

Blakeney Neighbourhood Plan - Pre submission Version (September 2019 Reg.14 v1)

North Norfolk District Council response November 2019

1. Thank you for consulting North Norfolk District Council (NNDC) on the pre submission Blakeney Neighbourhood Plan (the Plan). NNDC is the statutory Local Planning Authority (LPA) for the area and is a specific consultee. NNDC recognise the work and commitment that has gone into the production of the Plan by members of the Steering Group, Blakeney Parish Council and the Clerk.
2. The comments below form officers' review of the emerging neighbourhood Plan from across the Council's departments at regulation 14 stage of the Neighbourhood Planning (General) Regulations 2012 as amended. This stage requires formal comments in line with our professional and statutory role and should be seen as a positive attempt try to assist the Parish Council in finalising the Draft Plan in order to produce a final Plan for the parish.
3. We want to see a Plan that best reflects the aspirations of the community whilst fitting into the parameters of neighbourhood planning, meets the required basic conditions tests at independent examination and will be effective in the longer term.
4. The commentary and advice contained in the response is drafted in such a way as to make sure the emerging Plan faces less challenge at examination, has the best chance of being adopted and will stand the test of time.
5. We highlight a number of concerns in relation to the evidence base of the Plan and officers would like to work with the steering group to ensure your evidence provides the basis for a truly effective Plan for Blakeney. We would like to work with you on setting a housing target and expanding the evidence base on local need.
6. We believe a number of the aspirations and objectives of the Plan could be achieved by allocating a site in Blakeney for housing growth. We understand this is a difficult, controversial and complex process, however, we want to support you in this process, if you choose to undertake it.
7. We would like to discuss the detailed response with the Parish Council and also reiterate our willingness to provide ongoing professional support and to undertake a number of informal workshops or meetings with the steering group based around topic areas.

Section 1: Overarching comments to the Plan

Overview

8. We fully support the production of neighbourhood plans, believing that when combined with other elements of the Development Plan, they can be effective in addressing local issues and help shape growth to meet local community needs in a way that the strategic nature of the Local Plan cannot. As such they provide the opportunity to add much local distinction, positivity and direction in order to help a neighbourhood grow.
9. We recognise that much hard work has gone into the production of the Blakeney Plan and are supportive of many of the underlying principles of what the Parish Council is trying to achieve.

However, in examining the Plan and the policies there are some significant concerns which go back to the heart of neighbourhood planning process that, in officers' professional opinion, need to be taken on board in order to produce a meaningful and effective Plan.

10. Many of these comments will come as no surprise and have previously been raised – but have not been taken on board in the finalisation of this consultation document. Taken as a whole we are of a view that with the Plan, as presented, there is real danger that it will not pass the scrutiny of independent examination based on the circumstances of Blakeney or be effective in addressing the stated aims without significant deletion, and amendment.
11. In taking the Plan forward we strongly recommend that a review of existing Local Plan policies takes place followed by the commissioning of significantly stronger supporting evidence base (with an appropriate review and consideration of the evidence) in order to inform potential policy options. Throughout this response, potential solutions are outlined which would allow officers to be more supportive towards the Plan and we would encourage the Parish Council to give serious consideration to them going forward.
12. Plans should to be ambitious, but realistic, and a level of honesty and realism is required around the recognised cumulative influence any Plan will have on development in the parish. Consideration needs to be given to the cumulative effects of all the policies combined as well as the effects of individual policies. There is little, to no point, in promoting a policy if the level of influence it has (irrespective of the supporting evidence) is trivial and/or has the potential to limit development.
13. Though you may find much of this response critical, the comments are designed to be informative, constructive and supportive in the production steps ahead of the final submission and prior to independent examination.
14. Overall, the emerging Plan as presented reflects a missed opportunity to define and refine development proposals in Blakeney in order to add a level of local distinctiveness in the way expected by the government through neighbourhood planning. **We draw your attention to two neighbourhood plans, Coggeshall and Stadbroke, both of which set out a clear structure and ambition, set out positive policies justified by appropriate evidence and provide a framework for planning, which if followed provide good examples of what can be achieved and how to manage the production of a neighbourhood plan.**
15. It will be up to the Parish Council as the Qualifying Body to review these and other comments received to inform the production of the final plan. A schedule of all comments received and the actions flowing out of them should form part of the required consultation statement at submission stage and be used in a constructive and positive way to demonstrate how the feedback has helped inform the final version of the Plan ahead of independent examination.
16. On reviewing the material made available for the consultation, it is noted that there are numerous individual and overarching issues that run throughout the document which raises significant concerns around compliance with government legislation on plan making. To address these concerns, in taking the Plan forward, the Parish Council may wish to consider the other areas of professional support that are available. In addition to further officers' support, Locality (as the national group funded to provide external support for neighbourhood planning) not only provide key neighbourhood planning guidance documents but also offer best practice advice and additional technical planning support through AECOM¹.

