

North Norfolk District Council
Holt Road Cromer Norfolk
NR27 9EN



2.11.23

Mr J Miller
Parish Clerk
Tunstead parish Council,

Our Ref: Policy/12/01/14-1.

RE: Application to Designate a Neighbourhood Planning Area

Dear Mr Miller

Thank you for your application and supporting statement on behalf of Tunstead parish council to designate the parished area of Tunstead as an area in which to undertake neighbourhood planning.

In accordance with The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 through delegated authority to the Planning Portfolio holder in conjunction with the Planning Policy Manager it is resolved to **approve** the designation of the proposed Neighbourhood Plan as detailed in your statement.

The map showing the designated area, application form and supporting statement will shortly be published on the Council's web site:

<https://www.north-norfolk.gov.uk/tasks/planning-policy/neighbourhood-planning/>

Cllr Andrew Brown - Planning Portfolio Holder, NNDC

A handwritten signature in brown ink that reads "Andrew Brown".

Mark Ashwell - Planning Policy Manager, NNDC

A handwritten signature in black ink that reads "Mark Ashwell".

Attached: NP Designation: Advice Note November 2023

Neighbourhood Plan Designation: Advice Note November 2023



Tunstead Parish Council

The attached designation letter is your formal notification that the parish area is now designated as a Neighbourhood Plan Area, NPA. Please keep this for your records. We will publish this along with a map showing the designated area and other formal correspondence as your Plan progresses on our dedicated neighbourhood planning website, [Home | Neighbourhood Planning \(north-norfolk.gov.uk\)](https://www.north-norfolk.gov.uk). Officers will also create a specific page for the Tunstead neighbourhood plan, TNP, on the Council's neighbourhood planning web pages which will host all the formal documentation and correspondence in relation to this neighbourhood plan. We would also ask that the parish council set up a separate and dedicated Neighbourhood Plan page on your own parish council web site and publish all formal and informal notices such as steering group meetings minutes and consultations, so the process is open and transparent to the community and those that wish to follow the process.

As a designated area the parish council as the qualifying body in law can now produce a neighbourhood plan, NP, Neighbourhood Development Order, NDO and or a Community Right to Build Order, CrtBO. Further information on each is available on our web site and through the Neighbourhood planning section of the national planning practice guidance. [Neighbourhood planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk). Depending on the ambitions of the parish council rather than producing a neighbourhood plan an NDO and or Community right to build order may be more appropriate and I would encourage the parish council to review each option at the earliest opportunity to establish the best route to achieve your aims and discuss the process with policy officers who will assist and advise. More information on this option can be found in the attached information leaflet on Neighbourhood Development Orders – a tool kit for neighbourhood planners by Locality.

As I understand it, the parish council are undertaking a neighbourhood Plan purely to facilitate enabling development on community land for the benefit of the community, as previously advised the district council are supportive of appropriate community development schemes through the submitted local plan policy SS3 - Community led Development. Given this, it may be entirely possible to advance an application though early engagement with relevant officers without the need for neighbourhood planning. Officers would be pleased to provide further advice and facilitate appropriate discussions with development management colleagues and the parish council if this is seen to be an appropriate route and would be happy to explore this option further with you.

A neighbourhood plan should support the delivery of strategic policies set out in the local plan or spatial development strategy and by being prepared positively should shape and direct development that is outside of those strategic policies (as outlined in [paragraph 13](#) of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine. A neighbourhood plan should, however, contain only policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the

statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)). Given this there is no need to repeat or duplicate policy areas already contained in the local and national policy. In line with government advice the qualifying body should work constructively through the production of the neighbourhood plan with the Council as the Local Planning Authority so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the local plan, including housing supply policies not least so as to manage community expectations as such areas form part of the independent examination, where conflict, duplications and overall sustainable development principles are examined through the Basic Conditions tests and officers can advise on appropriate policy wording during plan development.

Officer Support

The government advise communities and local planning authorities to discuss the different choices communities have to achieving their ambitions for their neighbourhood and the council encourages this approach. During the development of your neighbourhood plan, NDO and or CrtBO, you will have access to and support from the qualified professional officers in the policy team here at NNDC. We can assist in many ways from informal sounding board, provide a general steer through the process, impartial planning advice, sense check of policy ideas/ approaches and policy wording, policy formation, evidence base, technical support and the statutory/ legislative matters as well as informal review. As your Plan progresses officers are also required to take on a more formal role and will also formally review and provide comment at the required legislative stages which will be published on our web site. **We would strongly encourage you to make full use of the available officer resource and encourage continued informal dialogue throughout the production of your NP, especially now that video conferencing is facilitated and accepted as the norm.** We would encourage you to seek continual advice on individual areas as the plan progresses, use officers as an informal sounding board for policy approaches around the potential options, their justification and alignment with existing approaches so that you can genuinely consider all the facts and considerations and add value or local considerations to policy that will help meet your objectives. Not least due to the complexity of planning it is advisable not to get too far down the production of a neighbourhood plan without sharing / discussing policy options and wording with officers. Neighbourhood planning is head up by Iain Withington as Policy Team Leader in the planning policy team and as such is the senior contact for advice and support. In addition, once designated as a NPA a policy officer is usually appointed as your specific liaison and he/she will become your first contact officer and will co-ordinate council advice and assistance from specialist policy areas across the council and act as a sounding board.

