

Walpole Cross Keys Parish Council

**Walpole Cross Keys
Neighbourhood Plan 2015 - 2026
Planning Cross Keys' Future**

Independent Examiner's Report

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14 June 2017

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Summary

I have been appointed as the independent examiner of the Walpole Cross Keys Neighbourhood Development Plan.

The Plan is clearly presented and generally well organised; planning policies are clearly differentiated and community aspirations found in a separate appendix. It takes an innovative approach by extending the development boundaries south of the A17 which effectively bisects this rural Parish. This will allow for some growth, but growth which will not undermine the Borough Council's strategic growth strategy or harm the special character of this rural village. Other policies relate to the protection of the local school and Jepshon Hall and support for appropriate employment and agricultural and horticultural related uses.

Further to consideration of the Plan and its policies I have recommended a relatively few number of modifications that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear enabling it to provide a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to the Borough Council of King's Lynn & West Norfolk that the Walpole Cross Keys Neighbourhood Development Plan can go forward to a referendum.

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

Ann Skippers MRTPI
Ann Skippers Planning
14 June 2017



1.0 Introduction

This is the report of the independent examiner into the Walpole Cross Keys Neighbourhood Development Plan (the Plan).

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

I have been appointed by the Borough Council of King's Lynn & West Norfolk with the agreement of Walpole Cross Keys Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

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

2.0 The role of the independent examiner

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

The examiner is required to check¹ whether the neighbourhood plan:

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

¹ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions² are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects.

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

The examiner must then make one of the following recommendations:

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

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

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case the Borough Council of King's Lynn & West Norfolk. The plan then becomes part of the

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

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

‘development plan’ for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

3.0 Neighbourhood plan preparation and the examination process

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

Work on the Plan started in August 2012. A Village consultation was held in early 2013 to seek agreement to the direction of the Plan.

Consultation on an early draft of the Plan took place between 16 December 2013 – 12 March 2014. A range of organisations and bodies were consulted in addition to the community. This resulted in a number of responses and changes to the Plan.

A Health Check was carried out in July 2014 on the advice of the Borough Council as the Plan was the first in the Borough area. This resulted in professional assistance being brought on board and what is described in the Consultation Statement as a major redrafting of the Plan took place.

Pre-submission (Regulation 14) consultation took place between 2 November – 14 December 2015. A leaflet and public meeting together with an opportunity to offer informal feedback was held just before this period.

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

Submission (Regulation 16) consultation was carried out between 5 December 2016 - 30 January 2017. The Regulation 16 stage resulted in a number of representations which I have considered and taken into account in preparing my report.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner’s role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further additions or amendments are required. Some representations suggested amendments or additional policies that may well be useful and I feel sure the Parish Council will wish to consider these as it revises the Plan in the future.

⁶ PPG para 055 ref id 41-055-20140306

⁷ *Ibid*

PPG explains⁸ the general rule of thumb is that the examination will take the form of written representations,⁹ but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. After careful consideration of all the documentation and representations, I decided that neither circumstance applied and therefore it was not necessary to hold a hearing.

I made an unaccompanied site visit to the Plan area on 18 May 2017.

Where I recommend modifications in this report they appear as bullet points in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in **bold italics**.

4.0 Compliance with matters other than the basic conditions

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

Qualifying body

The Basic Conditions Statement (BCS) confirms that Walpole Cross Keys Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the Parish Council administrative boundary. The Borough Council approved the designation of the area on 12 November 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan does not include a map of the Plan area and I suggest a modification elsewhere in this report to remedy this.

Plan period

The BCS indicates that the Plan covers the period 2015 - 2026 to align with the King's Lynn and West Norfolk Borough Council Core Strategy. The time period is also shown on the front cover of the Plan, but this is not stated in the Plan itself. It is recommended that a sentence be added to the Plan to indicate the time period is 2015 to 2026 to align with the Core Strategy end date.