¹ <https://neighbourhoodplanning.org/wp-content/uploads/Guidance-notes-2019-20-update-inc-AHS-Final.pdf>

17. Officers have concerns that the basic conditions have not been met in relation to:
1. **A misunderstanding of planning, planning law and the neighbourhood plan process:** including basic conditions test, scope of land use planning/ focus on non-land use planning matters, failure to include a housing target for the application of housing policies, suitability of some of the approaches chosen & the inadequateness of methodologies used and screening requirement for environmental effects
 2. **A significant lack of evidence, lack of objectiveness in presentation and justification to support approaches including;**
 - a. the significant reproduction of large parts of other Made Plans without the appropriate review and locally derived evidence informing and supporting the approach.
 - b. Misinterpretation of the limited evidence
 3. **Ambiguity, duplication, conformity and repetition issues, both between policies and also with statutory plans;**
 4. **The long term effectiveness of policies and their ability to address the issue raised.**
18. There remains a significant amount of unnecessary duplication and repetition, lack of clarity, conformity with other development plan policies which if not addressed will also inevitably limit the shelf life of the neighbourhood plan as they will be superseded by the emerging Local Plan.
19. It is advisable to go back to basics, seriously reconsider the scope and evidence base required and to allow this evidence inform the policy choices rather than seeking to make a policy fit into a preconceived outcome. The starting point should be a review of the existing Core Strategy and emerging Local Plan for conformity issues (see our guidance note).
20. The comments provided are substantial and detailed, however, in an attempt to minimise repetition, this section seeks to cover many of the high level and cross cutting issues followed by advice on how the plan could establish itself on a sound footing. **In section 2 more detailed comments are given on each section and individual policies.**

[Previous feedback](#)

21. Although some policy wording has been amended officers' remain concerned that our previous detailed written advice provided on the emerging plan (in March 2019 and at a subsequent meeting on 25th March 2019 with the steering group) has not been adequately considered and incorporated into the production of this consultation document. As such the emerging Plan continues to project fundamental flaws into the community consultation in such a way that can only mislead the general public and consequently dilute the effectiveness of the consultation exercise.

Policy considerations

National Policy

22. Overall neighbourhood planning provides a powerful set of tools for local people to plan for the types of development to meet their community's needs, develop a shared vision for their neighbourhood and shape the development and growth of their local area. In neighbourhood plans the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area, which is set out through the Local Plan. The Council is supportive of neighbourhood planning and recognises that the production of a neighbourhood plan can be daunting and there are many issues to consider, however, it remains a formal planning document guided by prescribed legislation and which must undergo independent examination.
23. The neighbourhood plan must comply with basic condition tests which include national and local policy considerations, European legislation requirements and equality law compliance. In doing so a Plan is required to have appropriate justification and we cannot stress enough that throughout the production of the Plan, the Parish Council should take the council up on its offer to provide continued and constructive guidance.
24. The basic conditions tests are not repeated here as you will no doubt be familiar, however the National Planning Practice Guidance (PPG) provides comprehensive web based guidance for the planning system which all Plans and Programmes should be in general conformity with. In many cases the guidance adds detail and interpretation of the National Planning Policy Framework, NPPF, and clarity to the interpretation of the basic condition tests. There is a specific section for neighbourhood planning in the guidance which also links to relevant parts of other guidance such as plan making which details the use of evidence further. Other sections cover the use and limitations around planning obligations which covers such items as affordable housing contributions and the parameters of s106 agreements. These guidance documents cover many of the topics that are to be covered in the emerging the Plan.
25. **It is strongly recommended that the neighbourhood planning section of the PPG and the locally specific and detailed guidance documents produced by NNDC (see below) are reviewed and taken into consideration in future versions of this emerging neighbourhood plan.**

Planning Guidance

26. NNDC have produced a suit of additional guidance aimed at supporting local communities in North Norfolk undertaking neighbourhood planning. These are based around specific check sheets and frequent topics that town and parish councils have sought guidance on. They are designed to provide guidance on how neighbourhood planning groups can reflect local circumstances and develop policies that are justified and evidenced in a positive and realistic way, which if followed will provide more certainty at examination and provide an effective policy base to inform decisions. These guides are updated from time to time and can be found on the Council's web site: <https://www.north-norfolk.gov.uk/section/planning/planning-policy/neighbourhood-planning/>
27. In addition, those producing neighbourhood plans should refer to and obtain an understanding of the National Planning Practice Guidance which provides the government's guidance and parameters around neighbourhood planning:
<https://www.gov.uk/government/collections/planning-practice-guidance>.

