles to the main road (which runs East-West). More recent building does not follow this pattern and we have several small 'estate type' developments and individual houses. In Brancaster Staithe there are still several examples of rows of cottages and several single dwellings gable end to the road, dating from the early 18<sup>th</sup> century. Their placing was necessary for practical use of the available space. Inhabited by fisher families, with gardens and smallholdings between the road and the marsh. . .

### **1C. Officer's recommended alternative modifications & reasons**

REASON - It is considered that the Neighbourhood Plan (NP) does not fail to meet any of the basic conditions as a result of absence of this statement. The Examiner's modification is intrusive in tone and weight. The NPPF's policy on AONBs is already mentioned in the supporting text to Policy 9.

OFFICER RECOMMENDED ALTERNATIVE - As a compromise it is suggested that reference to the statutory duty is added to the supporting text to Policy 9, with the General Introduction remaining as submitted.

### **1D. The relevant plan extract with officer's recommended modifications**

*[Not shown. General introduction remains as submitted]*

## **EXAMINER RECOMMENDATION 2**

### **2A. The Examiner's recommend modification**

The screening opinion of 17th June 2015 be added to the Basic Conditions Statement as an appendix and the following extra text added to the last sentence of the third paragraph on page 24 after "Strategic Environmental Assessment" as follows: " Habitats Regulations Assessment"

### **2B. The relevant plan extract showing Examiner's modification**

*n.b. Added Screening Opinion not shown here. This is just an email that could be inserted following other copied correspondence which runs up to page 67.*

*[extract from page 24 of plan]*

'Natural England took the view that the Plan would not require assessment under the Habitat Regulations, as it does not propose any additional development over and above that contained within the Borough Council Local Plan. In addition the Borough Council of Kings Lynn and West Norfolk has confirmed that it is of the opinion that a Strategic Environmental Assessment Habitats Regulations Assessment is not required.'

## 2C. Officer's recommended alternative modifications & reasons

REASONS – it is considered that the absence of the mentioned screening opinion email does not result in the NP not complying with the Basic Conditions. (Such documents would not usually be in the plan itself, anyway.) On the other hand, its inclusion causes no harm and so no objection is raised to this. The Examiner's text insertion requires adjustment to make the sentence read properly, but such adjustment would normally be considered de minimis and undertaken as a matter of course.

OFFICER RECOMMENDED ALTERNATIVE – (a) The screening opinion of 17th June 2015 be added following page 67 of the NP, and preceding sub-headings adjusted to suit. (b) Add reference to Habitats Regulation also not being required to last sentence of the third paragraph on page 24.

## 2D. The relevant plan extract with officer's recommended modifications

*n.b. Added Screening Opinion not shown here. This is just a copy of an email to inserted following other copied correspondence which runs up to page 67.*

*[extract from page 24 of plan]*

'Natural England took the view that the Plan would not require assessment under the Habitat Regulations, as it does not propose any additional development over and above that contained within the Borough Council Local Plan. In addition the Borough Council of Kings Lynn and West Norfolk has confirmed that it is of the opinion that neither a Strategic Environmental Assessment nor a Habitats Regulations Assessment is ~~not~~ required.'

## EXAMINER RECOMMENDATIONS 3, 4 & 5

No change: Examiner's recommendation supported..

## EXAMINER RECOMMENDATION 6

### 6A. The Examiner's recommend modification

I suggest inserting the following section after the (reworded)" Summary and Public Participation" section.

National and Local Strategic planning policies

The NPPF is a statement of national planning policies, which all local development plans, must conform to. The Development Plan for the area, to which the Neighbourhood Plan must be in general conformity, currently consists of the Kings Lynn and West Norfolk Core Strategy adopted in 2011 and a few saved policies of the 1998 Kings Lynn and West Norfolk Local Plan.

The Borough Council is at an advanced stage in the preparation of its "Site Allocations and Development Management Policies Plan Document". This will provide detailed policies to give effect to the Core Strategy and replace the last of the saved Local Plan policies.

### 6B. The relevant plan extract showing Examiner's modification

*Not shown (see above).*

## 6C. Officer's recommended alternative modifications & reasons

REASONS – The suggested first paragraph text is factually inaccurate and superfluous. The NPPF and local plans are already mentioned (and such mentions arguably aren't required to meet the Basic Conditions, anyway). There is no statutory requirement for development plan 'conformity' with NPPF. The NPPF itself expects local plans to be 'consistent with' the NPPF (a less strict test than conformity). For neighbourhood plans the relevant Basic Condition is for the Examiner and local planning authority to 'have regard' (a much lower test) to the NPPF in deciding whether the NP should be brought into force. There is no requirement for NPs to be in general conformity with the whole of development plan (indeed there is statutory provision to deal with contradictions between different plans), There is a more limited requirement to be in general conformity with the strategic policies (only) of the local plan (itself only part of the development plan).

