

Wells-next-the-Sea Neighbourhood Development Plan 2023-2036

**A report to North Norfolk District Council on the
Wells-next-the-Sea Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by North Norfolk District Council in December 2023 to carry out the independent examination of the Wells-next-the-Sea Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 4 January 2024.
- 3 The Plan is a good example of a neighbourhood plan. It includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on three specific matters. The first is ensuring that development respects the historic character of the town. The second is the proposed designation of a package of local green spaces. The third is a proposed Principal Residency policy.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
15 April 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Wells-next-the-Sea Neighbourhood Development Plan 2023-2036 ('the Plan').
- 1.2 The Plan was submitted to North Norfolk District Council (NNDC) by Wells-next-the-Sea Town Council (WTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and its setting in the wider landscape. It also seeks to ensure that new residential development addresses local housing needs.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by NNDC, with the consent of WTC, to conduct the examination of the Plan and to prepare this report. I am independent of both NNDC and WTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 41 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

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

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Strategic Environmental Assessment report.
- the Habitats Regulations Assessment and Appropriate Assessment report.
- the Design Guidance and Codes.
- the Housing Needs Assessment.
- the Site Options Assessment.
- the representations made to the Plan.
- WTC's responses to the clarification note.
- the adopted North Norfolk Core Strategy (2008).
- the adopted Site Allocations Development Plan Document (2011).
- the emerging North Norfolk Local Plan.
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 4 January 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the professional way in which the Plan has been developed.

3.4 The NPPF was updated twice since the Plan was submitted (in September 2023 and December 2023). For clarity, I have examined the Plan against the contents of the December 2023 version of the NPPF.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), WTC prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is a first-class example of a Statement of this type. It sets out key findings in a concise report which is underpinned with a series of more detailed tables and appendices. This is best practice.
- 4.3 Paragraph 2.2.1 of the Statement advises that WTC took a clear approach to this matter to ensure that engagement was effective and would result in a well-informed Plan and a sense of local ownership. The aim was to inform and involve the community throughout the process. I am satisfied that this approach has been pursued as intended. Section 2 of the Statement summarises the range of consultation events that were carried out in relation to the initial stages of the Plan. The details are provided in Appendices 4-7 of the Statement.
- 4.4 In this wider context the Statement provides specific details on the consultation processes that took place on the pre-submission version of the Plan (July to September 2022). Appendix 7e provides the details of the ways in which the Plan was refined because of this process.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. NNDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by NNDC. It ended on 13 November 2023. This exercise generated representations from the following organisations:
- Marine Management Organisation
 - Norfolk Constabulary
 - Natural England
 - Anglian Water
 - The Holkham Estate
 - Norfolk County Council

- NNDC

4.7 Representations were also received from several residents.

4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The parish of Wells-next-the-Sea is located on the North Norfolk Coast between the coastal resorts of Hunstanton (15 miles to the west) and Cromer (20 miles to the east). The county town of Norwich is 32 miles to the southeast, the town of Fakenham 10 miles to the south and Blakeney 8 miles to the east. The town of Wells is within the Norfolk Coast Natural Landscape. In 2011 its population was 2165 persons living in 1601 households. It was designated as a neighbourhood area on 11 February 2019.
- 5.2 The Town is surrounded by attractive countryside which includes a range of international wildlife designations. The area is a popular tourist location due to its beach, sand dunes and marshes, together with the high-quality built heritage.
- 5.3 The Town has a very attractive and distinctive character. It has a traditional town centre based around Standard Road and Staithe Street. It is a designated conservation area and includes a range of vernacular buildings. The beach lies approximately 1km to the north of the town centre and is served by Beach Road which ends at the popular car park.

Development Plan Context

- 5.4 The development plan for the neighbourhood area consists of the North Norfolk Core Strategy (2008), the Site Allocations Development Plan Document (2011), and Norfolk County Council's adopted Mineral and Waste Plan and the Marine Management Organisation (MMO) East Marine Plan. It is this broader development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 The Core Strategy identifies the following vision for the neighbourhood area:
- 'Wells-next-the-Sea will thrive as a local service centre and coastal resort town within the AONB. Its residents will enjoy a good quality of life and throughout the year visitors will be drawn by the natural beauty of the surrounding area and diversity of the Town's social, economic, and environmental activity. The Town's unique character and that of its surrounding beaches, woodlands, marshlands, and countryside will have been protected and further enhanced. Housing to help meet the needs of local people will have been provided in locations well related to the built-up area. Essential supporting community facilities including primary and secondary education and health facilities will have been protected and improved. Retention and investment in employment activities and the creation of new enterprise opportunities will also have been advanced to support the town's longer-term sustainability.'*
- 5.6 The Spatial Strategy (Policy SS1) in the Core Strategy, defines Wells-next-the-Sea as a 'secondary' settlement. These are settlements where a more limited amount of additional development will be accommodated (approximately 25 per cent of employment land allocations and 20 per cent of new homes). Policy SS3 goes on to identify a housing requirement for Wells-next-the-Sea of between 100 and 150 new houses (in addition to the existing commitment at that time) between 2001 and 2021.

Policy SS14 sets out a broader package of development which will be supported. The following other policies in the Core Strategy are particularly relevant to the submitted Plan:

Policy SS2	Development in the Countryside
Policy SS3	Housing
Policy SS5	Economy
Policy HO1	Dwelling Mix and Type
Policy EN4	Design
Policy EN10	Development and Flood Risk
Policy CT6	Parking Provision

- 5.7 The Site Allocations Development Plan Document (SADPD) includes a housing allocation at Market Lane (W01) (approximately 120 dwellings). This site has now been developed.
- 5.8 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.9 NNDC is now well-advanced on preparing a Local Plan for the period up to 2036. The hearing stages of the Local Plan examination were taking place during the examination of the neighbourhood plan. Once adopted, the emerging Local Plan will replace the existing development plans. The Local Development Scheme (January 2023) anticipates that the emerging Plan will be adopted in July/August 2024. This may need to be adjusted based on the scale and nature of any main modifications which may be needed to be made to the Plan.

Visit to the neighbourhood area

- 5.10 I visited the neighbourhood area on 4 January 2024. I approached it from Fakenham to the south. This helped me to understand its position in the wider landscape in general, and its accessibility to the strategic road network. Throughout the visit I looked at the proposed local green spaces (Policy WNS13) and the proposed Important Views (Policy WNS14).
- 5.11 I looked initially at the proposed housing allocation off Two Furlong Hill. I saw its relationship to the dismantled railway line (to the south) and to the allotments (to the north). I walked along Two Furlong Hill and looked at the proposed Mill Road Meadow local green space.
- 5.12 I then walked back to Burnt Street and continued towards the Church. I diverted along Plummers Hill to look at the proposed The Buttlands local green space. I saw its relationship with the fine buildings surrounding the green space.

- 5.13 I then walked to the former railway station. I looked at the proposed redevelopment opportunity to the east of the station (Site 1) and to its relationship with other industrial units in this part of the town.
- 5.14 I then walked along Polka Road to East Quay. I walked along the Quay and saw the range of commercial uses. Thereafter I walked along High Street and looked at the second proposed redevelopment site (land on the south side of Freeman Street). I looked carefully at its relationship with the wider townscape and the NNDC car park to the north and west.
- 5.15 I then walked along Beach Road to the seafront. I looked at the various recreational facilities at the southern end of the Road, and the car park, café and Pinewoods Holiday Park and the RNLI station at the northern end. I walked onto the beach and looked at the beach huts.
- 5.16 I then walked back into the Town Centre. I looked at the shops along The Quay and then in Staithe Street.
- 5.17 I left the neighbourhood area by driving to Hunstanton to the west and then onto King's Lynn. This helped me to understand the way in which Wells related to the other principal settlements on this stretch of the Norfolk coastline.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2023 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Wells-next-the-Sea Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the North Norfolk Core Strategy (2008) and the Site Allocations Development Plan Document (2011);
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision to safeguard the character of the neighbourhood area. It includes policies on a range of development and environmental matters. It has a focus on designating local green spaces and ensuring that new homes meet local housing needs.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for infill residential development (Policy WNS5) and for the redevelopment of two sites (Policy WNS7). In the social dimension, it includes policies on community housing and housing mix (Policies WNS 1 and 3), for a Principal Residency restriction (Policy WNS4), and for local green spaces (Policy WNS13). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on design (Policy WNS6), on built heritage (Policies WNS 11 and 12), and on key views (Policy WNS14). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the District in paragraphs 5.4 to 5.9 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject

to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, WTC commissioned the preparation of a Strategic Environmental Assessment (SEA) for the Plan. The report is thorough and well-constructed. It concludes that:

‘Overall, despite the significant constraints associated with the neighbourhood area, no significant negative effects are considered likely in implementation of the WNP. Minor negative effects are concluded as likely in relation to the landscape, and land, soil, and water resources SEA themes, predominantly given the loss of greenfield land at the settlement edge. As no major development is being proposed in the AONB and policy mitigation is provided, significant landscape impacts are considered likely to be avoided.

This is contrasted with predicted likely significant positive effects in relation to both the community wellbeing and transportation and movement SEA themes. This reflects the core plan efforts to deliver a 100% affordable housing scheme and rebalance the housing stock, with greater restrictions on second homes and more opportunities for those with local connections, including key workers in the area. Additional efforts to safeguard rail corridors that could enhance the future sustainability performance of the area are noted in relation to transportation and movement.

Minor positive effects are also concluded in relation to the SEA theme of landscape, as well as the themes of climate change and flood risk, and the historic environment. Positive landscape effects are considered likely due to the prioritisation of brownfield redevelopment opportunities (and opportunities to improve the immediate townscape), and the identification of detailed design guidance. The support for high-quality development and identification of relatively accessible development sites within walking distance of the town centre, alongside the safeguarding of potential future rail connections that could significantly improve the settlement’s sustainability performance are considered likely to contribute to climate resilience and deliver minor benefits in this respect.

Broadly neutral residual effects are concluded as most likely in relation to biodiversity, reflecting the stringent policy mitigation measures proposed developed with the supporting HRA.’