It is asked that we are kept informed on the overall progress, intended timelines, the overall project plan and who your steering group members will be. We would be pleased to set up an initial discussion to help set out the initial stages and set the process off on a sound footing. As detailed below there are guidance notes available from Locality and NNDC on many aspects of neighbourhood planning including how best to engage with the Council, the use of evidence to justify approaches as well as specific guidance on individual policy areas and process such as how to establish housing needs and to undertake local green space assessments and how to engage with the local planning authority.

I draw your attention to a number of specific local guidance notes and check sheets which have been produced and ask that these are reviewed and that the web site is checked regularly for updates. These cover areas such as how to use evidence, how to designate land as local green space, and how to develop policies in areas such as housing. We strongly recommend that the guidance contained in these is followed. These are available at:

<https://www.north-norfolk.gov.uk/tasks/planning-policy/neighbourhood-planning>

In addition, the growing evidence base of the emerging Local Plan is available in the document library <https://www.north-norfolk.gov.uk/tasks/planning-policy/document-library>. This should be your first port of call for your evidence review however you should also check with officers of any other available evidence before commissioning your own.

Officers may also be able to assist in helping to identify other suitable supporting evidence in addition to the published documents, saving you time and money **and early and continued discussion throughout the development of your neighbourhood plan is again encouraged.**

We recommend that all those that are to be involved in the NP read and become familiar with the relevant national guidance contained in the National Planning Policy Framework, NPPF [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/national-planning-policy-framework) and neighbourhood planning section of the National Planning Practice Guidance, PPG

<https://www.gov.uk/government/collections/planning-practice-guidance>. This is the national guidance that sits behind the National Planning Policy Framework (NPPF). It provides detailed implementation guidance on many subjects which a NP could include, such as: how to go about establishing housing need, what to address in relation to flooding, and explains how the neighbourhood planning system works what should be considered and the requirements to justify approaches through evidence. It also details the key stages of neighbourhood planning, links to the legislation and informs all, of the detail and responsibilities throughout the production of a NP. **In essence it sets the parameters and is essential reading**, to those undertaking neighbourhood planning.

Less formal guidance can be obtained from **Locality** which is the community organisation that provides support for Neighbourhood Planning nationally. Along with those produced specifically for North Norfolk by officers there are extensive subject-based guides and best practice examples at: <https://neighbourhoodplanning.org>. Locality has also published a **road map** and other useful guidance documents which will help get you well-grounded from the start and provide information on how to cover specific subject matters such as design coding, site allocations etc. Locality are also the organisation that administers the Government's Neighbourhood Planning support and grant requirements.

Local Plan Conformity, Repetition & Duplication of policies

As you will be aware the Council is in the final stages of producing a new Local Plan.

Currently the relevant strategic policies, along with the NPPF, and PPG can be found in the North Norfolk Core Strategy, Site Allocations document and emerging Local Plan, along with the recently adopted Broad's Authority Local Plan (where relevant) and on government web sites. There are also a range of adopted Supplementary Planning Guidance documents, SPDs. Each Plan and guidance documents will apply only in the relevant administrative areas of the parish.

In May 2023 the Council submitted its emerging Local Plan for independent examination and in line with NPPF para 48 the Council is intending to now give weight to many of the policies contained in submitted Local Plan. The expectation is that the emerging Local Plan will undergo formal examination early in the new year and be the adopted Plan later that year and certainly before any new neighbourhood plan can be produced. **Our advice is that is that from the outset conformity with the submitted Local Plan rather than the Core Strategy should be your focus.** It is this Plan that will set out the longer-term strategic policies of the district, and for any emerging neighbourhood plan to remain relevant and up to date in the longer term it is this emerging Local Plan that the parish should look to align with.

To date many Neighbourhood Plans across North Norfolk have sought to include policies covering a wide range of policy areas, many have been general in nature, repeated criteria set out in the strategic policies of the district and in many cases have needlessly added conflict between the policies and introduced ambiguity in decision making. In other cases, the ambition set out in the neighbourhood plan has not been evidenced sufficiently or justified in a proportional way with some neighbourhood plans even misreporting and or ignoring the available evidence. As a result, many NP groups have had raised expectations and been ultimately disappointed when these policies have been removed and or modified at the time of examination by NNDC.