Detailed comments on the approach outlined in the Plan

Affordable Housing & Local Connection

28. The Council have consistently advised the Steering Group that the statutory occupation of housing sits outside the scope of the neighbourhood plan and land use planning. It is wrong to suggest that neighbourhood plans can set policies that determine who gets priority in occupation and which housing provider should supply the properties. Furthermore, the Plan should not seek to misrepresent planning officers and imply a level of support that is not there. Inaccurate references contained in the document should be removed.
29. **For those neighbourhood groups who wish new housing to go to those with a connection to the parish it should first be noted that the existing countryside policy and rural exception site development policies that exist in the Core Strategy and emerging Local Plan already do this.**
30. Countryside development for affordable housing in perpetuity in association with a specific neighbourhood connection is allowed through Core Strategy policy HOU3, HOU5 and the emerging Local Plan policy HOU3 and HOU4. In such cases preference is already given to those with a connection to the parish. For all other developments affordable housing occupation is determined by the strategic housing policies of the Council in line with the government's reasonable preference criteria and choice based lettings scheme. This is a statutory requirement that applies to all development and includes the strategic site allocations in the Local Plan. This will take precedent over the parish council's aspiration for seeking priority to be given for those with a locally defined connection through the neighbourhood plan.
31. A neighbourhood plan group seeking to add further local connection criteria outside of the statutory policy would not only be contrary to the Council's allocation policy but also contrary to the legislation to which Local Authorities must conform to. For case history, please see the Inspectors report into the Corpusty & Saxthorpe Neighbourhood Plan where a similar approach was deleted at examination.
32. As written the Plan misinterprets and misleads its readers and it needs to be recognised and explicitly stated that in national policy there are affordable housing thresholds below which no affordable housing can be asked for, as well as percentage requirements in the Local Plan. Clarity needs to be given around the expectations and the numbers of affordable homes the plan expects to deliver and further consideration given to the effectiveness of the approaches in achieving the ambition.
33. It is true that the Blakeney Housing Association has agreed its own lettings policy with the Council. This housing society is a community initiative that provides for small scale and very local needs by operating on a small geographical scale. As such North Norfolk District Council has agreed with the Association that they can apply specific allocation policies provided that the policy comply with equalities legislation and that they are operating in the specified area.
34. It should be noted that these local societies can purchase land and build in the relevant communities but neighbourhood plans should not seek to write policies that favour them as housing providers over others or prevent other providers from operating. Neighbourhood plans should therefore not seek to replicate such business models or criteria in policies. It goes without saying that where any housing is provided by such a local housing society its specific nomination criteria would be applied.
35. **By seeking to provide housing to those with a local connection across the parish, at the expense of those in general need, such an approach does not comply to equality legislation and conflicts**

with the Council's statutory duty in accordance with its responsibilities under separate Housing legislation. Therefore, Policy 1 has no grounds for inclusion in the Plan.

36. The Plan is also seeking restrictive letting policies on windfall development and as such the steering group need to be aware of the policy restrictions in national guidance where thresholds apply to the provision of affordable housing along with the potential to conflict with the strategic approach of the Council which in part is reliant on a windfall allowance to achieve its housing target for market housing. This is particularly relevant to the Plan as no additional growth is being brought forward through the neighbourhood plan to address the identified local need or a housing target set for the plan. **As such the Plan is not positively prepared and in conflict with the strategic approach set out in the Core Strategy and emerging local Plan and also fails to adhere to national guidance.**
37. Further explanations on planning obligation thresholds is contained in the housing section of the emerging Local Plan and is also contained in the PPG and **more detail on these issues and other housing matters including the approach to general needs housing and exception site are explained fully in the Council's Neighbourhood Plan Guide to Housing².**
38. There are opportunities outside the neighbourhood planning process where communities can identify and progress affordable housing sites with the support of the Council's Housing Enabling team through community-led housing. Detailed discussions have already been had and continue between the parish council, community enabling officers and housing providers round the opportunities of this approach in Blakeney and it is surprising that the plan remains silent on these and does not seek to develop a joined up strategy.
39. Community-Led Housing organisation's can own and manage homes and the land they stand on. The community benefits are clearly legally defined and protected for the community now and into the future. E.g. community land trusts principals offer a way of providing genuinely affordable housing in perpetuity, where the assets are held in trust for the benefit of the community. This method seems more closely aligned to the ambitions of the parish council, where a local letting approach could be explored with the Council separately as a housing provider in its own right or in partnership with Blakeney Housing Society.
40. As a way forward in achieving more affordable homes and to meet the needs of both the District and locally identified need through the NP we would advise that the policy approach currently outlined in the Plan is not the correct way to realise the ambition. **We would encourage, and be supportive, of the Parish Council if it sought a more joined up approach** - using the community housing led approach, to deliver its housing ambition and using the neighbourhood plan to identify and allocate suitable land. The approach should be set out an appropriate, justified and deliverable housing strategy.
41. A number of potential sites have previously been identified both by the Parish Council and the local planning authority, LPA. These could be further refined through the neighbourhood planning process where more certainty could be provided in meeting the community's aspirations and expectations by allocating appropriately assessed sites. Many of these sites have already been assessed as part of the Local Plan process and officers can provide an assessment framework and further advice on how to undertake site appraisal. Further professional financial and technical support is also available through Locality for this purpose. A housing target needs to be agreed with the LPA as advised in the national guidance and more information on this is contained below. **As a way forward we would advise that a comprehensive Housing Topic paper is produced that**

² <https://www.north-norfolk.gov.uk/tasks/planning-policy/neighbourhood-planning/>

reviews all the factual evidence across the whole built environment and seek to draw out all the issues both positive and negative that have a bearing on the NPA.

Housing Target

42. Strategic policies in the Local Plan set out the overall housing target for the District and distribute growth across a hierarchy of settlements. Such requirements are based on the overall housing requirement/target of the Local Plan and are based on appropriate evidence and national policy and assist in the Council meeting its own identified housing needs at a strategic level across the District. Blakeney is identified as a service centre and as such is a settlement that provides for wider district needs as well as its own and this wider function should be explained in the plan along with how through the emerging neighbourhood planning additional sites can be identified to address any properly evidenced local need.
43. In order to address affordable housing provision in line with the government expectations and the neighbourhood plan's ambition to ensure a more balanced housing market the Plan should include a **locally derived housing target informed by local evidence of need**. The Plan should be seeking opportunities for positive growth through the identification of additional sites (to the emerging Local plan) and allocate additional housing sites. This could include the identification of sites, both market and/or exception housing to address any fully evidenced local needs over and above that required through the emerging Local Plan.
44. As the Plan makes provision for housing and introduces housing policies, the NPPF now expects the Local planning Authority to set a housing requirement for designated neighbourhood plan areas³. The housing requirement figure and its origin (specific to the neighbourhood plan) are expected to be set out in the neighbourhood plan as a basis for their housing policies. In order to meet need, neighbourhood plans are expected by the Government to plan to meet their housing requirement and where possible exceed it⁴ through additional housing allocations including affordable housing.
45. The plan would benefit from greater clarity on the housing target and along with greater clarity on the status of Core Strategy and emerging local plan allocations. The Plan gives the impression that it will influence the Core Strategy allocations, however these have already been fully built out. The emerging Local Plan allocations would remain a strategic allocation to address a wider need and it must be made clear in the contextual information that neighbourhood plan policies apply to the **growth outside that identified as strategic growth i.e. only apply to growth brought forward through the neighbourhood plan**. This is particularly relevant in relation to the proposed approach around principle residency, and the policies in the Build Environment section other issues around conformity. In order to do this, you need to set a housing target and bring forward appropriate growth.