Habitats Regulations Assessment

- 6.15 WTC also commissioned a Habitats Regulations Assessment (HRA) of the Plan at the same time. It assesses the potential impact of the Plan’s policies on the following protected sites:

- North Norfolk Coast SAC;
- The Wash and North Norfolk Coast SAC; and
- North Norfolk Coast SPA/Ramsar

6.16 The HRA report comments that:

'This HRA undertook likely significant assessment screening and, where required, appropriate assessment of the pre-submission draft of the Plan (in July 2022). All NP policies and sites proposed for potential allocation were assessed in relation to the identified European sites:

Following appropriate assessment, it was recommended that additional protective policy wording is included in the Plan to adequately safeguard the qualifying features of European sites. This will ensure that no adverse effects on site integrity will occur in relation to recreational pressure, visual and noise disturbance (during construction), loss of functionally linked habitat and water quality.'

6.17 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns regarding neighbourhood plan obligations. In the absence of any evidence to the contrary, I am satisfied that the submitted Plan is compatible with the regulations. However, to provide clarity and a closer relationship between the Appropriate Assessment and the policies, I have recommended modifications to Policy WNS0 and to the way in which some of the mitigation measures proposed have been incorporated into other affected policies. These matters are addressed in Section 7 of this report.

Human Rights

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

Summary

6.19 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and WTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. The Plan includes three non-land use Projects.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. I comment on the Projects after the policies.
- 7.6 For clarity, this section of the report comments on all policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Sections 1 to 4)

- 7.8 The Plan is well-organised and presented. It has been prepared with much attention to detail and local pride. It includes a very informative set of photographs. It makes an appropriate distinction between the policies and the supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction comments about the way in which the Plan was prepared and when the neighbourhood area was designated. It properly identifies the neighbourhood area (Figure 2) and the Plan period (paragraph 1.2). The flow chart (Figure 1) is very informative for the lay reader. The Introduction also comments about the national and local planning policies which have underpinned the Plan.
- 7.10 Section 2 provides information about the neighbourhood area. It includes interesting and comprehensive details which help to set the scene for the resulting policies. In the round it is a first-class assessment of the neighbourhood area and serves as a context to the Plan's policies.
- 7.11 Section 3 comments about how the Plan was prepared. It highlights the various key stages and the way in which the community was engaged. It complements the Consultation Statement.

- 7.12 Section 4 sets out the vision and objectives for the Plan. It makes a strong functional relationship between the various issues. In several cases, the objectives feed directly into the resulting policies. The Vision neatly summarises the approach taken as follows:

‘Wells-next-the-Sea will continue to be a small, thriving, and attractive coastal town, with a working port and a vibrant and balanced community. It will have a range of housing types and tenures to suit all ages and incomes, supported by appropriate infrastructure and employment opportunities. Development will be sympathetic to local character, well designed, suitably located, and sensitive to the environment. Local heritage and the Area of Outstanding Natural Beauty will be protected. Wells will be a desirable place to live, work and visit for current and future generations.’

- 7.13 The objectives are based around five themes. They provide the structure for the details of the Plan as follows:

‘Housing and Design - Objective 1: To provide housing for local people and seek to meet the existing and future needs of those who live and work in the town, for the elderly and those wishing to move to the area, to retain a balance between young and old, working, and retired.’

Employment and Retail - Objective 2: To encourage the creation of a range of employment opportunities in the town to maintain a strong, responsive economy, consistent with the character of the town.

Infrastructure and Access - Objective 3: To ensure that the provision of local services (domestic, health, education, transport, and leisure) meets the needs of all sections of the community and visitors.

Environment - Objective 4: To protect and enhance the character of the area as a living and working town and visitor destination set in an Area of Outstanding Natural Beauty and wildlife sensitivity.

Sustainability and Climate Change - Objective 5: To ensure that all planning decisions address the effects of climate change, including rising sea levels and to require the use of environmentally sustainable materials in new developments.’

General Comments on the policies

- 7.14 The structure and organisation of the policies is very compelling. The use of colour for the various themes of the Plan (as identified in paragraph 4.8 and the associated chart) is carried through into the relevant policy boxes.
- 7.15 A key element of the Plan is the way in which its policies are accompanied by supporting text, which includes context for the theme, the views of residents, guidelines, and reference to strategic plans. This provides a clear connection between the evidence and the information in the Plan and the policies.
- 7.16 Detailed comments have been made on the Plan by NNDC and by the Holkham Estate (as the principal landowner in the town). WTC’s response to the clarification note has addressed specific issues which I raised and has commented on the representations from NNDC and the Holkham Estate. In several cases WTC has responded positively

to the suggested changes to the Plan proposed by these two organisations. In other cases, differences remain.

- 7.17 The recommended modifications in this report address the outstanding differences. In approaching the wider issue, my approach has been to remain within the remit of examining the Plan against the basic conditions (as described in Section 1.4 of this report). As such I have only recommended modifications where they are necessary to ensure that the Plan meets the basic conditions. I do not necessarily repeat this approach on a policy-by-policy basis other than where commentary is required to explain the details of a specific recommended modification.
- 7.18 NNDC also suggest specific modifications either to the general text in the Plan or to the supporting text for the individual policies. In many cases they relate to or flow from the suggested changes to the policy concerned. I have followed the same approach to suggested changes to the supporting text as I have to the policies.
- 7.19 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy WNS0: Sustainable Development and Protected Nature Conservation Sites

- 7.20 This policy seeks to address the issues identified in the Appropriate Assessment (AA) commissioned by WTC. The next two paragraphs of this report explain the context to the submitted policy.
- 7.21 NNDC undertook screening assessments for both Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) in Winter 2022/3. This followed on from the consultation on the pre-submission version of the Plan (undertaken between July and September 2022). The conclusion of both screening assessments was that full SEA, and Appropriate Assessment (AA) were required. This conclusion was principally on the basis that the pre-submission Plan's policies would facilitate additional development in the area which may have likely significant effects on the protected European Wildlife Sites. This outcome had been anticipated and in November 2022 WTC commissioned consultants to undertake both the SEA and the AA. The AA report was completed in April 2023 and the SEA in May 2023.
- 7.22 The recommendations in the final SEA and AA reports have been incorporated in the submitted Plan and this process has led to the inclusion of Policy WNS0. The policy seeks to cover likely significant effects generated by the Plan's policies in relation to several factors, but principally to recreational pressure, visual and noise disturbance, loss of functionally linked habitat and water quality. The policy is structured around these issues.
- 7.23 NNDC raises a series of issues on the policy as follows:
- it is a new element to the Plan and was not included in the pre-submission version;
 - it extracts elements from the HRA/AA without any detailed analysis;
 - as submitted, the policy takes a disproportionate and unreasonable approach to smaller developments;

- there are inconsistencies between the approaches taken in the emerging Local Plan and in the submitted neighbourhood plan on HRA issues; and
- the development of a separate policy is unnecessary and duplicates the details in the individual policies in the Plan.

7.24 NNDC proposes detailed revisions to the policy should I be minded to retain it in the Plan.

7.25 In its response to the clarification note, WTC commented that:

'The policy is a direct result of the HRA recommendations. We considered whether we should add the appropriate wording to the relevant policies in the Plan but were concerned that repeating them with each policy would seem to be unnecessary duplication and would give rise to repetitive and slightly dull policy wording flow. We thought we would try to be innovative and concluded that by creating a distinct policy to address the issue and place it at the beginning of the Plan, the essence of the policy would be given a significance and a standing which makes it clear how important and fundamental to the plan this issue is and how environmentally sensitive the area is. Whilst it is acknowledged that the policy may in places restate the national/ local policy, the wording is taken from the recommendations of the HRA of which the Plan has a duty to take on board in order to be compliant with the additional basic condition. The restating of national/local policy would still be present if the wording were to be included in the relevant policies.'

7.26 I have considered this matter very carefully. On the one hand, the inclusion of a separate HRA policy in a neighbourhood plan is unusual and generates a degree of repetition of the issues throughout the document. On the other hand, the neighbourhood area includes very sensitive protected areas, and WTC has responded positively to the issues raised in the AA. It has specifically sought to weave the recommended mitigation measures included in the AA into the Plan itself.

7.27 On the balance of the evidence, I am satisfied that the principle of the approach taken is appropriate. Nevertheless, I recommend modifications both to the policy and to the supporting text to bring the clarity required by the NPPF. They are based on NNDC's suggested changes. In addition, they are designed to ensure that they can be applied in a proportionate way by NNDC through the development management process.

7.28 The revised policy does not mention the Recreation Pressures and Water Quality headings as included in the submitted policy. As NNDC comments, such matters are already addressed by other legislation or are unlikely to be issues which development proposals will need to resolve in the neighbourhood area. The first matter is a strategic requirement which is adequately covered in the emerging Local Plan and other related policies and it is a legal requirement for the NNDC to meet the Conservation and Habitat Species Regulations 2017 (as amended). On the second matter (water quality) the conclusions of the HRA/AA (for the submitted Plan) are based upon the consideration of discounted potential allocations which do not feature in the submitted Plan. In this context the AA considers that it is unlikely that the delivery of the Plan would lead to adverse water quality impacts alone and that policy wording in other plans would mitigate in-combination effects.

- 7.29 In this broader context I have also sought to reduce the repetition in the Plan on HRA/AA matters and have recommended modification to other policies in the Plan which address these important issues. These modifications are set out on a policy-by-policy basis elsewhere in this report.
- 7.30 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale, nature and location, development proposals should consider the following potential pathways of impacts upon European Wildlife Sites

Visual and Noise Disturbance

Any development meeting the criteria of Natural England SSSI Impact Risk Zones will need to consider the impacts of visual and noise disturbance upon the qualifying bird assemblages of the North Norfolk Coast SPA / Ramsar. This may require the use of modelled construction noise levels against pre-construction baseline noise measurements (to be agreed with Natural England) and the implementation of mitigation measures such as the provision of screens, selection of less noisy equipment or techniques, and damping / noise shielding of equipment. Visual screening is likely to be required for development sites within 300m of the SPA / Ramsar and/or functionally linked habitats with direct line of sight of known bird roosts.