- **Add a sentence to the Plan to indicate the time period is 2015 - 2026 to align with the Core Strategy end date**

⁸ PPG para 056 ref id 41-056-20140306

⁹ Schedule 4B (9) of the Town and Country Planning Act 1990

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development which includes development normally dealt with by a county planning authority, for example minerals and waste related development, development described in Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) which automatically requires an Environmental Impact Assessment (and in the case of a Community Right to Build Order any Environmental Impact Assessment development) and development of nationally significant infrastructure projects (which are defined in the Planning Act 2008). The Plan therefore meets this requirement. This is also helpfully confirmed in the BCS.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. Should I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹⁰ Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The basic conditions

Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹¹

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They

¹⁰ PPG para 004 ref id 41-004-20140306

¹¹ NPPF paras 14, 16

cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹²

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

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹³

PPG indicates that a policy should be clear and unambiguous¹⁴ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁵

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁶ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁷

The BCS offers a commentary on how the Plan and its policies address the 12 core planning principles in the NPPF and are consistent with it.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁸ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁹

The BCS offers a short statement on how the Plan contributes to sustainable growth

¹² NPPF para 184

¹³ *Ibid* para 17

¹⁴ PPG para 041 ref id 41-041-20140306

¹⁵ *Ibid*

¹⁶ *Ibid* para 040 ref id 41-040-20160211

¹⁷ *Ibid*

¹⁸ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁹ *Ibid* para 7

General conformity with the strategic policies in the development plan

The development plan consists of the Borough Council of King's Lynn and West Norfolk Core Strategy (CS) adopted on 28 July 2011 and the Site Allocations and Development Management Policies Plan (SADMP) adopted on 29 September 2016.

In places the Plan refers to the saved policies of the Local Plan 1998. These are no longer saved or form part of the development plan as time has moved on. Any references to it should therefore be removed from the Plan in the interests of accuracy.

The CS sets out the spatial planning framework to 2026. CS Policy CS01 sets out the spatial strategy explaining that for the rural areas the promotion of sustainable communities and sustainable patterns of development, a strong economy and high quality environment are important. CS Policy CS02 introduces a settlement hierarchy; Walpole Cross Keys is identified as a "Rural Village". Limited minor development which meets the needs of settlements and helps to sustain existing services is permitted.

The SADMP gives effect to and complements the CS, guiding development up to 2026. It contains some amendments to CS Policies CS02 and CS06, neither of which fundamentally affect this Plan.

The SADMP describes Walpole Cross Keys as a "comparatively small village"²⁰ and as mainly linear in form with few services and limited employment opportunities.

The Borough Council is currently preparing a review of the CS and SADMP, but this is at a relatively early stage.

- **Delete all references to the saved policies of, or to, the Local Plan 1998 in the Plan (this includes criterion c) on page 4, criterion a) on page 9 and criterion a) on page 23 but there may be other references I have not picked up**
- **Update references to the Site Allocations and Development Management Policies Plan as this was adopted in 2016, but some references to earlier versions of this Plan remain (this includes a reference on page 11, but there may be other references too)**

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

²⁰ SADMP page 383

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.²¹

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

A screening opinion dated 10 July 2015 and undertaken by the Borough Council has been submitted. This concluded that a SEA is not required. I note that the screening opinion has considered the implications arising from the proposed additional development boundaries which is the only area in which the Plan might be regarded to differ from the CS.

The requisite consultation with the statutory consultees was undertaken. All three statutory consultees, the Environment Agency (EA), Natural England (NE) and Historic England (HE) responded. Whilst NE did not offer a view, both the EA and HE concurred that a SEA would not be required.

I am of the view that EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²² The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

As part of the SEA screening process, the need for a HRA was also considered. The Borough Council concluded that a HRA will not be required. Whilst NE responded to the consultation it did not offer any substantive comments.

In its response to the Regulation 16 period of consultation, NE confirms there are no European sites within the Plan area, but that much of the Plan area may act as “functionally linked land” for the Pink Footed Goose, a designated feature of the Wash Special Protection Area. NE advises that “any substantial developments” should be

²¹ PPG para 031 ref id 11-031-20150209

²² *Ibid* para 047 ref id 11-047-20150209

within the scope of HRA. The Plan does not propose any specific development that would, in my view, fall within this category. Nevertheless this is an issue for the Borough Council to further consider when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out another basic condition in addition to those set out in primary legislation as detailed in section 2.0 of this report. In my view, the Plan complies with this basic condition.