The second recommended paragraph as drafted will quickly become out of date and remain so for most of the life of the NP, while not really strengthening the NP.

The heading of the section is misleading in its reference to strategic policies, when most of what follows is not strategic.

OFFICER RECOMMENDED ALTERNATIVE – Add reference to having regard to the emerging the emerging Site Allocations and Development Management Policies Document to the last paragraph on page 7.

## 6D. The relevant plan extract with officer's recommended modifications

'So, the aim of this Neighbourhood Plan is to provide some guidelines, formulated and accepted by the people who live in these villages, which will influence the future growth of Brancaster, Brancaster Staithe and Burnham Deepdale. We have consulted widely with local inhabitants and have had regard for the Borough Core Strategy and emerging Site Allocations and Development Management Policies Document, and to the National Planning Policy Framework. We have consulted with appropriate organisations. . . .'

## EXAMINER RECOMMENDATION 7

### 7A. The Examiner's recommend modification

Insert as an extra paragraph on page 3

A Glossary is provided as appendix in order to explain certain technical terms and acronyms

Insert the following [nb not included here] as a Glossary as an Appendix.

### 7B. The relevant plan extract showing Examiner's modification

*Not shown (see below).*

### 7C. Officer's recommended alternative modifications & reasons

REASONS – This is agreed to be a useful change to aid the use of the NP. However, some of the content of the proposed glossary is of excessive length and detail for the particular purposes of the NP, or could be expressed more clearly; it explains terms not actually used in the Plan (e.g. Environmental Impact Assessment) or mentioned only in passing in an appended document (e.g. CIL).

OFFICER RECOMMENDED ALTERNATIVE – Include a glossary in the Plan, and signpost its location. Use Examiner’s suggested glossary with the changes indicated below.

## 7D. The relevant plan extract with officer’s recommended modifications

*[all new text in suitable location in NP. Note that additions and deletions are in comparison to the Examiner’s suggested Glossary text.]*

### GLOSSARY

**Affordable housing:** Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. ~~Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.~~

**AONB:** Area of Outstanding Natural Beauty. A nationally designated protected landscape with the purpose of conserving and enhancing its natural beauty.

**Appropriate Assessment:** A detailed assessment of potential adverse impacts on European Sites (the advanced potential second stage of a Habitats Regulations Assessment).

**CIL:** Community Infrastructure Levy – a system whereby ~~developers are required to subsidise development contributes towards~~ improvements to local infrastructure in accordance with ~~an adopted~~ a charging schedule adopted by the local planning authority Borough Council.

**Development Plan:** The set of plans having a special status under the law and forming the starting point for decisions on planning applications. The development plan This includes adopted local plans, neighbourhood plans and the London Plan certain others (e.g. county minerals and waste plans). and is defined in section 38 of the Planning and Compulsory Purchase Act 2004.

**Environmental Impact Assessment:** ~~A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.~~

**European Sites:** Designated internationally protected sites for nature conservation, These include ~~candidate~~ Special Areas of Conservation, ~~Sites of Community Importance,~~ Special Areas of Conservation and Special Protection Areas, ~~and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2010.~~

**Green Infrastructure:** A network of ~~multi-functional~~ green space, urban and rural, ~~which is capable of~~ aimed at delivering environmental and quality of life benefits. ~~for local communities.~~

**Habitats Regulations Assessment (HRA):** A statutory process to ensure that potential adverse effects on European Sites are identified and avoided.

**Heritage asset:** A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. ~~Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).~~

**Heritage Coast:** Coastal areas recognised for their natural beauty, wildlife and heritage and designated to provide support for these qualities and enable the enjoyment of them by the public. ~~Areas of undeveloped coastline, which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.~~

**Historic environment:** All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

~~**International, national and locally designated sites of importance for biodiversity:** All~~

~~international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.~~

**Local Development Framework:** The plan or set of plans now known as the local plan.

**Local Plan:** The plan, or set of plans, for the future development of the local area, drawn up by the local planning authority (in this case the Borough Council) in consultation with the community. (Note that from 2004 to 2011 what is now termed the local plan was called the local development framework.) ~~In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. Current core strategies or other planning policies, which under the regulations would be considered to be development plan documents, form part of the Local Plan. The term includes old policies, which have been saved under the 2004 Act.~~

**NPPF:** The National Planning Policy Framework, which is the Government's statement of which is a document prepared in 2012 to explain national planning policies.