Loss of Functionally Linked Habitat

Where the development site is assessed as providing suitable habitat for overwintering North Norfolk Coast SPA/Ramsar bird species within an Ecological Impact Assessment (EclA), non-breeding bird surveys will be required. These surveys must be undertaken in accordance with the most recent survey guidelines and include survey visits in autumn, winter, and spring when the SPA/Ramsar is used by designated bird species. Where surveys identify site use by a significant population (i.e. 1% of the qualifying population) of a designated bird species, the site will be considered functionally linked to the SPA/Ramsar with avoidance and mitigation measures required. A project-specific Habitats Regulations Assessment will be required to ensure functionally linked habitats are safeguarded.’

Replace paragraph 4.11 with:

‘The final SEA, HRA, and Appropriate Assessment reports are supporting documents to the submitted Plan. Their recommendations have been reviewed—and have led to the preparation of Policy WNS0 which will apply to all qualifying development. The policy seeks to ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended) and enable growth in the neighbourhood area through the implementation of measures to avoid adverse effects on the integrity of habitats sites arising from visual and noise disturbance, and loss of functionally-linked habitat.

The use of information provided by Natural England on SSSIs through the identified Impact Risks Zones RZs can be used by developers, consultants and others who are preparing to submit a planning application to help consider whether a proposed development is likely to affect a SSSI and choose whether to seek pre-application advice from Natural England and or the Council. This will allow any potential impacts to be addressed within the planning application and so minimise the risk of delays once the application is submitted. The SSSI Impact Risk Zones mapping available through [Magic Map Application \(defra.gov.uk\)](https://www.defra.gov.uk/magic-map-application) applies the statutory land-based designation layer and the SSSI Impact Risk Zones information and considerations/features on each type of development. It can be retrieved by clicking on the information button and then the risk layer on the map.'

Add a new paragraph thereafter to read:

'Natural England advise that potential impacts from most types of development requiring planning permission are covered by the SSSI IRZs. One important exception is any development proposal with the potential to impact on coastal processes. The SSSI IRZs do not currently cover potential risks from coastal schemes such as coastal defences, cliff stabilisation, cross beach structures, harbour, and marina development. Natural England should be consulted on any coastal scheme which is likely to affect a coastal SSSI.'

Policy WNS1: Community Led Housing

- 7.31 This policy seeks to promote community-led housing. It comments that proposals for the development of such houses on sites outside of but immediately adjacent to the settlement boundary and well related to the built-up area will be supported on an exceptional basis where there is a proven local need and where they meet a series of local occupancy conditions. The approach taken is underpinned by an example of a community land trust's allocations policy (Appendix B).
- 7.32 As the principal landowner in the town, the Holkham Estate supports the policy.
- 7.33 NNDC supports the policy in principle and makes a series of comments on its details and format as follows:

'The Council is supportive of the delivery of affordable housing delivered through Community Led Housing Groups, including Community Led Trusts (CLTs) as long as such development contributes to meeting a local and affordable need and is of an appropriate scales and location, has public support and housing is retained in perpetuity for those with a connection to the local community. The approach is seen as in addition to the adopted and emerging rural exception policies and adds a further defining element to emerging submitted Local Plan policy SS3 – Community Led Development.

It should however be noted that preference through adopted and emerging exception policy is already given to those with a local connection and housing need through the Councils Local Allocations Agreement which is detailed in the Councils adopted Housing Strategy. A copy of the Local allocation's agreement is appended to this response for information. Any CLT developing its separate allocation (occupation)

policy around a priority to those being key workers and local connection will need to have regard to this. (not least to ensure Council support but also that of funding opportunities and compliance with equalities).

The principle and the element of additional local distinction of the policy approach in this NP is supported subject to several changes which are considered essential to bring clarity, remove ambiguity and align the policy with land use planning in a way so it can be implemented.'

- 7.34 In its responses to the clarification note WTC agreed to accept most of NNDC's suggested revisions to the policy. However, it took a different view on the definition of a key worker (as featured in the third criterion of the policy) and commented as follows:

'This criterion was devised to take into account NNDC response at (the pre-submission Plan) stage, (and) the NNDC position seems to have shifted. The proposed references to 'community led-housing group' do not add clarity and is not supported. The QB spent considerable time in defining a key worker definition that was appropriate to Wells and is locally distinctive. Paragraph: 007 Reference ID: 70-007-20210524 of the NPPG indicated that the definition of a key worker can be determined locally. The concern of the QB, from local experience, is that the NNDC allocations policy does not work. Local people in work are never likely to get a house because they are trumped by those assessed as having greater need. NNDC contend that it is not a planning matter. The QB is faced with the fact that there is a strong feeling in the town that no houses should be built other than for local people. The form of a cascade policy is important. The three months to find a tenant after which the district's policy would operate is not considered to be long enough. The local definition of key worker should be retained.'

- 7.35 In general terms the policy takes a positive approach to the promotion of community-led housing. I am satisfied that it provides a local policy which is in general conformity with the strategic policies in the development plan. In addition, the policy sits within the wider context of the housing-related policies in the submitted Plan which include the allocation of a site for community-led housing (Policy WNS2), housing mix (Policy WNS3) and a principal residency requirement (WNS4).
- 7.36 I recommend modifications to the opening element of the policy and to the first and the second criteria. They are based on NNDC's suggested revisions and have been agreed by WTC.
- 7.37 There is a degree of tension between NNDC and WTC on the definition of a key worker and how this is captured in criterion c) of the submitted policy. WTC has undertaken significant work to develop a definition of a key worker and a Community Land Trust allocation policy (Appendix B of the Plan). In addition, WTC has worked closely with Homes for Wells Limited whose aim is to help the people of Wells and the surrounding parishes of Stiffkey, Holkham, Warham and Wighton, afford to live in local homes. In the round this is a very positive approach.
- 7.38 I have considered this matter very carefully. Planning practice guidance comments generally about the development of rural exception site and First Homes. In its response to the clarification note WTC draws my attention to a specific element of

Planning practice guidance (ID:70-008-20210524) which relates to First Homes. Based on the available evidence, I have concluded that NNDC has a well-established Housing Allocations policy and that Appendix B is an example of a proposed community land trust allocation policy for Wells.

- 7.39 At the heart of the issue is the distinction between the delivery and the allocation of community/affordable housing. The former is a land use matter (delivered by NNDC in its capacity as the local planning authority). The latter is a housing allocation matter (delivered by NNDC in its capacity as the housing authority and/or by the registered social provider)
- 7.40 On the allocations issues NNDC contends that its allocations policy has a local connections approach. WTC considers that local people are trumped by those in greater housing need.
- 7.41 NNDC acknowledges that there is an existing local agreement between WTC and Homes for Wells. However, it advises that it is inappropriate to seek to impose a unique set of circumstances on potential new community land trusts and other delivery partners. On the balance of the evidence, I recommend a modification which incorporates the more general approach as suggested by NNDC. The approach taken in the submitted Plan is very restrictive and does not relate to the range of circumstances which may arise in the delivery of community-led housing. It may prevent alternative proposals coming forward which would address local housing needs. In addition, it does not fully acknowledge the significance of Wells in the District and the opportunities which it provides, as an urban area, to deliver social and community housing to meet housing needs in this part of the District.
- 7.42 The recommended modification incorporates an approach whereby community-led housing is offered in line with the community-led housing group's allocation policy which should include reference to local connection and key workers. Thereafter if there has been no take up of the houses based on that allocation policy after a period of three months, the District Council's Local Allocations Agreement will apply. In this context I recommend the deletion of Appendix B. Whilst it is an emerging example of a community land trust's approach to key workers, it will not necessarily correspond to the allocation policies of other trusts.
- 7.43 I also recommend consequential modifications to the supporting text.
- 7.44 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the policy with:

'Proposals for the development of community-led housing schemes on sites outside, but immediately adjacent to, the settlement boundary and well-related to the built-up area will be supported on an exceptional basis where there is a proven local need and where such housing remains affordable and is restricted as such in perpetuity and where they comply with all the following criteria:'

Delete criterion a.

Replace criterion b. with: ‘Is made available for people identified as being in housing need, who can demonstrate a local connection and/ or relevant key workers, by virtue of being unable to buy or rent properties in the parish at open market prices.’

Replace criterion c. with: ‘Is offered in line with the community-led housing group’s allocation policy which should include reference to local connection and key workers. If there has been no take up of the houses based on that allocation policy after a period of three months, the District Council’s Local Allocations Agreement will apply.’

Replace the final part of the policy with:

‘Development proposals should make appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).’

Delete Appendix B

At the end of paragraph 5.25 add: ‘Policy WNS1 sets out a local approach to this important matter. Government guidance indicates the definition of a key worker should be determined locally and could be any person who works in any profession that is considered essential for the functioning of a local area. The Town Council encourages the District Council to include Lifeboat Crew as falling within its definition of key workers for the purposes of its housing policies. The occupation of this housing should be secured through a legal agreement attached to the planning consent for the housing.’

At the end of paragraph 5.27 add: ‘Policy WNS1 advises that such housing should be offered in line with the community-led housing group’s allocation policy which should include reference to local connection and key workers. Definitions of key workers in allocation policies should have regard to those in the NPPF Glossary (Essential Local Workers). If there has been no take up of the houses based that allocation policy after a period of three months, the District Council’s Local Allocations Agreement will apply. This approach provides a flexible and non-prescriptive approach towards the allocation of community led housing throughout the Plan period.’

Delete the final two sentences of paragraph 5.29

Policy WNS2: Housing Allocation at Two Furlong Hill (Site WELLS1)

- 7.45 This is an important policy in the Plan. It proposes the allocation of a site of approximately 1.9 ha at Two Furlong Hill as a community-led housing development for a minimum of 45 dwellings with associated infrastructure. The policy advises that the development of the site should follow the details in the Design Guidance and Codes and a series of site-specific requirements.
- 7.46 In the round the policy takes a very positive approach to this matter. The site has been identified as an outcome of the site selection process. I looked carefully at the site during the visit. I saw that it was well-related to the existing built form of the town. I also

saw that its southern boundary is defined by the line of the former railway and that the wider site is sensitively located within the overall topography of the town.