One of the basic conditions tests for Neighbourhood Planning is that Plans need to be in general conformity with the strategic policies of the district. Policies that seek to duplicate or repeat existing Development Plan policies and or national policy or introduce unnecessary ambiguity into decision making run the risk of falling foul of such conformity rules and will run the strong risk of deletion at examination if left in. **Our advice is that a Neighbourhood Plan should be focused on what additional benefit/ considerations, including justified growth it can bring to the NPA and any Plan should not seek to repeat or conflict with existing local or national policies. Equally there is no need to seek to have a general policy on every matter and especially those that are already covered in the wider development plan. Neighbourhood plan policies should simply address more local and additional considerations, provided there is the evidence to justify the approach.**

A neighbourhood plan can be comprehensive or simply focused on a few matters. It should not try and replicate the broad approach of strategic policies contained in the Local Plan. We would advise that the **starting point of any Neighbourhood Plan is a review of the existing and emerging Development Plan and policy base, in relation to the chosen policy areas to see what additional considerations could be added and what evidence would be needed to justify such an approach.** Officers will be able to assist in helping you identify appropriate approaches and evidence. **Our top tip is to keep any neighbourhood plan simple and focused.** In doing so clear objectives and aims need to be set out from the start and appropriate evidence detailed to justify the chosen approaches. At the end of the day when a neighbourhood plan is adopted it is adopted as part of the overall Development Plan – **it is not a standalone document.** The Development Plan consists of the adopted Local Plan, the Mineral and Waste LP (NCC) and any relevant NP. Of material consideration is the NPPF, Supplementary Planning Guidance and the National Planning Policy Framework, NPPF. This is why policies should not be duplicated or repeated or be in conflict. In the determination of planning applications, the decision maker will use all policies and apply weight (judgment) based on the relevant policies at the time. The national Planning practice Guidance, PPG which is available online only provides more information on this.

Subject matters and land use planning

The subjects/policies of the NP should be kept to that of land use planning and supported by appropriate objective evidence. Many neighbourhood plans have gone down the route of trying to include policies outside land use matters eg when trying to control housing occupation or the speed of traffic. In all cases to date such policies have been removed at examination as they fall outside the remit of planning and or conflict with the Council's strategic housing policies and legal duties. If there is an ambition or community aspiration to address such matters, it needs to be realised early on the limited scope there is in such areas. Officers will assist and talk through the options.

One way forward if there is a community expectation for the inclusion of non-land use planning matters is to identify within the Plan some separate 'Community Aspirations'. These are not policy binding and not examined as such but can help to address local expectations around issues expressed by residents and provide advice to developers. Such aspirations should be separate from policies and would not carry any weight in making planning decisions but can be included as long as they are clearly identified as such. They should not be phrased as to cause conflict with other policies.

Evidence

Evidence is extremely important in developing a NP as it ensures that the choices made in your neighbourhood plan are backed up by facts and that the policies produced are therefore robust and justified as required by planning Law. **Opinion and views of the local community and others that have a stake in the future of a neighbourhood plan area e.g., expressed through consultation, demonstrate that the policies in your plan have been informed by the participation of the local community and others with an interest in the area but opinion itself does not provide the justification for policies choices.** Although local opinions and engagement is important the lack of distinction between opinion and evidence is often a mistake that occurs early on in neighbourhood planning, and it is best to ensure all those involved are aware of the distinction and can make informed choices. For example, you may find that there is **insufficient evidence to support** the community raised issues and concerns or that the policy area is already adequately covered in the Local Plan and or national policy. In such cases where the evidence **may not substantiate the views of the community**, or it may contradict the views of the community an approach /policy will remain challengeable and may not be justified.

There is no substitute for research and fact finding which demonstrates that the choices made in the Plan are backed up and substantiated by up to date and robust background fact rather than opinion. Further information on this area and the use of evidence can be found on the Locality web site and in NNDC guidance document NPG4: Evidence available through the links above.

Environmental Screening

As the "responsible body" in separate environmental legislation, when the time comes a detailed **Screening Opinion request should be submitted to the Council and we will undertake the Strategic Environmental Assessment, SEA Screening and Habitats Regulation Assessment, HRA Screening of the emerging Neighbourhood Plan on your behalf.** These are statutory requirements and need to be undertaken by qualified professionals to the satisfaction of the

Council, and relevant statutory bodies such as Natural England and the Environment Agency. They should however only be undertaken when the policy content is known and advanced enough. Depending on the outcome a full SEA/HRA may be required, (unlikely if the NP is not allocating development sites). We do not advise that these screenings are undertaken by others without the knowledge and agreement of the Council. If they are it invariably leads to further delay as officers need to undertake / review the screening work themselves before they can sign off on such when the formal need arises. Again, avoiding this pitfall falls into the category of ensuring there is ongoing and continual dialogue. If further HRA/SEA are required these will have to be commissioned separately and undertaken by a suitable qualified professional. Further technical grants may be available from locality of NNDC.

Steering Group

We would recommend that a steering group guides the production of the neighbourhood plan and that terms of reference are drawn up between it and the parish/town council – who remain the “qualified body” in terms of the legislation and must agree to formal stages of the neighbourhood plan process i.e consultations and submission. The steering group should undertake much of the work. If in future you are considering the commission of any evidence or external support / project management please keep us informed and where possible seek our guidance and knowledge prior to appointing a consultant.

It would be helpful if the names and contact details of any steering group members can be shared for our records and that a main point of contact is confirmed.

We look forward to assisting the Parish Council and any Steering Group through this process. Should you require any further advice or discussion please don't hesitate to contact me.

Iain Withington
Planning Policy Team Leader
iain.withington@north-norfolk.gov.uk
01263 516034

Attached information leaflet on Neighbourhood Development Orders – a tool kit for neighbourhood planners by Locality.