**Ramsar sites:** These are wetlands of international importance designated under the international Ramsar Convention.

**Site of Special Scientific Interest (SSI):** An area nationally designated by Natural England, ~~which by reason of to conserve protection of its flora and fauna or geological features, it is in the national interest to conserve.~~

**Special Areas of Conservation (SACs):** Strictly protected 'European Sites' designated under the EC Habitats Directive ~~on the basis of~~ for their value as habitats for protected species

**Special Protection Area (SPA):** These are strictly protected ‘European Sites’ ~~designated~~ ~~classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for their~~ rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

**Strategic Environmental Assessment:** A formal, statutory process of assessing the impact of plans or projects on the natural and human environment.

## EXAMINER RECOMMENDATION 8

### 8A. The Examiner’s recommend modification

Reword Policy 1 Size of houses as follows:

Proposals for single dwellings or apartments shall normally be a maximum of 3 bedrooms. Proposals for more than one dwelling unit shall provide a range of dwelling sizes, based on the number of bedrooms, with a predominance of 1,2 and 3 bed roomed dwellings.

New dwellings providing 5 or more bedrooms will not normally be allowed. Proposals involving a 5 or more bed roomed dwelling on a single plot may be allowed, exceptionally, where there is a case of demonstrable need to provide accommodation for a family or there are other material planning considerations in support of the proposal.

New dwellings shall be a maximum of two storeys in height. In some cases, subject to compliance with design guidance, it may be acceptable to provide rooms in the roof.

Care and consideration should be given to retaining the views within and of this Area of Outstanding Natural Beauty.

In the explanation of the policy include the following as the second paragraph.

It is acknowledged that in exceptional cases there may be a need to provide 5 or more bedrooms to accommodate the needs of a family or a to provide care facilities. This should be demonstrated in a statement submitted with a planning application.

Alter the second paragraph, as follows;

A limit on the height of new houses will ensure that the important public views of the Area of Outstanding Natural Beauty are retained.

### 8B. The relevant plan extract showing Examiner’s modification

*[extract from page 16 of plan]*

#### **POLICY 1: SIZE OF HOUSES**

~~The provision of smaller dwellings (those with one two or three bedrooms) will be encouraged, and no new dwelling shall exceed four bedrooms (rooms otherwise designated on plans but clearly~~

~~capable of use as bedrooms will be counted as bedrooms for the purposes of this policy).~~

Proposals for single dwellings or apartments shall normally be a maximum of 3 bedrooms. Proposals for more than one dwelling unit shall provide a range of dwelling sizes, based on the number of bedrooms, with a predominance of 1,2 and 3 bedroomed dwellings.

New dwellings providing 5 or more bedrooms will not normally be allowed.

Proposals involving a 5 or more bedroomed dwelling on a single plot may be allowed, exceptionally, where there is a case of demonstrable need to provide accommodation for a family or there are other material planning considerations in support of the proposal.

~~New dwellings should be a maximum of two storeys in height. If extra room is needed it should be obtained by putting rooms in the roof rather than an extra storey.~~

New dwellings shall be a maximum of two storeys in height. In some cases, subject to compliance with design guidance, it may be acceptable to provide rooms in the roof.

Care and consideration should be given to retaining the views within and of this Area of Outstanding Natural Beauty.

*(Supporting Text to Policy:)*

A limit on the number of bedrooms for new houses will ensure that a balance is regained in terms of size of houses, giving a spread and variety of house size. It will ensure that there are appropriate houses available to maintain and develop a sustainable community, house young people, young families, working families and retirees. It will also ensure that there are reasonably sized houses available for holiday homes and for rent.

It is acknowledged that in exceptional cases there may be a need to provide 5 or more bedrooms to accommodate the needs of a family or a to provide care facilities. This should be demonstrated in a statement submitted with a planning application.

~~A limit on the height of new houses will ensure that the views of the Conservation Area are not blocked for residents and tourists alike. It will also preserve the views of our heritage assets, such as St Mary's Church Brancaster and St Mary's Church Burnham Deepdale.~~

A limit on the height of new houses will ensure that the important public views of the Area of Outstanding Natural Beauty are retained.

## **8C. Officer's recommended alternative modifications & reasons**

REASON - While the intention of adding precision and flexibility are reasonable and consistent with the NPPF, the proposed wording does not provide a robust mechanism to achieve the policy intentions. It also loses the



positive tone of most of the original policy. Furthermore, the Examiner is mistaken in thinking that the term 'dwelling' does not include apartments and that therefore reference to these needs to be added.