Setting a housing Target

46. National guidance advises that any housing requirement set should be met and where possible exceeded.⁵ In order to do this the NPPF expects that an indicative housing target is provided to neighbourhood planning bodies by the Local Planning Authority. Such a target should be in addition to the strategic target set out in the Local Plan and based on evidence. This should be

³ PPG para 101 Ref ID 41-101-20190509 09.05.2019

⁴ PPG para 103 Ref ID 41-103-20190509 09 05 2019

⁵ This advice is clearly set out in the PPG para Paragraph: 040 Reference ID: 41-040-20160211, Paragraph: 103 Reference ID: 41-103-20190509, Paragraph: 104 Reference ID: 41-104-20190509, May 2019 and others.

based on local characteristics, evidence and in agreement with the neighbourhood plan body. Any housing requirement is subject to the basic conditions tests and needs to be in general conformity with the Local Plan and will need to be tested at examination. No such housing target has been requested, nor does the plan seek to positively provide for any additional growth in order to address its objectives. As such these areas are highlighted for concern and should be reviewed as a matter of urgency in conjunction with officers.

47. It is advised that agreement on an indicative housing target is sought from the LPA which can be used as a starting point for the housing policies. In setting any housing target consideration will be given to relevant policies in the existing and or emerging spatial strategy as set out in the Local Plan alongside the characteristics and factual evidence of the neighbourhood plan area. In general, the Council are supportive of additional appropriate small scale growth in all parishes through neighbourhood planning where it is demonstrated there is a local need.

Evidence Base

48. Key to the development of a sound neighbourhood plan is the evidence base, which should be fully transparent, referenced and verifiable. Evidence, not opinion, should be used to inform and justify the development of any plans options and emerging proposed policies. Building a strong evidence base, to support and inform the production of a neighbourhood plan is vital to the immediate and longer term success of a neighbourhood plan.

49. The National Planning Policy Framework states:

Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.... A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body.

Paragraph: 040 Reference ID: 41-040-20160211 revision date 11.02.2016

...Any neighbourhood plan policies on the size or type of housing required will need to be informed by the evidence prepared to support relevant strategic policies, supplemented where necessary by locally-produced information.

Paragraph: 103 Reference ID: 41-103-20190509 Revision date 09.05.2019

A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy

Paragraph: 044 Reference ID: 41-044-20190509 Revision date 09.05.19

50. Evidence is extremely important, it ensures that the choices made in your neighbourhood plan are backed up by facts and that the policies produced are robust and justified as required by national policy and guidance..
51. **The Blakeney Plan is almost entirely based around opinion.** The opinion and views of the local community may demonstrate that the policies and approach in your plan have been informed by the consultation with the local community (and others with an interest in the area). However, it needs to be understood that opinion itself does not provide the justification for policies choices.
52. These community views or aspirations should have been built upon by examining and analysing evidence. 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 facts and evidence. If there is **not the evidence to support** the community raised view or concern, then the Plan should be honest and explain the evidential context and not have a policy for the sake of it. Evidence needs to be locally derived, and it is wrong to seek to justify policies after an approach has already been predetermined.

53. When using factual data, care must be taken in undertaking and presenting an objective analysis. Any review should not seek to skew data towards your preferred outcome but present a full and transparent picture from which to draw conclusions from. At present there is some concern that data used especially in the Build Environment section is incorrectly analysed and as such **presents a misleading and leading picture to readers**. E.g. Comparisons with Norfolk as a whole rather than the District Figures a whole different conclusion would be drawn. As such an incorrect picture is used to justify policies which will not stand up to scrutiny, will misinform the reader and has the potential to be undermined. Further detail on this is provided in the relevant sections below.
54. **A significant concern is the predominance of large sections of text and policy wording that has been copied from other made neighbourhood plans**. In particular, significant elements of the first five policies and supporting text seem to be directly lifted from two specific neighbourhood plans – St. Ives and North Northumberland Coast. There has been no review or presentation of the supporting evidence that accompanied those plans and on review is specific to their local circumstances. There has not been any meaningful analysis to provide justification for the same approach in Blakeney. This approach is not condoned and has the potential to undermine the long term application of the Plan and opens the risk of challenge.
55. A failure to base policy on robust evidence runs a considerable risk that it will not accord with the basic conditions and may be ineffective as the Council will not be able to rely on it in the longer term as a consideration in the determination of planning proposals. This affects the life and usefulness of a neighbourhood plan. This is particularly relevant in relation to the proposed approach around **principle residency**, where very little justification or evidence has been put forward to support the approach. **In order to bring forward such an approach a far more detailed and quantifiable evidence base needs to be developed on the basis of demonstrating the wider impacts of unrestrained growth on the whole sustainability of the town and neighbourhood plan area**, rather than the populist view cited that the number of second homes is hampering affordable house occupation by those with a local connection. Any claims of unsustainable impacts need to be substantiated by factual data and analysis of both positive and negative effects that second homes are believed to bring in order to establish the wider impacts on the sustainability of Blakeney.
56. A detailed guide on how to establish and justify such a policy approach is contained in the NNDC neighbourhood plan guide to housing. The guide explains the evidence approach required and the detailed considerations that need to be presented in order to support and justify policy development. The guide uses the St. Ives approach as a case review and identifies basic evidence considerations such as:
 - the position the settlement holds in the settlement hierarchy
 - viability impacts and consideration on the rate of deliver
 - existing age cohort of the parish
 - proportion of second homes (noting the difference between second homes and holiday homes) as well as the occupancy rates and the use as holiday lets and therefore their contribution to the local tourism economy
 - trend based analysis
 - occupation rates