- 7.47 The specific requirements for the development of the site have been carefully chosen. They are set out under the following headings:
- Form of Development;
 - Accessibility; and
 - Layout, green infrastructure, and Landscaping
- 7.48 NNDC suggests that the approach taken in the initial part of the policy is revised so that it is more general (referring to affordable housing) rather than prescriptive (community-led housing) in its wording. This approach was agreed by WTC in its response to the clarification note. I recommend accordingly.
- 7.49 I also recommend that the way in which the policy refers to the various requirements for the development of the site is simplified. There is no need for the submitted Plan to require that the development of the site complies with other development plan policies. The development plan is intended to be read in its entirety and NNDC will apply any relevant policies to the determination of planning applications.
- 7.50 I have taken account of the representation from the Holkham Estate. I recommend that the yield of the site is referenced in approximate terms rather than to a minimum of 45 homes. This will allow sensitive schemes to come forward and respond positively to the package of detailed design principles included in the policy. I also recommend a modification to the way in which house types are described in criterion b. The focus in the recommended modification is on the mix of housing to be developed.
- 7.51 The Holkham Estate suggests that apartments may be appropriate on the site. This is a detailed development management issue rather than one that requires a modification to the policy to ensure that it meets the basic conditions. The recommended modification to criterion b provides a degree of flexibility for different types of homes to be delivered on the site to meet the needs of the local community.
- 7.52 Otherwise the policy meets the basic conditions. It is a very positive local response to housing need issues in the Town. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the first two paragraphs of the policy with:

‘Land at Two Furlong Hill (as shown on figure 27) is allocated for affordable housing and associated infrastructure. The development of the site should respond positively to the Design Guidance and Codes and the following site-specific requirements:’

In a. replace ‘A minimum of’ with ‘Approximately’

In b. replace ‘Dwelling type to be a mix of houses and bungalows’ with ‘Dwelling types should be a mix of houses (including bungalows)’

In d. delete ‘the exact position to be agreed’

Policy WNS3: Housing Mix

- 7.53 This is a comprehensive policy on housing mix. It includes the following elements:
- proposals for new housing should provide for and contribute to a mix of housing that meets local needs and enables the creation of a mixed and balanced community.
 - proposals (including those for 10 dwellings or more) should, as appropriate, include at least 50 per cent small and medium sized homes, 2 and 3 bedrooms; opportunities for self-build or custom build, and housing suitable for those with accessibility needs including bungalows
 - a detailed breakdown of the split between affordable housing types and comment on their occupancy
 - new affordable housing developments should be of high-quality design and construction, and be indistinguishable from other dwellings.
- 7.54 The policy raises a series of related issues. NNDC comments about the way in which the policy relates to strategic policies and has regard to the national approach on First Homes. It also raises issues on the local allocation policy (which overlap with those raised on Policy WNS1).
- 7.55 The Holkham Estate comments about the approach which it has taken towards the mix of homes in the preparation of planning applications, and the way in which those proposals differ from the approach in the proposed policy.
- 7.56 I have considered the various issues very carefully. I recommend a package of recommended modifications. In combination, they will ensure that the policy has the clarity required by the NPPF, can be implemented effectively by NNDC through the development management process and has consistency with the recommended modifications to Policy WNS1. They are as follows:
- a clarification of the threshold at which the second part of the policy should apply;
 - the application of the second part of the policy where it is practicable to do so. This acknowledges that there may be site-specific and/or viability issues which prevent the approach in the policy being achieved;
 - a revision to the split of affordable housing proposed in the third part of the policy to ensure that it corresponds with the approach taken in the emerging Local Plan; and
 - a revision to the element of the policy on the allocation of affordable housing so that it is consistent with the approach taken in Policy WNS1.
- 7.57 The representation from the Holkham Estate highlights that individual sites will present their own challenges and developers will need to respond to a range of physical and financial circumstances. Whilst it is inappropriate for detailed discussions on the mix of houses on a specific site to inform a planning policy, I am satisfied that the recommended modification to the second part of the policy will provide the opportunity for NNDC to determine the applications on the two allocated sites in the emerging Local Plan on their merits.

- 7.58 The Holkham Estate suggests that the policy should exclude the two allocated sites in the emerging Local Plan from the scope of this policy to achieve consistency with the approach taken in the emerging Local Plan. I am not satisfied that this would be appropriate. The two allocated sites will represent significant elements of new housing development in the Plan period and provide the greatest opportunity to achieve the ambitions of the policy.
- 7.59 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the second part of the policy with: ‘Development proposals of ten dwellings or more should, wherever practicable, include elements of the following:’

Replace the third part of the policy with: ‘Where affordable housing is proposed as part of a wider scheme, on site provision of the highest proportion of affordable housing should be provided. As a minimum, this should be in accordance with the requirements of the Local Plan.’

Replace the fourth part of the policy with: ‘The occupation of all new affordable housing (excluding the strategic allocations in the Local Plan and community-led residential developments) shall be in accordance with the District Council’s Local Allocation Policy.’

Policy WNS4: Principal Residence

- 7.60 This is another important policy in the Plan. Paragraph 5.47 advises about its context as follows:

‘As part of work to support early iterations of the Local Plan, North Norfolk District Council produced a number of Settlement Profiles in 2018, which identified the total number of dwellings in Wells-next-the-Sea as 1,557 and the number of second homes as 383. This equates to 24.6 per cent of total dwellings in the parish being used as second homes. This compares to the proportion of second homes in North Norfolk district as a whole for the same period as 7.8 per cent.’

- 7.61 The supporting text sets out the issue which the policy is seeking to address. Paragraph 5.49 of the Plan comments that:

‘figures obtained to support the Neighbourhood Plan Data Profile in March 2021 from North Norfolk’s Council Tax Records indicate that the total number of homes that were eligible for Council Tax in Wells-next-the-Sea was 1,563 and that 387 of these were registered as second homes for the purposes of Council Tax. This equates to a figure of 24.8 per cent of all homes in the parish being second homes. In addition, there were also 224 holiday lets i.e. those regularly rented out as holiday lets to different people, which gives a figure of 611 dwellings in the parish which were either second homes or holiday lets, equating to almost 34 per cent of all homes in Wells. This compares to a District average of 11.6 per cent.’

- 7.62 This local data is confirmed by national data. Nomis information provided by the Office of National Statistics advises that in 2011 there were 1,601 household spaces in the parish, of which 1,091 (68.1%) had at least one usual resident and 510 (31.9%) had no usual residents.
- 7.63 The policy is underpinned by detailed supporting text and maps. Figure 28 provides an interesting visual picture of the concentration of land uses in the town.
- 7.64 The policy comments that all new open market housing (excluding replacement dwellings) permitted will be restricted to ensure its occupancy as a Principal Residence. The policy also advises that this restriction relates to first and future occupation of the dwelling. The policy comments that new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.
- 7.65 A Note at the end of the policy comments that the proposed policy will not apply to the two proposed housing allocations in the emerging Local Plan.
- 7.66 NNDC objects to the policy. Its representation comments that:
- ‘(the) unintended consequences of the approach is that it will push demand into the existing properties which are often the smaller more traditional properties ideally suited for first time buyers and those on a low income. As such the approach may in time be counterproductive to the overall aims and ambitions of the (Plan). Nevertheless, it has been established that neighbourhood plans can include such a requirement as long as justified adequately that the approach will contribute to the achievement of sustainable development.’*
- 7.67 The Holkham Estate also objects to the policy and advises that it would not contribute to sustainable development.
- 7.68 The policy has generated objections from four residents and one supporting comment. The objections focus on the potential limited effects of the proposed policy.
- 7.69 I have considered the policy and the various comments very carefully. I have also taken account of WTC’s responses to the clarification note. In the round I am satisfied that the policy is properly underpinned by the information in the supporting text. The number of second homes and holiday lets in the town is very significant, and has affected the local housing market to the extent that housing is increasingly beyond the reach of local persons.
- 7.70 Based on all the evidence, I am satisfied that the policy has been appropriately considered. It is proportionate response to the current situation of the housing market in the Town. It is also a robust approach which relates positively to the other housing policies and initiatives in the Plan (Policies WNS1-3).
- 7.71 In general terms its format and content provide appropriate information and guidance to allow NNDC to apply its restrictions in a consistent way throughout the Plan period. Nevertheless, I recommend detailed modifications to the wording to the policy. In the

main they reflect the suggestions made by NNDC should I conclude that the approach taken is generally appropriate. They will bring the clarity required by the NPPF.

- 7.72 With the incorporation of the recommended modifications, I am satisfied that the policy will be capable of effective control and monitoring by NNDC. It largely corresponds with other similar policies elsewhere in England, including in other parts of Norfolk.
- 7.73 In coming to this conclusion, I have taken account of the pragmatic approach of WTC in excluding the two allocated housing sites identified in the emerging Local Plan from the policy. This approach acknowledges that those sites have been identified to meet strategic, district-wide needs. I have also considered NNDC's comments (and those of some residents) that the policy may have limited effect or unintended consequences. Plainly the policy will not affect existing properties, and the commercial market will determine their values (and purchasers) as and when they are offered for sale. On the one hand, this may be seen as a limitation of the policy. On the other hand, it may also be seen as a realistic approach (by focusing on new dwellings) and which does not impact on the ongoing ability of anyone to purchase an existing house in the neighbourhood area.
- 7.74 I recommend that the supporting text is expanded to accommodate the deleted explanatory elements of the policy.
- 7.75 Both the policy and the supporting text comment about the exclusion of the strategic housing allocations in the emerging Local Plan. This creates an unnecessary repetition. In this context I recommend that this issue is addressed simply in the supporting text. This acknowledges that it explains how the policy will be applied rather than operating as a land use policy.
- 7.76 I also recommend the deletion of the comments in paragraph 5.77 about the mix of housing to be developed on the two strategic sites. Such matters are for the Local Plan to determine and, in any event, there is no information in the submitted neighbourhood plan to justify the proposed approach other than that proposed by the landowner. As such it is a matter which can be determined through the development management process taking account of the most up-to-date assessment of local housing needs. In any event such a statement is out of context in a policy on Principal Residence.
- 7.77 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'All new open market housing (excluding replacement dwellings) permitted within the Neighbourhood Area will be restricted to ensure its occupancy as a Principal Residence. This relates to first and future occupation of the dwelling.