European Convention on Human Rights (ECHR)

The BCS contains a short statement on human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

6.0 Detailed comments on the Plan and its policies

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

The Plan is simply, but effectively presented with an eye catching front cover. Policies are clearly differentiated in bold text.

Chapter 1 Creating the Neighbourhood Plan

This is a short and informative section.

Chapter 2 The Parish in Perspective

Setting out the context and characteristics of the Parish, this is an interesting and informative section packed with information.

Chapter 3 The Vision & Objectives

The vision for the Plan area is:

“The local community wish Walpole Cross Keys to continue to thrive as a small rural community where new development in keeping with the village is supported,

comprising mixed residential development, further employment uses, new community facilities and improvements to infrastructure.”

The vision is underpinned by six objectives. Both the vision and objectives are clearly articulated and relate to the development and use of land. To deliver the vision the Plan essentially focuses on four elements; support for sustainable development, a high standard of development in relation to design, drainage and transport issues, protection of community facilities and the provision of new ones and additional employment uses.

Chapter 4 The Strategy

This section sets out further explanation of and ambition for the Plan. In particular it explains that it is considered that there is scope for development in the area south of the A17 which bisects the Plan area. At present development boundaries have been defined by the Borough Council in the updated SADMP adopted in 2016 and focus development only to the north of the A17.

The SADMP apportions some 215 dwellings to the Rural Villages equating to an average allocation of six dwellings per Rural Village although this is not rigidly applied. Then service provision and population to allow for the amount of development most closely related to a particular settlement’s scale was considered. The SADMP explains that it is important that the overall cumulative growth in the rural areas does not exceed stated figures as this would weaken the deliverability of strategic growth areas and other urban sites. Walpole Cross Keys has been identified for an allocation of five dwellings, but the SADMP explains no suitable site has been identified due to the settlement’s constraints and therefore no allocation is made.

Chapter 5 The Neighbourhood Plan Policies

Housing

As the previous section explained, the development boundary defined in the SADMP only encompasses areas to the north of the A17. The Plan seeks to extend the development boundary to areas south of the A17 too. These areas are shown on a Proposal Plan (Map 1) on page 12 of the Plan and a table (5.1) on page 13 provides further information about each of the defined areas.

I consider there is some confusion in regard to the Proposal Plan (Map 1) on page 12; I am not sure whether it should be referred to as the Proposal Plan or Map 1. Having sought a view from the Parish Council there is a preference to use Map 1 and this would be consistent with the table on page 13 too.

In addition there is no map of the Plan area. I have assumed it is the same as the Parish boundary shown on the Proposal Plan/Map 1. It would be useful to add a notation just to confirm this in the interests of clarity.

There is a typo on page 11 as the A47 should be the A17.

- **Retitle the Proposal Plan/Map 1 on page 12 of the Plan to “Map 1”**
- **Add a notation to the legend of what is now Map 1 to indicate this is also the Plan area**
- **Make any resultant changes to references to what is now Map 1 throughout the Plan as necessary**
- **Change the reference to the “A47” on page 11 to “A17”**

Policy 1 New Residential Development in the Neighbourhood Plan Area

This policy supports residential development in the form of ribbon development within, adjacent to or well related to the development boundaries defined on Map 1.

Given the nature of the Parish and its characteristic ribbon development, there is not a single development boundary. Rather ten separately identified areas are defined. Of these ten, six are to be found in SADMP, but are presented as a continuous boundary in that document although the definition of the boundary is the same.