OFFICER RECOMMENDED ALTERNATIVE – Amend the Policy for clarity, flexibility and consistency, as set out below.

## 8D. The relevant plan extract with officer's recommended modifications

*[extract from page 16 of plan]*

### **POLICY 1: SIZE OF HOUSES**

The provision of smaller dwellings (those with one two or three bedrooms) will be encouraged, ~~and no new dwelling shall exceed four bedrooms.~~ (~~R~~Rooms otherwise designated on plans but clearly capable of use as bedrooms will be counted as bedrooms for the purposes of this policy).

Dwellings of 5 bedrooms or more will, exceptionally, be allowed where evidence is provided that this is needed to provide the main residence of a household with long standing residency in the Parish.

New dwellings should be a maximum of two storeys in height. If extra room is needed it should be obtained by putting rooms in the roof rather than ~~an extra~~ a full third storey.

Care and consideration should be given to retaining the views within, and of, the Area of Outstanding Natural Beauty, the Conservation Area, and listed buildings.

#### *(Supporting Text to Policy:)*

A limit on the number of bedrooms for new houses will ensure that a balance is regained in terms of size of houses, giving a spread and variety of house size. It will ensure that there are appropriate houses available to maintain and develop a sustainable community, house young people, young families, working families and retirees. It will also ensure that there are reasonably sized houses available for holiday homes and for rent.

It is acknowledged that in exceptional cases there may be a need to provide 5 or more bedrooms to accommodate the needs of a resident local family. This should be demonstrated in a statement submitted with a planning application. Needs for further large second homes and holiday homes could be met in other locations.

A limit on the height of new houses and the specific provision in the Policy will ensure that Area of Outstanding Natural Beauty and Conservation Area views ~~of the Conservation Area~~ are not blocked for residents and ~~tourists~~ visitors alike. It will also preserve the views of our heritage assets, such as St Mary's Church Brancaster and St Mary's Church Burnham Deepdale.

## EXAMINER RECOMMENDATIONS 9, 10 & 11

No change: Examiner's recommendation supported.

## EXAMINER RECOMMENDATION 12

### 12A. The Examiner's recommended modification

Retitle the policy to reflect its full range as follows :

Replacement dwellings and redevelopment

Alter the first paragraph of the policy as follows and make the last sentence a separate paragraph, retain paragraphs 2 and 3 as submitted ;

Replacement dwellings should occupy no more than 50% of their plots. In cases where it is demonstrated a larger dwelling is required to accommodate the reasonable needs of a family, dwellings which occupy more than 50% of the plot may be allowed subject to other policy considerations.

An increase in the number of dwellings above those replaced will be acceptable where the resulting plot coverage does not exceed 50% and conforms to other planning policies.

In the explanation of the policy add the following paragraphs :

This policy is intended to meet concerns to ensure that garden areas are not overdeveloped and are retained to provide amenity areas for occupiers, encourage biodiversity and protect the landscape of the AONB. There is also concern that dwellings with small gardens deter local people from buying them and encourage second and holiday homes, which is making villages unsustainable as their populations are impermanent. The need for more affordable housing is recognised in the Core Strategy and NPPF.

It is acceptable for replacement dwellings to be of a size to accommodate the needs of families, particularly those living in the dwelling to be replaced, and this will be taken into account in allowing exceptions to the policy.

The needs of the family will be assessed primarily in terms of the number and size of bedrooms.

### 12B. The relevant plan extract showing Examiner's modification

*[extract from page 18 of plan]*

#### **Replacement dwellings and redevelopment**

~~Replacement dwellings should occupy no more than 50% of their plots, and where the replaced dwelling occupied greater than 50% of the plot the replacement dwelling should occupy a smaller proportion than its predecessor. An increase in number of dwellings above those replaced will only be acceptable where the resulting~~

~~plot coverage does not exceed 50%.~~

~~These requirements will be relaxed where the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by greater plot coverage.~~

~~An increase in height over the replaced building will only be acceptable where this is compatible with the appearance of adjacent buildings and the amenity of their occupiers.~~

Replacement dwellings should occupy no more than 50% of their plots. In cases where it is demonstrated a larger dwelling is required to accommodate the reasonable needs of a family, dwellings which occupy more than 50% of the plot may be allowed subject to other policy considerations.

An increase in the number of dwellings above those replaced will be acceptable where the resulting plot coverage does not exceed 50% and conforms to other planning policies.