- level of services
 - the consideration of alternatives that may more closely relate to the plans aims.
57. Any approach needs to be supported by a detailed analysis around the three strands of sustainability and include both positive and negative impact analysis specific to Blakeney followed by a balanced assessment of the potential options. It is simply not enough just to copy a policy from another plan.
58. In developing policy approaches unintended effects should be considered. e.g. new housing that is subject to principle residency does not have the price controls that affordable housing does, or any local connection requirement so any property that has this condition will not contribute to the prime aim of the parish council and community of providing affordable housing. Also such an approach can have negative effects on land and house values which can impact the viability of delivery.
59. A failure to ensure this advice is followed will leave the Parish Council vulnerable to challenge, especially when the issue of the lack of housing growth being promoted, and the lack of a housing target are taken into consideration. In short any policy approach seeking a principle residence restriction will need evidence that they (second homes) are the cause of problems and the restriction, if applied would be an effective measure without potential adverse unintended consequences
60. **Evidence from St Ives is that this is now starting to impact on housing delivery in a negative way and that those wishing to purchase second homes are still doing so, but from the existing stock.** A recent publication from the London School of Economics⁶ (as reported in The Telegraph) concluded that there has been a 7% rise in house prices in the existing stock and as such the policy has failed to address affordability or allow greater access to the market of local people. These factors and the effectiveness of any approach needs to be considered and documented as explained further in the detailed response to Policy 2 and is particularly relevant as the neighbourhood plan as drafted has the effect of constraining the supply of housing further.
61. For detailed guidance on evidence and how to identify, use and sources of evidence please refer to the NNDC guidance document published on the Council's web site.

Evidence example: green infrastructure and open space

62. The Plan contains numerous poorly constructed sections but can be demonstrated through the open space section of the plan where there is a missed opportunity to set out a local green infrastructure strategy that will deliver the connections and improvements outlined as aspirations of the local community.
63. Policy 13 adds no local distinction to existing policies. What the policy should be doing is designating appropriate sites for the Core Strategy policy to apply. In doing so any sites that meet the review criteria should also be mapped. Many of the spaces listed already benefit from an environmental/open space protection through various designations and Core Strategy / emerging Local Plan policies, where existing policies cover both designated and undesignated open spaces. As such the proposed policy does not bring any further protections to these sites and the policy along with the duplications / repetition of sites should be removed from the neighbourhood.

⁶ LSE Report: <http://cep.lse.ac.uk/pubs/download/cp543.pdf>

The Telegraph article: <https://www.telegraph.co.uk/news/2019/10/31/st-ives-second-home-ban-backfires-construction-companies-leave/>

64. There should be a thorough audit of existing policies and designations and Core strategy policy to inform future iterations of this Plan and include its findings as contextual information in the document to inform parishioners, the inspector and any determining officer at time of application.
65. In order for existing Core Strategy policies to apply to any identified open space sites (and to address the communities' wishes around the importance for these areas for recreational, amenity and visual impact) there should be a robust assessment. The assessment must conclude on the suitability (or not) for designation together with an explanation of the methodology used. This detail should be contained in a background topic paper
66. In the current Core Strategy protection is given to 'Open Land Areas' and 'Education and Recreation Areas' which are formally designated on the Proposal Map via adopted policy CT1 of the Core Strategy 2008. The parish council will be aware that as part of the preparation of a new Local Plan for the District the district council reviewed its evidence and policy approach in relation to designations and the provision of new, and protection of existing, green spaces of various types following feedback from the PC. The full assessment has been published and is available on the Council's web site and should be used in any review. In addition the council has published all the existing planning constraint layers including those with open space environment designation on its interactive constraint layer which the group can easily access <https://maps.north-norfolk.gov.uk/wmlpublic/Map.aspx?MapName=FindIT>
67. Neighbourhood plans can bring forward protection for open space through the assessment of additional sites subject to an open and transparent review as outlined in the NPPF. Sites that meet the qualifying criteria for Local Green Space designation and or more general open land area should clearly be identified. LGS sites are given specific policy protection in the NPPF. Further information and the full assessment framework is provided for both in the published NNDC guidance on local Green space and in the Amenity Green Space review both available on the Council's web site.
68. As a minimum the chapter should reference the sites with existing designations, a separate evidence paper should be prepared setting out how additional potential sites were identified and what value they bring i.e. through a review of existing all open space in the village, and then assessed according to the methodology set out in the NPPF (and detailed in the NNDC guidance). The council's published material includes an assessment pro-forma which can be used for such purposes.
69. It should be noted that the NPPF specifically steers communities away from designation of large tracks of land and those that have been put forward for potential development. If such an approach was taken it would be contrary to the NPPF and as such runs the considerable risk of deletion. For a full list of potential housing sites, the published Housing and Economic Housing Land Availability Assessment, HELAA should be used as a source of evidence.
70. For any sites that are subsequently identified as warranting special protection the location and extent should be identified and mapped in the neighbourhood plan and clearly referenced in a policy
71. As an alternative to the approach currently detailed the steering group have the opportunity to address the wider community aspirations around open space and connectivity **through the production of a locally distinctive GI strategy and link its delivery to growth.**
72. NPPF states: "To assist in planning positively for green infrastructure local planning authorities may wish to prepare an authority-wide green infrastructure framework or strategy. This should be evidence-based by, for example, including an assessment of current green infrastructure provision that identifies gaps in the network and the components and opportunities for improvement. The