Principal Residence is defined as those occupied as someone's main or sole residence where the residents spend the majority of their time.

Proposals for holiday accommodation will not be permitted unless located on an established holiday complex.

Occupiers of homes with a Principal Residence condition will be required to keep proof that they are meeting the obligation or condition and be obliged to provide this proof if or when North Norfolk District Council requests this information.'

At the end of paragraph 5.76 add:

'This approach will help to ensure that there is a supply of new housing for occupation by local people and to address the growth of dwellings used for holiday accommodation (either as a second homes or as holiday lets) which impacts upon the overall balance and sustainability of the settlement. These restrictions will be secured by the District Council prior to the grant of planning permission through appropriate Planning Conditions or Planning Obligations created and enforceable under section 106 of the Town and Country Planning Act 1990, or any subsequent successor legislation. Proof of principal residency will be achieved through verifiable evidence which could include, but is not limited to, residents being registered on the local electoral register.'

Replace paragraph 5.77 with: 'Policy WNS4 does not apply to the strategic allocations W01/1 at Ashburton Close and W07/1 at Holkham Road as identified in the emerging Local Plan as submitted in May 2023. This approach acknowledges that those sites are addressing strategic housing needs.'

Replace paragraph 5.78 with: 'Policy WNS4 will apply to all new housing that requires planning permission other than the strategic allocations in the Local Plan and any subsequent revisions (except replacement homes). It includes newly constructed homes or those created from changes of use and/or the conversion of existing buildings.'

Policy WNS5: Infill Development and Extensions

- 7.78 This policy sets out the context for infill development and extensions. It includes specific criteria for both types of development.
- 7.79 In isolation the policy has been well-developed. Nevertheless, it has significant overlaps with the contents of the following policy which comments more generally about the need for high quality design. In its response to the clarification note WTC agreed with my proposition to combine the two policies. This will be particularly important given the significance of infill development and extensions in terms of the overall number of planning applications in the neighbourhood area in the Plan period.
- 7.80 On this basis I recommend the deletion of Policy WNS5 and its supporting text. I comment in the next section of this report about the way in which elements of the submitted policy and the supporting text should be incorporated into the amalgamated policy.

Delete the policy

Delete paragraphs 5.81 and 5.82

Policy WNS6: High Quality Design

- 7.81 This is another important policy in the Plan. It sets out to ensure that new development responds positively to the distinctive character of the Town in general, and to the Character Area in which it is located.
- 7.82 The policy is underpinned by the excellent Design Guidance and Codes. In the round the policy and the Design Guide and Codes is an excellent local response to Section 12 of the NPPF.
- 7.83 The policy advises that the design of all new development will reflect the local distinctiveness and character of the town and seek to enhance its quality. It also comments that proposals should have regard to the guidance contained in the Well-next-the-Sea Design Guidance and Codes and the associated Character Appraisal. The policy then identifies a series of principles with which development proposals should accord. I am satisfied that the principles are locally distinctive.
- 7.84 As I have already commented on the previous policy, I recommend that Policies WNS5 and 6 are combined into a single policy. This will provide clarity both for developers and NNDC on the application of the development management process.
- 7.85 As submitted, the two policies contain significant levels of detail. In addition, they overlap with existing components of the development plan. NNDC suggest that elements of the two policies are deleted. WTC comments that the policies have been carefully prepared and reinforce appropriate guidance.
- 7.86 I have considered these different approaches very carefully and within the following context:
- the Design Guidance and Codes is an up-to-date, locally distinctive, and very comprehensive document which reflects the character of the town;
 - it is a positive response to the government's ambition to the design agenda;
 - the amalgamated policy offers the opportunity for all relevant design guidance to be captured in one place;
 - the importance of the specific sections on infill development and extensions not repeating the guidance in the general part of the policy; and
 - ensuring that the amalgamated policy is consistent with other policies in the submitted Plan.
- 7.87 I recommend a package of modifications to remedy some of the overlaps and to bring the clarity required by the NPPF. A key element of the recommended modifications is the closer association between the policy and the Design Guidance and Codes. I also recommend the inclusion of an additional principle to address Secured by Design (as suggested by Norfolk Constabulary. This will ensure that the Plan has regard to the Crime and Disorder Act (1998) and will complement other principles in the policy. I also recommend modifications to the supporting text which accompanied Policies WNS5 and 6. In the main they acknowledge the amalgamation of the two policies
- 7.88 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘The design of new development should reflect the local distinctiveness and character of the town and where practicable enhance its quality. Development proposals should have regard to the guidance contained generally in the Wells-next-the-Sea Design Guidance and Codes and specifically to the character area in which the site is located (as described in the Character Appraisal).

New development should respond positively to the following principles: [at this point include the criteria in Policy WNS6 in the submitted Plan with the following exceptions]

Replace f. with:

‘Parking: Parking areas and driveways should be designed to minimise water run off by using permeable paving.’

Replace g. with:

‘Scale, Form and Massing: Development should be of a scale and design to reinforce the locally distinctive character of the area. The scale and massing of new buildings should have regard of their impact at street level and to their appearance from more distant view and should be in keeping with the form and massing of neighbouring properties. The height of new buildings should be in keeping with neighbouring properties. Proposals which include buildings over two storeys in height should demonstrate how they would be in keeping the existing street scene and not have an overbearing impact on its character or appearance.’

Replace the opening sentence of i. with:

‘Density: The density of new developments should be appropriate to their location and respond positively to its character.’

Replace j. with:

‘Style/design: Developments should use materials and architectural detailing that contribute positively to the rich heritage and distinctive character of the town. The materials used in new development should be of a high-quality and reinforce this local distinctiveness.’

Replace k. with:

‘Open spaces should be of a size, location, and form appropriate to the intended use. Wherever practicable, they should be in accessible locations and linked to form connected green networks. Wherever practicable, public open spaces should be overlooked by surrounding buildings to promote natural surveillance and social gatherings.’

Add an additional design principle (l) to read:

‘Designing Out Crime: As appropriate to their scale, nature and location development proposals should incorporate good standard of security for buildings and the immediate environment. They should be designed and arranged to deter criminal and anti-social behaviour by introducing appropriate natural surveillance and creating a sense of ownership and responsibility for every part of the development.’

Infill Development

Proposals for infill development should comply with the general principles in this policy and:

- **enhance the form and character of the street scene in the immediate locality; and**
- **be configured so that they would not have an unacceptable impact on the living conditions or amenity of the occupants of neighbouring properties.**

Extensions

Proposals for extensions should comply with the general principles in this policy and:

- **be designed in a sensitive way in relation to the size and location of the host building and avoid overlooking, overshadowing, or an overdevelopment of the plot;**
- **incorporate sufficient car parking space can be provided within the curtilage of the site; and**
- **be configured so that they would not have an unacceptable impact on the living conditions or amenity of the occupants of neighbouring properties**

Mitigations

Development proposals should make appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS).

Include the following supporting text with the amalgamated policy (and as direct replacement for the supporting text associated with the two policies in the submitted Plan)

Paragraphs 5.83 to 5.88 (unchanged)

Paragraphs 5.89 to 5.90 (unchanged)

Paragraph 5.91 to 5.94 (unchanged)

Paragraph 5.97

Insert new paragraphs to read:

‘Given the increasing importance that both local people and national Government place on design, it is considered that achieving well designed places and promoting high quality design should also be a fundamental aim of this Plan. Policy [insert number] sets out its key design principles which will apply to all new development irrespective of size and type. It includes specific sections on infill development and extensions.

Appropriate infill development within the existing adopted settlement boundary will continue to come forward in the Plan period. Development proposals of this type should accord with the general principles in Policy [insert number] and the additional criteria for such proposals.

In the same way, proposals for extensions will continue to come forward in the Plan period. Development proposals of this type should accord with the general principles in Policy [insert number] and the additional criteria for such proposals. For clarity this element of the policy will also apply for proposals to extend houses which are used as holiday lets.’

Policy WNS7: Redevelopment Opportunities

- 7.89 The policy identifies two sites which have the potential to provide for redevelopment and environmental enhancement. The Plan anticipates that their redevelopment would improve the vitality and viability of the sites concerned and their immediate surroundings and the visual appearance and character of the area.
- 7.90 The two sites are:
- Site 1: Land south of Maryland - identified for redevelopment for a mix of uses predominantly as set out in the Local Plan Policy E2, including Industrial B2 Commercial, Business and Service Uses including offices (Class E), and Storage (B8) at ground floor with the addition of residential use on upper floors (open market and affordable) subject to appropriate flood risk assessment and surface water management plan; and
 - Site 2: Land on the south side of Freeman Street (former Ark Royal Public House) - identified for a mix of uses including Commercial and Business Uses (Class E) and Retail (F2a and E(a)), with some residential and parking.
- 7.91 I looked at the two sites carefully during the visit. In both cases the purpose of the policy was self-evident. Their redevelopment would improve the overall attractiveness of their immediate localities.
- 7.92 As submitted the policy reads as a statement of intent rather than as a land use policy. In its response to the clarification note, WTC confirmed that its intention was to offer support to the redevelopment of the two sites. I recommend accordingly.
- 7.93 In addition, the policy comments about the proposals for these sites in both the adopted and the emerging development plan. As NNDC comment, some of the references are incorrect. I recommend that the element of the policy which refers to the two sites

simply comments about the proposed uses. Where there is an overlap between development plan policies NNDC will be able to consider such matters in the round.