These requirements will be relaxed where the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by greater plot coverage.

An increase in height over the replaced building will only be acceptable where this is compatible with the appearance of adjacent buildings and the amenity of their occupiers.

This policy is intended to meet concerns to ensure that garden areas are not overdeveloped and are retained to provide amenity areas for occupiers, encourage biodiversity and protect the landscape of the AONB. There is also concern that dwellings with small gardens deter local people from buying them and encourage second and holiday homes, which is making villages unsustainable as their populations are impermanent. The need for more affordable housing is recognised in the Core Strategy and NPPF.

It is acceptable for replacement dwellings to be of a size to accommodate the needs of families, particularly those living in the dwelling to be replaced, and this will be taken into account in allowing exceptions to the policy.

The needs of the family will be assessed primarily in terms of the number and size of bedrooms.

## **12C. Officer's recommended alternative modifications & reasons**

REASON – Some of the Examiner's justification for this recommendation seems a little confused. For example, Paragraph 71 of the Examiner's Report states that the Parish's policy does not address the situation where existing policy does not address a potential increase in dwellings resulting in less than 50% coverage, but it explicitly does, and it is not clear why Paragraph 70 suggests that the Policy's phrase 'a smaller proportion' is imprecise. It is also considered that if a change is to be made, some of the replacement text could

be a little clearer and more closely related to the general concerns and focuses of the Plan.

OFFICER RECOMMENDED ALTERNATIVE – Amend the Policy and supporting text as set out below.

## **12D. The relevant plan extract with officer’s recommended modifications**

*[extract from page 18 of plan]*

### **Replacement dwellings**

Replacement dwellings should occupy no more than 50% of their plots, and where the replaced dwelling occupied greater than 50% of the plot the replacement dwelling should occupy a smaller proportion than its predecessor. An increase in number of dwellings above those replaced will only be acceptable where the resulting plot coverage does not exceed 50%.

These requirements will be relaxed where the setting of a listed building, or the character and appearance of the conservation area, would be better conserved by greater plot coverage.

An increase in height over the replaced building will only be acceptable where this is compatible with the appearance of adjacent buildings and the amenity of their occupiers.

*There is concern that large dwellings with small gardens are less suitable for permanent occupation, less affordable, and encourage second and holiday homes, which is making villages unsustainable as their populations are impermanent. (The need for more affordable housing is recognised in the Core Strategy and NPPF.) This policy is also intended to meet concerns that garden areas are not overdeveloped, and are retained to provide amenity areas for occupiers, encourage biodiversity and protect the landscape of the AONB.*

## **EXAMINER RECOMMENDATION 13**

### **13A. The Examiner’s recommended modification**

Relocate the two paragraphs of the policy and explanation relating to Affordable/Shared ownership homes as the third and fourth paragraphs in the section “ Brancaster Neighbourhood Plan and the wider agenda.”

### **13B. The relevant plan extract showing Examiner’s modification**

*[not shown – the whole of this policy would be deleted and the relevant text removed to a subsidiary part of the Plan]*

### **13C. Officer’s recommended alternative modifications & reasons**

REASON – It is not considered that the existence of support for affordable housing at national and Borough level makes the support for it in a neighbourhood Plan incompatible with the Basic Conditions, and therefore the effective deletion of the whole of this Policy is unwarranted. The Examiner’s

recommended removal of the 'process' parts of the policy to other text is considered reasonable, but this could be done in a way that retains a greater part of the Parish's apparent intentions, while expressing this in a more positive way.

OFFICER RECOMMENDED ALTERNATIVE – Amend the Policy and supporting text as set out below.

### **13D. Relevant plan extract with officer's recommended modifications**

*[extract from page 18 of plan]*

#### **Affordable/Shared ownership homes**

Provision of affordable housing/shared ownership ~~should be~~ is encouraged where this is commensurate with the ~~Parish Council and a registered provider should be involved to help identify~~ the scale and nature of need for such housing locally.

We are concerned ~~that a blanket policy of to ensure~~ provision; which ~~doesn't~~ does take account of the actual affordable/shared ownership housing need in the area, ~~could be counterproductive~~. The Parish Council is keen for itself and local Housing Associations to be involved in identifying the scale and type of housing that is needed in the area ~~and so should be involved in decisions regarding its provision~~.