assessment can inform the role of green infrastructure in local and neighbourhood plans, infrastructure delivery plans and Community Infrastructure Levy (CIL) schedules.”

“Local Plans should identify the strategic location of existing and proposed green infrastructure networks. Where appropriate, supplementary planning documents can set out how the planning, design and management components of the green infrastructure strategy for the area will be delivered.”

73. As such a local assessment of GI gaps and a strategy that address how to add local value could be included in the final plan rather than slightly meaningless section that repeats existing policy.

Evidence conclusion

74. **If the Plan does not have the evidence to support a particular policy approach, then you should consider removing the policy** otherwise you run the risk of the independent examiner recommending the policy is deleted or modified in line with any evidence provided at examination by third parties and or from national policy. Secondly, if a policy approach remains unjustified it runs the risk of not being enforceable in the longer term.
75. If you remove a policy because of a lack of evidence you may wish to explain to the local community in the draft plan or consultation statement, why a particular issue they raised during consultation is not being addressed in the neighbourhood plan. If in any review, there is an evidence gap you may need to commission further evidence. The policy team can advise on the best ways to go about this.
76. **As a way forward** the steering group should review available quantitative evidence and where necessary seek to establish other locally derived evidence to inform potential options. These options should be reviewed in line with the evidence to inform the best policy outcome. Jumping to a policy position without first considering the evidence should be avoided at all cost
77. Further information is available in the NNDC guide on evidence for neighbourhood planning and in relation to housing policies, e.g. setting the housing target, and how to approach establishing a suitable evidence base for second homes can be found in the neighbourhood planning housing guide.

Conformity Repetition & Duplication

78. The PPG at [Reference ID: 41-074-20140306](#) advises that the basic condition relating to ‘general conformity’ with strategic policies contained in the Local Plan should consider the following:
- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
 - The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
 - whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
 - the rationale for the approach taken in the draft neighbourhood plan and the evidence to justify that approach.
79. **As such a number of policies conflict with the strategic approach. Your attention is brought to the NNDC guidance on this matter in the published NP guidance on strategic policies.**

80. Not only do a significant number of the policies duplicate the existing and emerging policy base they also duplicate and conflict with each other. The plan would benefit from a full review of policies against those identified as strategic policies in the Core Strategy and also emerging Local plan. Where there is conflict policies should be removed or amended to remove the conflict. Clarity needs to be sought and further topic based discussions with officers as previously suggested are encouraged to establish a fuller understanding.
81. An example of this is the Policy 10 Drainage and Flooding where it repeats the approaches already detailed in National Policy, Core Strategy and emerging local plan. The policy is an unnecessary duplication and the policy actually seeks more onerous requirements than National Policy in the case of SFRA but no evidence is put forward to justify this approach. The policy does not seek to address any local specific flooding issue which is not already captured through existing policy and as such is unnecessary and should be deleted.
82. Another example is the promotion of the former school playing field on Langham Road as a 'protected' open space in Table 2. It is understood that the Parish Council is also supportive of an affordable housing scheme on this site and has had discussions with Blakeney Housing Trust and Broadland Housing Association. The neighbourhood plan therefore offers an opportunity not to reinforce the current open land area designation but to remove it and promote the site for Housing. Planning decisions are made in accordance with the Plan and the site is already designated as 'Open Land'.
83. Ambiguity, repetition and conflict in and between neighbourhood plan policies should be removed. It should be noted amending a Draft Plan is not the role of the Inspector who is more likely to remove policies than seek to resolve a plans short comings. **Significant conformity issues are highlighted in this overview and also detailed in section 2.**

Policy writing: Clarity and Effectiveness

84. As set out in the NPPF plans should be aspirational but realistic. This means that plans need to balance evidence of need, and evidence of viability and deliverability. The expectation of government is that neighbourhood plans are positively prepared - i.e. not restrictive or protectionist. Collectively there is concern that the policies when taken as a whole are restrictive and could stagnate development. As such the plan itself despite words to the contrary in the document is considered not to be positively prepared.
85. National planning guidance states that
- 'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.'*
86. Many policies in the plan would benefit from amended wording to ensure clarity for application and implementation purposes. Duplication and conflict within policies also causes concern and Officers have suggested policy deletions where it considers the policy repeats other parts of the statutory development plan or the intended outcome of the policy cannot be achieved through the planning system.
87. In some policies there is also the need to clarify in the supporting text where it is expected where and how a policy will apply - there is a need to provide clarity of whether the policy should apply to the neighbourhood planning area as a whole or only in certain parts.