- 7.94 I also recommend that the policy is modified so that it includes commentary about the need for good design on the two sites (and a cross-reference to Policy WNS6 of the Plan). This was agreed by WTC in its response to the clarification note. Otherwise, the policy may have unintended consequences.
- 7.95 I also recommend that the final element of the policy (on mitigation measures in the AA) is recast to bring the clarity required by the NPPF and to relate to the recommended modification to Policy WNS0.
- 7.96 Finally, I recommend consequential modifications to the supporting text (including some of those proposed by NNDC). Whilst I have noted NNDC's comments about pre-application discussions and applications for Lawful Development Certificates on one of the sites neither matter is included in the supporting text of the submitted Plan. Where necessary such matters can be addressed through the determination of planning applications on the site concerned.
- 7.97 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

'The Plan supports the redevelopment and environmental enhancement of the following two sites

- **Site 1: Land south of Maryland (as shown on Figure 29) - for a mix of uses, including Industrial B2 Commercial, Business and Service Uses including offices (Class E), and Storage (B8) at ground floor with the addition of residential use on upper floors (open market and affordable) subject to appropriate flood risk assessment and surface water management plan; and**
- **Site 2: Land on south side of Freeman Street (the former Ark Royal Public House) (as shown on Figure 30) - for a mix of uses including Commercial and Business Uses (Class E) and Retail (F2a and E(a)), with some residential and parking.**

Development proposals should respond positively to the prominence of these sites within the Town and to the relevant design principles in the Wells Design Guidelines and Codes.

Each development should make appropriate contributions towards mitigation measures identified in the Norfolk Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy.'

Delete the 'Note' from the end of the policy

Delete the final sentence of paragraph 6.5.

Reposition the Note from the end of the policy to the end of paragraph 6.5.

Policy WNS8: Retail and Town Centre

- 7.98 This is a wide-ranging policy on the town centre. It has a focus on retail uses. It seeks to maintain and enhance a vibrant town centre with a range of retail and commercial uses. It also offers support to residential uses on the upper floors in the town centre.
- 7.99 In general terms the policy takes a very positive approach to the future of the town centre. As the Plan describes it has a predominantly distinctive ‘small shop’ character. In the round I am satisfied that the approach taken has regard to Section 6 of the NPPF and is in general conformity with the strategic policies in the adopted Local Plan and the relevant policies in the emerging Local Plan.
- 7.100 Nevertheless to bring the clarity required by the NPPF, I recommend the following modifications:
- the inclusion of a definition of the town centre boundary and the Primary Shopping Area in the Plan (and to accord with that in the emerging Local Plan);
 - the deletion of the reference to the support for independent shops. Whilst there are several independent shops in the town centre and further such units would be welcomed the planning process cannot determine the ownership of a retail unit;
 - the consolidation of the repetitive elements about residential accommodation; and
 - the simplification of the approach towards independent access into residential accommodation.
- 7.101 In recommending these modifications I have taken account of NNDC’s representation to the policy and WTC’s response to the questions in the clarification note.
- 7.102 Otherwise, the policy meets the basic conditions. It is a very positive local response to the town centre which has a very important function in the town for residents and visitors alike. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Proposals that contribute to achieving a vibrant and bustling town centre comprising a healthy mix of retail, service sector, business, entertainment, cultural and residential uses will be supported.

Proposals for new or expanded retail in the Primary Shopping Area (as shown on [insert plan number]) which would reinforce the retail role of the town and promote a diverse town centre will be supported.

Proposals for retail and other main town centre uses in the Town Centre Boundary (as shown on [insert plan number]) will be supported where (if otherwise appropriate) they contribute to the following aims: [add the principles from the submitted policy].

Proposals for residential development which would use the upper floors of commercial properties within the primary shopping area will be supported where they include a separate secure access, preferably at the rear of the property and appropriate levels of off-road parking provision is provided.'

Include additional figures in the Plan to show the extent of the Town Centre Boundary and the Primary Shopping Area (as included in the emerging Local Plan).

Policy WNS9: Visitor Parking

- 7.103 This policy acknowledges the importance of visitor parking in the town. It comments that proposals that allow for suitably located temporary/seasonal car parking to be made available for visitors at peak times will be supported. It advises that such temporary arrangements should be in locations with easy access to the main routes into the town, have safe access and egress and allow for easy pedestrian routes to the town centre, beach, and other facilities. Finally, it comments that the provision of electric charging points will be supported.
- 7.104 In general terms the policy takes an appropriate approach to this matter. Whilst measures to encourage sustainable tourism may come forward in the Plan period, it is likely that car-borne trip will continue to be the main way for visitors to access the town. In this context, I recommend the following package of modifications to ensure that the policy has the clarity required by the NPPF and will be able to be implemented in a consistent way by NNDC through the development management process:
- ensuring that the policy applies to permanent and to temporary/seasonal car parks;
 - deleting the unnecessary reference to the example used; and
 - revising the final part of the policy on the HRA/AA implications of any such proposals in the Wells Beach area.
- 7.105 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the first part of the policy with: 'Proposals for the development of suitably located car parks, including temporary/seasonal car parking for visitors during the peak holiday season, will be supported subject to:'

Replace 'Such temporary arrangements' with 'Any temporary car parking'

Replace the third part of the policy with: 'Development proposals for additional car parking in the Wells Beach area will need to be supported by a project-level Habitats Regulations Assessment.'

Policy WNS10: Opportunities for Sustainable Transport

- 7.106 This policy has two parts. The first comments that the extent of the former Walsingham to Wells railway track bed and other railway land will be protected from development that would be prejudicial to the re-use of the railway or to the provision of sustainable

transport links and facilities. The second comments that any areas of land that are either currently in use or have the potential for the provision of rail freight terminal facilities will be protected from development and identified as Land Safeguarded for Sustainable Transport.

- 7.107 The first part of the policy takes a positive approach towards safeguarding former railway land in the town. This element of the policy is complementary to wider emerging proposals for the use of former rail track beds in the County. As the supporting text comments, the track bed from Walsingham to Wells is intact but currently has no formal protection or safeguarding and to secure the benefits of a through rail park and ride service, the track bed into Wells also needs to be protected. I recommend detailed modifications to the wording used so that it has the clarity required by the NPPF.
- 7.108 I recommend that the second part of the policy is deleted. As submitted it is aspirational rather than evidence-based. As WTC acknowledges in its response to the clarification note, this part of the policy is so worded because there is currently no firm proposal or project in preparation which would achieve this aim although this may change by the time of a plan review. As WTC suggest, this is a matter which it will be able to address in any review of a 'made' neighbourhood plan.
- 7.109 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'The former Walsingham to Wells railway track bed in the neighbourhood area (as shown on figure 33) and other former railway land will be protected from any built development that would prejudice the potential re-use of the former railway or the provision of sustainable transport links and facilities.'

Policy WNS11: Protecting the Historic Environment

- 7.110 This policy comments generally about the historic environment in the neighbourhood area. It includes detailed policy guidance on the Conservation Area and shopfronts/signage.
- 7.111 The policy properly celebrates the historic environment of the Town. I looked closely at the Conservation Area during the visit. It helps to define the character of the town and is a major part of its overall attractiveness to residents and visitors alike.
- 7.112 As submitted, the policy repeats key elements of national and local policy on the built environment. In addition, several of its component parts are aspirational and will not necessarily be capable of being delivered through the development management process. I recommend that the policy is recast to remedy these issues. I have used NNDC's suggested revisions as the basis for the recommended modification. They refer to the Design Guidance and Codes to ensure that the approach is locally-distinctive and supplements national and local planning policies. I also recommend that this approach is applied in a proportionate way.

7.113 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should respect the significance of any designated and non-designated heritage assets.

As appropriate to their scale, nature and location, development proposals should have regard to the Wells next the Sea Design Guidance & Codes and how the development has been informed by the details of the relevant identified character area within the Guidance.

Conservation Area

Development proposals within the Wells-next-the-Sea Conservation Area should respect its historic character and appearance and its setting. This will be achieved by:

- **ensuring the retention and maintenance of traditional buildings and shopfronts which contribute to the overall character of the Conservation Area, wherever practicable;**
- **protecting its setting from development which adversely affects views into or out of the Conservation Area;**
- **ensuring that new development complements the shape, form and layout of the relevant character area and the relationship between the older buildings and the spaces around and between them; and**
- **promoting the use of high-quality traditional building materials and detailing, where appropriate.**

Signage and shopfronts

Proposals for new or reconfigured advertising and signage (including shopfronts, signage, and directional signage) should respond positively to the size, design, and siting of the host building.

Proposals that seek to rationalise or reduce the amount of signage in the Conservation Area will be supported.’

Policy WNS12: Non-Designated Heritage Assets

7.114 This policy complements the approach taken in Policy WNS11. In this case, it identifies twelve proposed non-designated heritage assets. The policy comments in detail about the way in which development proposals should address the proposed non-designated heritage assets.

7.115 The Holkham Estate comments about the way in which the proposed non-designated heritage assets have been identified and selected. It raises specific concerns about the identification of Mill Farm (4) due to its proximity to the proposed housing allocation (W07/1) in the emerging Local Plan. It also raises more general concerns about the identification of New Farm (11) and Manor Farm (12). I looked carefully at the buildings

during the visit. I am satisfied that they are appropriate to be identified as non-designated heritage assets.

- 7.116 I have considered the details of the approach taken by the policy very carefully. As submitted its focus is that development proposals should safeguard and enhance the buildings concerned. This may naturally prove to be the case. Nevertheless, the approach taken does not have regard to paragraph 209 of the NPPF which requires a balanced judgement to be made between the development proposed and the preservation of the asset concerned. I recommend a modification to address this matter. The modified policy will also allow NNDC to reach a balanced assessment about the relationship between proposed non-designated heritage asset at Mill Farm and the development of the proposed housing allocation (W07/1) in the emerging Local Plan.
- 7.117 I also recommend modifications (as proposed by NNDC) to reflect the full titles of the properties concerned.
- 7.118 Figure 34 shows the location of the proposed non-designated heritage assets. However, it is not at a scale to identify the non-designated heritage assets for development management purposes. This is important in general terms and as several of the designations relate to multiple buildings. I recommend that the Plan is revised so that the non-designated heritage assets are appropriately identified.
- 7.119 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the opening element of the policy replace ‘figure 34’ with the numbering system given to the revised maps/figures.

Revise the description of three of the assets to read as follows:

4. Mill Farmhouse 11. New Farmhouse 12. Manor Farmhouse

Replace the final part of the policy with:

‘The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining planning applications. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset concerned.’