## **EXAMINER RECOMMENDATION 14**

### **14A. The Examiner's recommended modification**

Delete the policy 7 and references to it elsewhere in the plan

### **14B. The relevant plan extract showing Examiner's modification**

*[not shown – the whole of this policy would be deleted]*

### **14C. Officer's recommended alternative modifications & reasons**

REASON – It is not considered that the existence of support for such development at Borough level makes the support for it in a neighbourhood plan incompatible with the Basic Conditions. While the term 'appropriate' would by itself be insufficiently precise to guide development decisions, there are other policies which provide the necessary criteria, and a signpost to these can be added to the Policy.

OFFICER RECOMMENDED ALTERNATIVE – Amend the Policy and supporting text as shown following.

### **14D. Relevant plan extract with officer's recommended modifications**

#### **DEVELOPMENT OF SHOPS, WORKSHOPS AND BUSINESS UNITS**

The development of shops, workshops and business units ~~should be~~ is encouraged in appropriate locations (as defined by other development plan policies), as should the development and growth of existing businesses in the villages.

This is necessary to encourage a permanent population within the villages and to minimise the amount of travelling people need to undertake. This sort of support is essential to develop a sustainable population and to support our young people and retain them within the area.

## EXAMINER RECOMMENDATION 15

### 15A. The Examiner's recommended modification

Reword policy 8, as follows ;

Renumber it as Policy 6

The siting of new buildings shall not harm significant public views within and of the AONB.

In the explanatory section, add as the first paragraph the following and retain the existing paragraph as the second paragraph.

Views are important in this area, which is specially designated for its natural beauty and landscape quality. It is not possible to protect mainly private views via the planning system but wider public views of designated heritage assets and iconic scenery within the area can be protected. Nevertheless, to justify the application of the policy the view, in question, should be particularly noteworthy and iconic and relate directly to heritage assets or iconic parts of the landscape referred to in the Landscape Character Assessment 2007 or subsequent studies.

Add as a further last sentence to the existing paragraph the last sentence from the paragraph of the explanation of policy 9, as follows :

Views of Scolt Head Island across the marshes are particularly valuable, as are views of the village seen from the bay across the marsh.

### 15B. The relevant plan extract showing Examiner's modification

*[extract from page 19 of plan]*

**POLICY 8: PROTECTION OF HERITAGE ASSETS AND VIEWS.**  
~~The siting of new buildings shall have due regard for, and respect the setting of, designated heritage assets. Any listed buildings should be appropriately conserved to maintain the buildings, its features and setting. Developments will be expected to preserve or enhance the character, appearance and views of the Brancaster Conservation Area with regards to the built/cultural heritage.~~

The siting of new buildings shall not harm significant public views within and of the AONB.

Views are important in this area, which is specially designated for its natural beauty and landscape quality. It is not possible to protect mainly private views via the planning system but wider public views of designated heritage assets and iconic scenery within the area can be protected. Nevertheless, to justify the application of the policy the view, in question, should be particularly noteworthy and iconic and relate directly to heritage assets or iconic parts of the landscape referred to in the Landscape Character Assessment 2007 or subsequent studies.

Views of our two churches are especially cherished; villagers have been disappointed that views of St Mary's Church Brancaster have been affected by recent developments and wouldn't want to see any further loss of this amenity.

Views of Scolt Head Island across the marshes are particularly valuable, as are views of the village seen from the bay across the marsh.

### 15C. Officer's recommended alternative modifications & reasons

REASON – It is not obvious in why the Examiner considers the Policy's provisions regarding views is unclear. His added text to clarify the extent to which views can be protected is not strictly accurate and is unnecessarily detailed for the purposes of the NP. The Examiner's proposed additional policy clause regarding AONB views would seem more appropriately included in the next policy, which is about landscape rather than heritage assets. (His stated intention of a single policy on views and house sizes is also difficult to understand, and does not seem to be achieved by his recommended changes.)

OFFICER RECOMMENDED ALTERNATIVE – Modify the Policy and supporting text as shown following.

### 15D. Relevant plan extract with officer's recommended modifications

*[extract from page 19 of plan]*

#### **POLICY 8: PROTECTION OF HERITAGE ASSETS AND VIEWS.**

**The siting of new buildings shall have due regard for, and respect the setting of, designated heritage assets.**

**Any listed buildings should be appropriately conserved to maintain the buildings, its features and setting.**

**Developments will be expected to preserve or enhance the character, appearance and important views of the Brancaster Conservation Area with regards to the built/cultural heritage.**

Views of our two churches are especially cherished; villagers have been disappointed that views of St Mary's Church Brancaster have been affected by recent developments and wouldn't want to see any further loss of this amenity. (Note the planning system cannot protect all private views, but only views where there is a public interest and justification in their retention.)