88. Policies such as Policy 3 (Change of use from Residential to Holiday Accommodation) includes misleading and inaccurate interpretation of planning law and should be removed. Detail of these are included in the individual policy section that follows these comments. A failure to address these will result in running increased risks at examination of policy deletion. In order to rectify this a review of the effects of the Plan should take place and each individual policy checked so that they are each **positively worded**, and collectively **do not conflict or overlap** with each other or seek to repeat approaches already in the plan and wider development plan.
89. With regard to Policy 8, it is not clear on what basis are you seeking to remove permitted development rights. In applying the policy an officer requires a justifiable reason to apply the policy and a blanket ban would not be enforceable. What evidence exists that PD rights have caused unacceptable impacts?

Next Stages

90. We want to work with the Plan Steering Group in order to come up with an agreed approach to bringing the Plan to formal submission stage. Our suggested next stages can be considered in 2 parts: 1. The work that can be done on reviewing all of the comments and then making the appropriate revisions, and; 2. The information and documentation that is required from the Parish Council as Submitting Body at submission stage.
91. As previously stated we would like to discuss the response in detail with the Steering Group and also reiterate our willingness to provide ongoing professional support.

Blakeney Plan consultation response review

92. The Steering Group should review comments and should be recorded on a schedule of representations outlining the representations to each areas, from whom and how it has been taken into consideration in finalising the Plan. There may be a temptation for the Steering Group to continue with the approach as outlined in the Plan and not fully address the comments which are considered, by NNDC, to be fundamental. It is the Parish Council's prerogative to do so - as you may feel that your approach is robust and correct. However, we would recommend, and support, a comprehensive review of the evidence base and the policies.
93. We would therefore ask that a step back is taken at this stage and you take us up on our genuine offer of support and assistance. As previously suggested, we can undertake a number of informal workshops or meetings with the steering group based around topic areas.

Submission requirements

94. It would be helpful if we were given plenty of notice that the Plan is likely to be submitted. This allows for time to be programmed in to our work schedule – so that we can give the planning for the examination of the Plan the appropriate level of attention.
95. In the first instance, can we direct you to the guidance that NNDC have produced which includes a 'Submission Check Sheet'. That guidance will not be repeated in detail, but essentially requires the following:
- Sign off for submission by the Parish Council provided to Local Planning Authority.
 - A map of the designated Neighbourhood Plan Area.
 - The proposed Neighbourhood Plan - hard copy and in **Microsoft WORD format**.
 - A Consultation Statement.
 - A Basic Conditions and other legal requirements statement.

- Any relevant supporting information – i.e. the evidence base.

96. We do not believe that NNDC were asked by the Steering Group on who to consult at this Reg. 14 stage. Therefore, we will require the details of who was consulted and all those who responded as well as contact details at submission. However, the Parish Council must be aware of their GDPR responsibilities in relation to personal data.

97. We will need to be satisfied that the Reg. 14 consultation has been brought to the attention of all those who have an interest in the parish and not just those who live there. For example, has there been an attempt to contact the second home owners or engagement with the property industry (those involved in land and house sales) and have all the landowners who are subject to any designations (i.e. open space) been contacted and given the opportunity to give their views? We would be happy to provide best practice copies of other consultation statements.

98. Consideration should be given to Planning Policy Guidance on “Consulting on, and publicising, a neighbourhood plan”.

A qualifying body must consult any of the consultation bodies whose interest it considers may be affected by the draft neighbourhood plan or Order proposal. The consultation bodies are set out in Schedule 1 to the Neighbourhood Planning (General) Regulations 2012 (as amended). Other public bodies, landowners and the development industry should, as necessary and appropriate be involved in preparing a draft neighbourhood plan or Order.

Paragraph: 048 Reference ID: 41-048-20140306.

99. It is important that we have an editable version of the Plan in order to allow the post examination process to be effective and efficient. The Steering Group may have concerns regarding version control of the document, however, it must be noted that it is the responsibility of NNDC to accept or decline the modifications suggested by the examiner. NNDC have the following responsibilities following receipt of the examiner’s report:

- NNDC is responsible for arranging the publication of the report as set out in the regulations.
- We must consider each of the examiner's recommendations, the reasons for them and decide what action to take in response to each (e.g. what modifications to make, whether to extend a referendum area).
- NNDC can make modifications to ensure the basic conditions are met and may decide to extend the area for referendum beyond the designated neighbourhood area (the default being the neighbourhood area matches the referendum area).
- NNDC must publish a map of any extended areas (if appropriate).

Strategic Environmental Assessment, SEA, & Habitat Regulations Assessment, HRA

100. No SEA or HRA screening report accompanies the consultation document and these legal assessments will need to be carried out to inform the final production of the neighbourhood plan.

101. Where a neighbourhood plan is likely to have a significant environmental effects, it may require a strategic environmental assessment, SEA. There is a requirement for draft neighbourhood plans to be assessed to determine whether the Plan is likely to have such effects. This process is referred to as screening. If an assessment finds that significant environmental effects are likely then a full SEA will need to be undertaken. Similarly, a screening exercise is required with regard habitat regulations assessment, HRA to identify if a neighbourhood plan would have significant impacts on nature conservation sites that are of European importance. If it was considered likely then a full HRA would have to be undertaken to inform plan preparation.