Revise the Plan and the associated figures so that the non-designated heritage assets are appropriately identified

Policy WNS13: Local Green Spaces

- 7.120 The policy proposes the designation of seven local green spaces (LGSs). The approach taken is underpinned by the details in Appendix D. I looked at the proposed LGSs during the visit.

- 7.121 The proposed LGSs range from allotments (LGS f), to the green space in the Buttlands (LGS a) to open spaces in residential development (LGS d).
- 7.122 The Holkham Estate objects to the proposed designation of LGS g (Mill Road Meadows) due to its potential conflict with one of the allocated housing sites in the emerging Local Plan.
- 7.123 NNDC suggests that the policy is deleted. It comments that the assessments in Appendix D do not have the required robust and high standard necessary to reach the high bar of LGS designation. It also advises that some of the sites have existing and/or emerging designations as open land areas and in some cases, the LGS assessment conflicts with the conclusions of NNDC's AGS Study (updated 2022) and conflict with the Core Strategic and emerging submitted Local plan and relevant strategic policies.
- 7.124 I address the Holkham Estate comments about Mill Road Meadows first. Thereafter I comment on the NNDC representation.

Proposed LGS g Mill Road Meadows

- 7.125 I looked carefully at the proposed LGS during the visit. As Appendix D comments, the Meadow marks a soft, green, visual entrance to the town when entering from the west, which enhances the rural setting of the town. It also provides an historic and visual value as the setting of the farmhouse. The proposed LGS is to the immediate south-west of the proposed housing allocation (W07/1) in the emerging Local Plan.
- 7.126 The Holkham Estate comments that:
- '(the proposed designation) would conflict with emerging site allocation Policy W07/1 – Holkham Road. The site allocation policy requires vehicle access from Mill Road which is shown on the site allocation plan as running through the middle of the proposed Local Green Space. The proposed LGS plan at Figure 35 of the Neighbourhood Plan excludes a sliver of land to the east of the meadow which has presumably been excluded to allow access into the main part of Policy W07/1. This sliver of land is insufficient for the required access and in a location where suitable visibility splays cannot be achieved. The access into the allocation will need to be designed in detail in consultation with NCC Highways and at this stage we cannot therefore advise on the exact area of land required for the access. It is not therefore appropriate to designate the site (or part of the site) as LGS at this stage.'*

- 7.127 In its response to the clarification note, WTC advised that:

'the Holkham Estate have been in discussions with (WTC) on this issue about the potential location of the access (ahead of a potential planning application for this site). The latest position... (December 2023) is that the Estate presented a revised scheme to (WTC). This confirmed that the meadow can be preserved in part by moving the access road to the east which does not therefore conflict with the LGS designation.'

- 7.128 The relationship between the proposed housing allocation and the proposed housing allocation has continued to evolve. During the recent local plan examination, NNDC

submitted a proposed amendment to the emerging Local Plan that details the indicative access arrangement for the strategic site allocation which utilises part of the proposed LGS. Following the hearings, the Council is preparing a final draft schedule of proposed amendments that includes the whole of the meadow/ proposed LGS(g) as a part of the allocation and amended policy wording which limits the use of the proposed LGS (g) site to that of access and landscaping. This approach allows greater flexibility in the position of the access road across this land at the same time as providing a level of protection from other forms of development in the policy.

- 7.129 I have considered this matter very carefully. In isolation I am satisfied that the proposed LGS complies with the three criteria in paragraph 106 of the NPPF. Nevertheless, I am not satisfied that its proposed designation is consistent with the local planning of sustainable development and will complement investment in sufficient homes, jobs, and other essential services. At this point, there is a lack of certainty on the way in which access can be achieved into the proposed housing allocation in the emerging Local Plan (Policy W07/1). As such the proposed designation would not have regard to paragraph 105 of the NPPF.
- 7.130 In these circumstances I recommend the deletion of the proposed LGS from the Plan. It is a matter which WTC may wish to reconsider in any review of a made neighbourhood plan once the position on the access into the proposed Local Plan allocation has been agreed.

The NNDC representation

- 7.131 I have considered this representation very carefully. In the round I am satisfied that Appendix D is a proportionate assessment of the proposed LGSs. It relates comfortably to similar assessments undertaken for other neighbourhood plans. Plainly other neighbourhood plans may produce different levels of information than is the case with Appendix D and individual independent examiners and local planning authorities will reach their own judgements on the appropriateness of the information provided.
- 7.132 LGS are a national designation (NPPF Paragraphs 105-107). Neighbourhood plans assess individual proposed LGS against the national criteria. In this case, NNDC has already considered the need or otherwise for LGSs to be designated in the town as part of the preparation of the Local Plan and whether potential designations are protected by other designations. However, it is not unusual for neighbourhood plans to propose the designation of LGSs in similar circumstances and as the qualifying body (here WTC) and the local community assess green spaces against the criteria in the NPPF. I have considered the proposed LGSs against the evidence in the submitted Plan and my own assessment of the various green spaces.
- 7.133 I looked at the proposed LGSs in turn and considered the details presented in Appendix D. Based on my own observations, I recommend the deletion of LGS e Turning Circle at Bluebell Gardens. Plainly it is within the town itself and is local in character. As such it meets criteria a and c in paragraph 106 of the NPPF. However, I am not persuaded that it is demonstrably special to a local community and holds a particular local significance (NPPF106b). As Appendix D describes, it has been provided for

community use as amenity space and used by parents at school pick up and drop off times. Nevertheless, it is principally the centre of a turning circle for larger vehicles entering and leaving Bluebell Gardens and the associated bus stop. Whilst it includes an attractively planted area, I am not satisfied that this element of its appearance justifies its proposed designation as LGS.

The other proposed LGSs

- 7.134 I am satisfied that the other proposed LGSs meet the criteria in paragraph 106 of the NPPF. In coming to this overall judgement, I note that their proposed designations have not attracted objections from their owners. The Churchyard and the Old Cemetery and The Buttlands are precisely the type of green spaces which are traditionally designated as LGSs.
- 7.135 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.
- 7.136 The policy seeks to take the matter-of-fact approach as set out in paragraph 107 of the NPPF which advises that policies for managing LGS should be consistent with those for Green Belts. I recommend that the policy is modified so that it addresses the implications of LGS designation and follows the approach which is regularly used in neighbourhood plans. This is particularly important in the neighbourhood area as there are no Green Belts in the District.
- 7.137 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Delete LGS e Turning Circle at Bluebell Gardens and LGS g Mill Road Meadow.

Replace the final paragraph with: ‘Development proposals in the designated local green spaces will only be supported in very special circumstances.’

Remove LGS e and g from Figure 35.

Policy WNS14: Important Views

- 7.138 The policy identifies nine Important Views in the town. They originate from Character Appraisal work, and through the Policy Ideas Exhibitions held in October 2021.
- 7.139 The policy comments that development proposals within or which would affect an important public local view should take account of the view concerned. It goes on to comment that developments that would have an unacceptable adverse impact upon the landscape or character of the view concerned will not be supported.

7.140 Both NNDC and the Holkham Estate object to the policy. In summary their comments address the following matters:

- the need for the policy given the extent of the National Landscape in the neighbourhood area;
- a lack of any detailed evidence for the selection of the views;
- the assessment methodology used is unclear; and
- in some cases, the views extend outside the neighbourhood area.

7.141 In its response to the clarification note, WTC advised that:

'The Character Appraisal Work is included within the Design Code at Section 2.6. However, it is acknowledged that the views identified in the submitted policy and those identified in the Character Appraisal work are not 100% complementary and that there is variation in the justification between views. It is acknowledged that View 8 looks largely towards the scrapes in the parish and the harbour and constitutes a panorama and that it extends outside of the Neighbourhood Area. This view could be amended to fall within the Neighbourhood Area and a new photograph could be provided.'

7.142 I have considered this policy very carefully. In doing so I looked at several of the views during the visit. An assessment of the policy pulls in different directions. On the one hand, several of the proposed views usefully capture the character of the town. Views 1, 3 and 5 are obvious examples. Furthermore, the policy takes a non-prescriptive approach to the matter. However, on the other hand, I am not satisfied that there is sufficient evidence or justification for the important views and the wider policy both generally, and given the existing protections already provided by the National Landscape. In addition, in some cases there is a potential conflict between an identified view and a proposed allocated housing site in the emerging Local Plan.

7.143 In all the circumstances, I recommend that the policy and the associated supporting text are deleted. The issue of views may be one which WTC could address in any review of the Plan by securing proportionate and consistent evidence detailing the choice and methodology of the assessments undertaken for each identified important view

Delete the policy

Delete paragraphs 8.27 and 8.28 (and the associated photographs in Figure 36 and Figure 37).

Policy WNS15: Sea-level rise and flood risk

7.144 This policy comments on sea level risk and flood risk. Plainly such matters have a specific significance in the neighbourhood area. The policy comments that measures which provide for climate change adaptation and mitigation will be supported. It also advises that proposals for development located adjacent to identified flood risk areas should consider the potential impacts on adjacent properties and include opportunities for creating emergency escape access corridors for properties affected by tidal surge and incursion. The policy advises that this approach would also apply to proposals for

new measures to address sea level rise particularly at East Quay. The policy also includes other related process elements.

- 7.145 The policy responds to local concerns on these matters in a very comprehensive way. However, in some places it repeats or restates national policy. In other places it sets out an unrealistic expectation that new development proposals would address and/or resolve pre-existing issues. On the latter issue, national policy advises that developers should not be expected to resolve existing matters and that the focus of the development management process is ensuring that development proposals are designed so that they do not increase such pressures and issues.
- 7.146 NNDC suggest that the policy is either deleted or recast so that it can add local value to national and local policies. Taking account of WTC's response to the clarification note, I recommend the latter. I have used NNDC's suggested revision to the policy as the basis for the recommended modification and included two additional elements. The first includes specific mention of supporting proposals which address sea level rise at East Quay. This is a distinctive parish issue which was included in the submitted policy. The second is the introduction of a proportionate element into the policy wording. This acknowledges that not all development proposals will impact on, or be affected by, sea level rise, and that where there is an impact it will relate differently to individual proposals
- 7.147 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

'Measures that provide for climate change adaptation and mitigation, especially those which address sea level rise at East Quay, will be supported.'