In principle, the identification of further areas with a designated development boundary is acceptable. The SADMP allows for neighbourhood plans to revise development boundaries, policies and allocations to those contained in the SADMP in line with community aspirations. The supporting text to SADMP Policy DM 2 is clear that the Borough Council will support alternative boundaries where these facilitate an amount and mix of housing that is consistent with the settlement’s role in the CS.²³ I consider this to be the case. I also note that the Borough Council considers that the potential amount of housing development which could take place as a result of this policy would not undermine the strategic growth strategy. This is outlined in CS Policies CS02, CS06 and CS09.

I visited all ten areas and consider all have been identified logically and appropriately given the character of the local area and its distinctiveness. I noted that development was under construction along Sutton Road and Station Road North. In my view it would be helpful to update Map 1 so that it reflects the ‘on the ground’ situation. Nevertheless this is not a matter that I need to make a recommendation on in order for the Plan to meet the basic conditions.

Any proposals are also to take account of the development considerations in Table 5.1 which details further what type of opportunities exist and where other issues such as access or sewerage need to be considered.

²³ SADMP page 18

Small scale first homes are also encouraged. The Borough Council makes the point that it would be useful to define this term and I agree this would incorporate the clarity and precision sought by national policy and guidance. In response to my query on this, the Parish Council has suggested “developments of less than five in number of 1 and 2 bedroom dwellings”. Given the nature and characteristics of the Plan area that this is an appropriate definition.

Amongst other things, the NPPF seeks to boost significantly the supply of housing and expects neighbourhood plans to support the strategic needs set out in Local Plans.

The policy allows development adjacent to or well related to the development boundaries as well as within them. This is a more flexible and permissive approach than SADMP Policy DM 2. However, I agree with the Borough Council that this will not undermine the strategic growth strategy. The policy takes account of national policy and guidance and will help to achieve sustainable development.

Subject to the modification below regarding definition of terms, the policy will take account of national policy and guidance and will help to achieve sustainable development.

- **Add the following definition for small scale first-home housing to the policy by adding a new paragraph at the end which reads: “For the purposes of this policy small scale first-time housing is defined as developments of less than five in number of 1 and 2 bedroom dwellings.”**

Policy 2 Extensions and Conversions to form Residential (including from commercial uses)

Policy 2 seeks to ensure that any extensions to existing dwellings are designed well and respect the local context of the site. Conversions to residential uses are also expected to be sympathetic to their immediate area or improve its visual appearance. This approach reflects SADMP Policies DM 5 and DM 15.

The NPPF explains that the Government attaches great importance to design. Good design, it says, is a key aspect of sustainable development and indivisible from good planning.²⁴ Neighbourhood plans should set out the quality of development expected for an area. This policy is clearly worded and achieves that aspiration and will help to achieve sustainable development. It meets the basic conditions and no modifications are recommended.

²⁴ NPPF para 56

Housing Mix

Policy 3 Housing Mix

National policy is clear that a wide choice of high quality homes should be delivered to, amongst other things, create sustainable, inclusive and mixed communities.²⁵ The NPPF indicates that a mix of housing should be planned for.

The Plan explains that Policy 3 seeks to redress an imbalance in dwelling size to provide more choice particularly for older people and young people.

On schemes of three or more homes, the policy expects smaller properties, defined as 1 – 3 bedroom, to be provided unless site-specific issues or housing needs information demonstrates otherwise.

It also supports “small scale starter homes” and “small scale first-time housing”. I have already mentioned the need to define such terms in the discussion of Policy 1. The last paragraph in this policy largely repeats the reference to small scale first-home housing in Policy 1 and is therefore unnecessary.

“Starter homes”, used in criterion b. of the policy, has a particular meaning in planning terms and is commonly used to describe a house that meets the needs of young first time buyers offered to them at below open market value. In contrast to Policy 1, it is clear here that in addition to the mix of smaller homes the first criterion seeks, the second part of the policy supports starter homes. These can be distinguished from the support for small scale first-home housing given in Policy 1.

Given the environmental characteristics of the locality largely derived by ribbon development and the flexibility within the policy, subject to the modification below regarding definition of terms, the policy will take account of national policy and guidance and will help to achieve sustainable development. It is clearly worded.