## EXAMINER RECOMMENDATION 16

### 16A. The Examiner's recommended modification

Renumber policy 9 as policy 7.

Add as the first sentence to the explanatory section :

The Countryside and Rights of Way Act 2000 establishes the above policy as the statutory basis of decision making in Area of Outstanding Natural Beauty

### 16B. The relevant plan extract showing Examiner's modification

*[extract from page 19]*

**Protection and enhancement of the natural environment**  
Development will protect, conserve and where possible enhance, the natural environment, local landscape and wildlife. New development should not adversely affect the statutory purposes of the Area of Outstanding Natural Beauty.

The Countryside and Rights of Way Act 2000 establishes the above policy as the statutory basis of decision making in Area of Outstanding Natural Beauty

National Planning Policy Framework para 115 says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage are important considerations. We feel these last two policies will address these considerations, also bearing in mind the need to safeguard rural industries and the social needs of our local communities. ~~Views of Seolt Head Island across the marshes are particularly valuable, as are views of the village seen from the bay across the marsh.~~

### 16C. Officer's recommended alternative modifications & reasons

REASON – The Examiner's recommended additional text is not accurate. His additional Policy text in the previous recommendation regarding AONB views is considered more appropriately included in this Policy.

OFFICER RECOMMENDED ALTERNATIVE – Modify the Policy and supporting text as shown following.

### 16D. Relevant plan extract with officer's recommended modifications

*[extract from page 19 of plan]*

**Protection and enhancement of the natural environment and landscape**

Development will protect, conserve and where possible enhance, the natural environment, local landscape and wildlife. New development should not



**adversely affect the statutory purposes of the Area of Outstanding Natural Beauty.**

The statutory primary purpose of Areas of Outstanding Natural Beauty is conserving and enhancing the natural beauty of the area. All public bodies must have regard to this in carrying any functions which affect such an area. National Planning Policy Framework para 115 says that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, and that the conservation of wildlife and cultural heritage are important considerations in them.

We feel these last two policies will address these considerations, also bearing in mind the need to safeguard rural industries and the social needs of our local communities.

## **EXAMINER RECOMMENDATION 17**

### **17A. The Examiner's recommended modification**

*Retitle the section as " THE VISION OF THE BRANCASTER NEIGHBOURHOOD PLAN AND THE LINKS TO THE WIDER PLANNING AGENDA"*

*Insert in first sentence of paragraph 2 after "Our policies", "relating to the size of houses, the footprint for new and redeveloped dwellings and replacement dwellings"*

*Delete the remainder of the paragraph.*

*Relocate the policy Affordable/Shared ownership homes as the third paragraph section " Brancaster Neighbourhood Plan and the wider agenda."*

*Incorporate the first sentence of (existing)paragraph 4 as the last sentence of (existing)paragraph 3 .This text seems to relate more to its preceding paragraph.*

*Alter the text as follows : delete ' policy 2' and insert "policies 2 and 6". In paragraph 8 at the top of page 22 delete "Policies 8 and 9" and insert " Our policies"*

### **17B. The relevant plan extract showing Examiner's modification**

*[extract from page 20 of plan]*

#### **The Vision of the Brancaster Neighbourhood Plan and links to the wider planning agenda**

The three dimensions to sustainable development, as identified in the NPPF, are economic, social and environmental.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right

places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

~~Our policies relating to the size of houses, the footprint for new and redeveloped dwellings and replacement dwellings address the need to support the members of our community, be they permanent residents, second home owners or visitors, by attempting to ensure that appropriate housing is available for all sectors and that houses are built that would be able to be used for any of the sectors as the need arises. We attempt, through policies 6 and 7 to encourage the rural business economy and to encourage people to work and live in the villages. This will minimise pollution and encourage low carbon emissions by reducing travelling and thus improving the conditions in which people live and work. The NPPF specifically mentions the essential need for a rural worker to live permanently at or near their place of work; this is also addressed in the Borough Core Strategy which wants people to have access to good quality housing, close to places of employment.~~

Provision of affordable housing/shared ownership should be encouraged; the Parish Council and a registered provider should be involved to help identify the scale and nature of need for such housing locally. We are concerned that a blanket policy of provision, which doesn’t take account of the actual affordable/shared ownership housing need in the area, could be counterproductive. The Parish Council and local Housing Association should be able to suggest the scale and type of housing that is needed in the area and so should be involved in decisions regarding its provision.