Development proposals should not materially increase flood risk to other areas and incorporate surface water drainage measures to reduce its own flood risk to a minimum. As appropriate to their scale, nature and location, proposals should demonstrate that the proposed development has a positive effect on surface water flooding on the site and, where appropriate, in surrounding area adjacent to the development.

Wherever practicable, development proposals should incorporate sustainable drainage systems and the use of permeable materials.'

Policy WNS16: Pollution

- 7.148 This policy comments generally about pollution-related issues. It advises that the design of new development should be carefully considered to ensure that it does not adversely affect the amenity of adjacent users or exacerbate existing or cause new pollution issues.
- 7.149 As submitted, the policy is general in its nature and its content is largely covered by existing and emerging local plan policies. In addition, it does not rely on local evidence. National guidance is clear that neighbourhood plans do not need to repeat existing

Local Plan policies. In addition, the policy does not raise any locally specific issues that are not already covered within the development plan. WTC acknowledged these matters in its response to the clarification note. In these circumstances I recommend that the policy is deleted.

Delete the policy

Delete paragraphs 9.6 and 9.7 and the associated 'Pollution' heading

Policy WNS17: Wells Beach

- 7.150 This is a wide-ranging policy with general and specific elements. I looked at the beach area closely during the visit. I saw its separation from the town and the significance and scale of the car park. I also saw the scale and significance of the Pinewoods Holiday Park to the immediate south of the car park.
- 7.151 The policy comments that public access to the beach will be maintained and visitors will be encouraged to access the beach via other means of transport than the private car. It also advises that proposals that provide for walking and cycling opportunities, including the creation or enhancement of pedestrian and non-motorised access routes to the beach will be encouraged.
- 7.152 In terms of its detailed elements, the policy advises that proposals to expand the existing Pinewoods holiday park beyond its current footprint will not be supported. It also comments that proposals for small scale retail in this area, which provides for the day-to day tourism needs of visitors will be supported and that proposals for larger scale retail will be expected to be located within the town centre.
- 7.153 The Holkham Estate objects to the element of the policy about the Pinewoods Holiday Park. NNDC also object to that part of the policy and suggests that the policy is recast.
- 7.154 The policy recognises the importance of the Beach area and its significance to the wider neighbourhood area. Within this overall context, I recommend the following modifications to bring the clarity required by the NPPF and to ensure that it will be presented as a land use policy:
- the deletion of the first paragraph - it is a statement of intent and ambition rather than a land use policy;
 - the reconfiguration of the second part of the policy so that it offers support to the identified proposals rather than encouragement;
 - the deletion of the third part of the policy. The commentary on the Pinewood Holiday Park is not supported by any evidence in either the supporting text or elsewhere in the Plan. Any proposals for additional holiday accommodation can be determined on development plan policies. Similarly, the policy's commentary about retail uses is not explained in the supporting text. Any proposals for additional tourism related retail development at the Beach area can be determined on wider development plan policies; and
 - a reconfiguration of the final part of the policy (on beach huts) to acknowledge the comments made by NNDC and to ensure consistency with the recommended modifications to Policy WNS0.

7.155 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Development proposals within the identified Wells Beach policy area (as defined in Figure 40) that provide walking and cycling opportunities, including the creation or enhancement of pedestrian and non-motorised access routes to the beach, will be supported.

Proposals to extend the area of beach huts beyond the existing area currently used for beach huts will be supported subject to the following criteria:

- a. there will be no adverse impacts upon European Protected Nature Conservation Sites: and**
- b. there will be no unacceptable visual impacts upon the local landscape character.’**

At the end of paragraph 10.3 add: ‘Development proposals in the identified Wells Beach Area will need to be supported by a project-level Habitats Regulations Assessment.’

Policy WNS18: Wells Harbour

7.156 This policy sets out a very specific approach to the Harbour. I looked at the Harbour carefully during the visit. It is a very interesting and distinctive part of the Town.

7.157 The policy has two related parts. The first comments that development proposals that would preserve and enhance the character of the Harbour and its role as a working and functioning port will be encouraged. It also comments that support in principle is also given to proposals that would celebrate the maritime heritage of the town, the connections between the present town and its origins as a harbour and a port and underpin the role of the Harbour area as an important asset to the town.

7.158 The second part of the policy advises that development proposals that would recognise the benefits to the town’s employment and tourism provided by the harbour and would result in improvements to onshore facilities that benefit both visiting boats and resident boats will be supported.

7.159 In general terms the policy takes an appropriate approach to the Harbour. It will assist in the promotion of sustainable development. However, to bring the clarity required by the NPPF, I recommend that its structure is modified to address the following matters:

- the breaking down of the policy into its component parts;
- the replacement of any references to encouragement with support. In policy terms encouragement has little weight; and
- the deletion of the third part of the policy (on HRA work) and its repositioning into the supporting text. This acknowledges that the matter is a process issue rather than a land use policy.

- 7.160 I also recommend that paragraph 10.7 is expanded to address the issues identified by NNDC. As it comments, as submitted, the supporting text explains the history and current condition of the Harbour rather than providing a direct context to the policy itself.
- 7.161 Otherwise the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the policy with:

‘Development proposals that would preserve and enhance the character of Wells Harbour (as defined in figure 41) and its role as a working and functioning port will be supported.

Appropriate and suitably-scaled development proposals that would celebrate the maritime heritage of the town, the connections between the present town and its origins as a harbour and a port, and underpin the role of the Harbour area as an important asset to the town will be supported.

Appropriate and suitably-scaled development proposals that respond positively to the employment and tourism facilities provided by the Harbour and would result in improvements to onshore facilities that benefit both visiting boats and resident boats will be supported.’

At the end of paragraph 10.7 add:

‘Policy WNS18 addresses development proposals at the Harbour. It sets out a positive context within which proposals that reflect its role as a working port and a focus for employment and tourism related development can proceed. Development proposals should respond positively to the information in the Design Guidance and Codes about this important part of the Town. The policy anticipates that onshore facilities may be required in the Plan period to consolidate the Harbour’s use by boats owned by both residents and visitors. This could include traditional uses found in harbours such as boat repairs, toilets and showers and fuelling facilities. Any planning applications for onshore facilities in Wells Harbour should be supported by a project-level Habitats Regulations Assessment.’

Projects

- 7.162 The Plan includes a series of Projects. They are included in a separate part of the Plan to distinguish them from the land use policies.
- 7.163 I am satisfied that the Projects are locally distinctive.

Other Matters - General

- 7.164 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the

policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for NNDC and WTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Specific

- 7.165 NNDC has raised a series of detailed comments on the supporting text of the Plan. Where they relate to individual policies, I have recommended any required modifications in my commentary on the policy concerned.
- 7.166 NNDC has also suggested a series of changes to more general elements of the Plan. They are very helpful in bringing the Plan up to date or identifying inconsistencies. I recommend modifications where they are necessary to ensure that the Plan meets the basic conditions or to correct factual errors as follows:

In paragraph 5.1 remove the unnecessary ‘will’

Replace the first three sentences of paragraph 5.27 with: ‘Affordable housing can be delivered as Rural Exception Sites. These sites will be outside the settlement boundary and are identified for development as an ‘exception’ to the prevailing policy set in Local Plans. Such sites might not ordinarily expect to gain planning permission and are known as ‘Rural Exception Sites’

Replace the final sentence of paragraph 5.40 with: ‘In terms of affordable homes, Planning Practice guidance provides a recommendation that 25% of affordable housing should be First Homes.’

Replace the final sentence of paragraph 5.81 with: ‘Such development would also be subject to the provisions of Policy WNS6 and have regard to the Wells-next-the-Sea Design Guidance and Codes and the Character Appraisal.’

At the end of paragraph 5.88 add: ‘The national approach to design is complemented by the North Norfolk Design Guide, which is an adopted Supplementary Planning Document.’

In paragraph 5.89 use the full description of the document as follows: ‘Wells-next-the-Sea Design Guidance and Codes Final Report (February 2022).’

In paragraph 6.5 delete ‘The sites below are identified in the existing Local Plan under EMP23 and E2.’

In paragraph 6.6 replace the first sentence with:

*‘**Site 1 - Land south of Maryland.** The site lies within a designated strategic employment site **EMP23** and continues to be identified for ‘employment generating development’ in the emerging Local Plan.’*

Replace the final two sentences of paragraph 7.3 with: ‘However, as the population of the town increases with the allocation of at least 115 new dwellings identified through the Local Plan and this neighbourhood plan, a number of these services are either at or nearing capacity. Moreover, some of these facilities, especially utilities, waste disposal and sewerage are also used by the influx of tourists who now visit the town all year round but especially during the summer holiday season.’

Replace the final sentence of paragraph 7.15 with: The Neighbourhood Plan takes the opportunity to include Wells-next-the -Sea into that approach’

In paragraph 8.14 delete ‘In particular, no hanging signage should be permitted on High Street or Staithe Street.’

In paragraph 8.19 replace ‘The NPPF 2021’ with ‘Paragraph 209 of the NPPF (December 2023).’

Other Matters – Updates to the NPPF

- 7.167 The NPPF has been updated twice since the Plan was submitted (in September and December 2023). I have made specific comments about the NPPF in this report, and where necessary, recommended modifications to the relevant supporting text. For completeness, I recommend that WTC and NNDC ensure that any references to the NPPF (and/or its paragraph numbers) in the Plan relate to the December 2023 version.

Revise any references to the NPPF (and/or its paragraph numbers) so that they relate to the December 2023 version.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting and to deliver housing to meet local needs.
- 8.2 Following the independent examination of the Plan, I have concluded that the Wells-next-the-Sea Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to North Norfolk District Council that, subject to the incorporation of the modifications set out in this report, the submitted Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 11 February 2019.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were detailed, informative and delivered in a very timely fashion.

Andrew Ashcroft
Independent Examiner
15 April 2024