- **Delete the last paragraph of the policy that begins “Small scale first-home housing...” in its entirety**

Affordable Housing

Policy 4 Rural Exceptions: Affordable Housing for Local People

Affordable housing on exception sites is supported by this policy. The policy requires such sites to be ribbon development and this may stifle the provision of such housing. Reference is then made in the policy to acceptable effects on visual and landscape

²⁵ NPPF para 50

considerations and this should be sufficient to resist inappropriately located or designed sites. A modification which brings these two points together is made. Reference is also made to up to date housing needs assessment to support any such schemes. Finally the policy refers to local affordable housing needs which should be retained in perpetuity for those with a local connection.

The policy takes account of national policy in setting out the expectation for rural exception sites in this Parish and reflects CS Policy CS06 which supports the provision of affordable housing or exception housing. Local needs and local connection are not defined in the policy or the Plan which allows for some flexibility on a case by case basis.

In order for the policy to meet the basic conditions and in particular to ensure that rural exception sites can be delivered taking account of national policy and guidance and the achievement of sustainable development, two modifications are suggested. The second is made in the interests of clarity and the operation of the policy.

- **Change the first bullet point of the policy to read: “*comprise development that respects the pattern, form and character of development in the site’s context and*”**
- **Add an “*and*” to the end of the second bullet point**

Design

Policy 5 Development Design (all developemnts)

Good design is at the heart of this policy. It is clearly worded and sets out the expectations with sufficient flexibility to ensure that good design is achieved but that particular styles and tastes are not imposed and innovative design is not stifled. It also covers amenity for occupiers and road safety.

It takes account of national policy and guidance interpreting this at a local level and providing an additional layer of detail to CS Policy CS08 and reflecting SADMP Policy DM 15, and will help to achieve sustainable development. It meets the basic conditions and therefore there is no need for me to recommend any modifications.

Flood Risk

Policy 6 Managing and Reducing Flood Risk

The supporting text to this policy explains that its purpose is to ensure that new development does not worsen existing problems in the Parish and that any opportunities to improve the management of flood risk are taken. In general the policy

is clearly worded and I note Anglian Water supports it. However, the last paragraph of the policy gives blanket support to schemes that improve surface water drainage. This could, inadvertently, result in otherwise unacceptable schemes gaining support. A modification is recommended to address this concern. Subject to this, the policy sets out a positive strategy to take account of flood risk and will meet the basic conditions.

- **Reword the last paragraph of the policy to read: “Planning applications *designed specifically to improve surface water drainage such as works to reinstate an effective drainage scheme are encouraged.*”**

Employment Uses

Policy 7 Employment Developments

The Plan explains that there are few employment uses in the Parish. The policy seeks to support employment uses as long as their impact on both amenity and vehicular and pedestrian safety is acceptable. The intent of the policy aligns with the NPPF’s support for economic growth in rural areas to create jobs and prosperity.²⁶

However, the wording of the policy does not have the clarity and precision sought by PPG.²⁷ To address this concern so that the policy will meet the basic conditions, the following modifications are recommended:

- **Retitle the policy “*Employment Related or Agriculture and Horticulture Related Development*”**
- **Reword the policy to read:**

“Employment related uses and development related to the agricultural and horticultural sector are encouraged on suitable sites (buildings and land) in the Parish.

In deciding whether a site is suitable for such development including the expansion or redevelopment of existing employment sites, consideration will be given to the effect on the character and appearance of the area from any new buildings or related infrastructure, the effect on the amenity of nearby occupiers and the benefits brought by the proposal in terms of new jobs and services.”

²⁶ NPPF para 28

²⁷ PPG para 041 ref id 41-041-20140306

Policy 8 Neighbourhood Plan Proposal Plan Map

This policy does not appear in bold text, but I have assumed this is a simple presentational error. It is clear from the title it is intended to be a policy and I have examined it as such.