Policies 3 and 5 encourage support for our natural environment in gardens – aiding the retention, and attempting to halt the decline, of biodiversity. Small open spaces – our gardens – are as important to protect as the wide-open spaces in the National Parks. All policies contribute towards maintaining our built environment and widen the choice of high quality homes by ensuring that all houses are well designed and are of a style and size that suits all sectors and doesn’t limit the provision of houses to high cost, large dwellings. This gives the required flexibility to adapt to change and provides a good standard for existing and future occupants. Policy 2 attempts to ensure that houses reflect high standards in design and architecture and that they are sensitive to the defining characteristics of the local area. The use of ecologically friendly materials is addressed in ~~policy~~ policies 2 and 6 and the requirement to consider the impact on the views of the AONB will preserve this visual asset for future generations of residents and tourist visitors.

Without adequate appropriate housing our community will dwindle to a size which makes it uneconomic and unsustainable to run buses, run shops, run businesses, and sustain our schools, meeting halls and local clubs. Without those facilities being available locally people will have nowhere to meet, car use will increase, thus increasing pollution, the cultural wellbeing of the community will suffer and the community will eventually become unsustainable; something which would be counter to the basic tenets of the Borough Core Strategy which aims to promote sustainable communities, sustainable patterns of development, and a strong hierarchy of successful rural settlements and supporting a range of jobs. If this is successful it will not only benefit our residents but also visitors to the area, thus creating a virtuous circle, which would be of benefit to the villages and the Borough as a whole and would encourage economic growth and inward investment.

Smaller houses, even taking into account the 50% plot requirement, will mean, in effect, that more houses can be built. This will supply more, less expensive houses for permanent residents. It will also mean that more dwellings will be available as holiday lets, thus supporting rural tourism and bringing more people to our villages all year round to enjoy the views we hope to preserve and to use the buses, shops, pubs and other visitor facilities. It will also provide work for local tradesmen, cleaners, gardeners, and letting businesses. It will benefit visitors as well as the permanent population.

The NPPF talks about a 'strong sense of place'. We feel that houses built with regard to our policies will benefit our villages, enhance the local character which is engendered by the many old traditional buildings in the villages, and attempt to recover that feeling of identity that has been lost with the proliferation of large, inappropriate, often empty dwellings. The Borough Core Strategy aims to protect the historic environment and to enrich the attraction of the Borough as a place to live, work and to visit. Our Neighbourhood plan will help address the compromises necessary to ensure a sustainable permanent community while also providing for second homes, visitors, and the retention of our traditional character vital for the well being of those who live here as well as for the interest of visitors. In preparing the plan we have been mindful of the desirability of conserving listed buildings, their features and their settings.

We feel that our Neighbourhood Plan conforms to the objectives of the NPPF. The benefits conferred on our community and visitors to the area are in agreement with the sentiments expressed within the NPPF. It will provide a sustainable way forward for the development of the villages, enhancing the region in all three areas identified in the Framework. We also feel that our Neighbourhood Plan is supportive of, and supported by, the Borough Core Strategy in its wish to foster sustainable communities with appropriate housing and is in keeping with CS06, which aims to promote sustainable communities and sustainable patterns of development, ensuring that employment and appropriate housing (including affordable housing) are provided in close proximity.

~~Policies 8 and 9~~ Our policies address protection of our traditional buildings and our countryside. If possible we would like to see the character and distinctiveness of our natural and built environment enhanced by new development proposals. Such proposals should be encouraged to contribute to the objectives and targets of any local Green Infrastructure Strategy, Landscape Character Assessments and Biodiversity Action Plans. This is a very sensitive area as regards conservation (it is,

as has already been stated, part of the Norfolk Coast AONB and borders the North Norfolk Heritage Coast with its multiple conservation designations). The NPPF has strong policies on the protection of Heritage Coasts, AONB's and National Parks (paras 114-116) and on protecting wildlife and this should always be given due emphasis when development is considered in this area.

We hope that housing and other development in Brancaster will contribute towards improving local services and infrastructure. An increase in population within the villages means an increase in the need for transport, education, library services etc. There are mechanisms to do this (for example CIL, section 106 agreements and planning conditions) and it is important that these mechanisms are used to ensure that the infrastructure grows with the population.

#### **17C. Officer's recommended alternative modifications & reasons**

REASON – It is not clear in what way the original text did not meet the Basic Conditions. The insertion of the text regarding affordable housing is only required if the Policy from which it is taken is deleted (see 13 above).

OFFICER RECOMMENDED ALTERNATIVE – Retain text of this section as submitted.

#### **17D. Relevant plan extract with officer's recommended modifications**

*[not shown here]*

#### **EXAMINER RECOMMENDATION 18**

No change: Examiner's recommendation supported.