The policy supports “proposals to upgrade or redevelop existing employment buildings and grounds at site marked on map”. This policy does not offer the practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency sought by the NPPF.²⁸ It is not clear and unambiguous as sought by PPG to enable a decision maker to apply it consistently and with confidence when determining planning applications.²⁹

The land in question is identified on Map 1 as “potential industrial development”. The site is located to the northern side of the A17 and is currently in use as, what the Plan describes as, “a large pallet yard”. I saw on my visit the site would, in principle, be appropriate for employment related uses.

The policy offers blanket support for employment uses on this site.

In order for the policy to meet the basic conditions, the following modifications are recommended in the interests of providing a practical framework and clarity sought by national policy and guidance.

- **Retitle the policy “*Site at Old Station*”**
- **Reword the policy to read:**

“The enhancement or redevelopment of the Site at Old Station identified on Map 1 will be supported where a proposal accords with Policy 7 of the Neighbourhood Plan and other relevant policies of the development plan.”

Community Facilities

Policy 9 Protection of Community Facilities

Presentationally, the title of the policy sits before the explanatory text and this should be changed in the interests of clarity.

The policy seeks to protect the school and Jephson Hall as community facilities. Both are usefully identified on the Proposal Plan (Map 1). It resists the loss of the facilities or any other proposals that might adversely affect their continued use. The NPPF

²⁸ NPPF para 17

²⁹ PPG para 041 ref id 41-041-20140306

promotes the retention of and development of local services and community facilities.³⁰ CS Policy CS02 recognises the importance of sustaining existing services. Policy 9 cross-references SADMP Policy DM 9 and this provides the necessary flexibility for this policy by outlining the circumstances in which a loss of a facility would be permitted.

The latter part of the policy offers blanket support for community infrastructure proposals. As previously mentioned, such blanket support can sometimes result in otherwise unacceptable development being supported. Therefore to address this, a modification is recommended.

- **Move the title of the policy to sit above the policy in bold text**
- **Reword the last paragraph of the policy to read: “*New or enhanced community facilities and infrastructure will be supported where proposals comply with other policies of the development plan.*”**

Transport and Access

Policy 10 Transport and Access

This policy seeks improvement of the road system in the Parish and other movement infrastructure. The explanatory text points out the importance of the road and dyke system. Whilst the intent of the policy meets the basic conditions, the wording is not clear or precise enough taking account of national policy and guidance so a modification is recommended to address this concern.

- **Reword the policy to read:**
 - “a. Improvements to the road network in the Parish are encouraged provided that the rural character and appearance of the area is respected.*”**
 - “b. Proposals should ensure that any requirements generated by the proposed development do not harm the highway network, verges or dykes.”***

Chapter 6 How Will the Planning Policies be Implemented?

This is a helpful section that explains how the Plan fits into the planning system and how it will be used.

³⁰ NPPF para 28

Appendix 1 Community Aspirations

This sets out a number of community aspirations. They are clearly separate from the planning policies.

Appendix 2

This appendix contains useful supporting information about population and household trends, employment and other key characteristics of the Parish. It is not essential to retain in the Plan, but I do not need to make any recommendations in this respect in relation to the basic conditions.

7.0 Conclusions and recommendations

I am satisfied that the Walpole Cross Keys Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to the Borough Council of King's Lynn & West Norfolk that, subject to the modifications proposed in this report, the Walpole Cross Keys Neighbourhood Development Plan can proceed to a referendum.

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

I therefore consider that the Plan should proceed to a referendum based on the Walpole Cross Keys Neighbourhood Plan area as approved by the Borough Council on 12 November 2013.

Ann Skippers MRTPI
Ann Skippers Planning
14 June 2017

Appendix 1 List of key documents specific to this examination

Planning Cross Keys' Future, Walpole Cross Keys Neighbourhood Plan 2015 -2026
Submission Version September 2016

Basic Conditions Statement

Consultation Statement

Strategic Environmental assessment & Habitats Regulations Assessment Screening
Determinations of 10 July 2015

Local Development Framework Core Strategy adopted July 2011

Site Allocations and Development Management Policies Plan adopted September 2016

List ends