NNDC as the responsible and competent body under the relevant legislations has to consider whether an SEA and HRA are required. It can only carry out these assessments once the Plan is suitably advanced. Such an assessment includes a consultation period with relevant environmental bodies on the screening assessment. Given issues raised and the level of uncertainty it is not considered appropriate at this time to advance any screening determination. In the finalisation of the plan the parish council is encouraged to work closely with officers to ensure that this work is undertaken in a timely manner once policies are nearer a more finished state, but at a stage where its findings can still influence any policy wording.

Section 2: Specific section and policy comments

'Executive summary'

102. The opening paragraphs in the Executive Summary need to better explain how the Development Plan as a whole will help deliver sustainable development and the relationship between the Local Plan and the neighbourhood plan needs to be better explained – so that the reader is aware of how the suite of Plans are used in the determination of planning applications.
103. Neighbourhood plans should provide a clear local distinction to the wider strategic content of the Local Plan in order to ensure planning proposals reflect local land use issues. The limitations of neighbourhood planning should be better and clearly explained in the executive summary.
104. The reference to coastal erosion in the opening paragraph is particularly puzzling. No coastal erosion issues are identified in the existing coastal erosion risk mapping for Blakeney. There is no policy on coastal erosion (as is the right approach) in the Plan, nor is there a community project or action identified at Section 7.
105. The Blakeney Plan will not 'become part of the Local Plan'. It will sit alongside the Local Plan and form part of the 'Development Plan' for Blakeney.
106. Reference to decisions being taken on "*...traffic, pavements, cycle routes and such things that affect our daily lives*" is also misleading in that the majority of 'decisions' on such matters will be the remit of the Highway Authority and do not require planning permission. In respect of where planning permission may be required, the policies in this Plan appear to have limited impact on *such things*.
107. The tone of the Executive Summary suffers the same failings as a number of the policies: it suggests, and promises, a level of influence on planning (and non-planning) matters that simply cannot be delivered.

'About Blakeney'

108. There is no census or demographic data presented in this section which would provide the demographic context for Blakeney. Although, some of this data is presented in the 'Built Environment' section, this section should really provide a clear picture, not just about the physical and historical fabric of Blakeney - but should also give the reader an understanding of the people who live there.
109. It is important to highlight early on in the document that Blakeney lies within the Norfolk Coast AONB, a nationally designated landscape renowned for its scenic beauty and mosaic of coastal landscape.

110. The saltmarsh habitat immediately north of the settlement is an internationally rare landscape protected through its designation as part of the North Norfolk Coast Special Area of Conservation (SAC), Special Protection Area (SPA), SSSI and Ramsar.
111. The historic core of the village has been designated as a Conservation Area since 1974 and contains 102 listed buildings. A recent Conservation Area Appraisal has been undertaken and adopted and this should be used to inform the Neighbourhood Plan. e.g. Section 2 of the Appraisal: Summary of Special Interest could be used to set the scene in this Section 2: About Blakeney.

'Vision and Aims for Blakeney'

112. The Objectives may need revising once the detailed comments (in relation to the policies) are taken into account.
113. **Objective 1. To preserve the look and feel of the village.** The use of the word 'preserve' implies that change would be detrimental to the look and feel of the village which may not be the intention. Suggest the wording could be amended to read as follows:
- To accommodate appropriate change and development so that the intrinsic character and appearance of the village is retained and enhanced.*
114. **Objective 7. To maintain a navigable port in Blakeney for leisure and commercial craft.** This is picked up as a 'community project and action' – but is not reflected in the main Plan or in a specific policy. Suggest it should **not** be identified as one of the key objectives of the Plan.
115. Blakeney Channel is not be within the area that can be controlled by NNDC (or a neighbourhood plan) under Town and Country Planning legislation and is, in fact, the responsibility of the Marine Management Organisation (MMO). The MMO license, regulate and plan marine activities in the seas around England so that they're carried out in a sustainable way. MMO is an executive non-departmental public body, sponsored by the Department for Environment, Food & Rural Affairs.

'Sustainable Growth and Development'

116. Sections 5.16 to 5.32 needs rewriting to add the clarity that the Core Strategy allocation is now built out and fully occupied.
117. This section may well want to conclude that the proposed allocation in the emerging Local Plan may not fully meet the local needs but it must be stated (in order to be accurate) that the allocation is indented to go some way as **to meet District needs**. In reference to the proposed allocation, this section should provide an explanation of the site assessment process and that, on balance, this site was chosen from other options. All options have been consulted on and are in the public domain.
118. Overall this section fails to explain a key point – which is how the plan could contribute to sustainable development in the village by allocating sites for growth. It could be explained in this section that by using the detailed and comprehensive information in the site assessment the Blakeney Plan could take this work forward and seek to identify further sites for growth which could be used to meet the local need through an allocation in the Blakeney Plan.

Policy 1: Affordable Homes for Local People

119. The stated 'Ambition' in the Plan is: ***Affordable Homes for Local People – seeking to create the opportunity for residents of Blakeney or those with connections to Blakeney who are on the housing list, priority to access affordable housing in Blakeney.***
120. In para 6.13 the presentation and analysis of the Census and other data is somewhat misleading. The data presented, and the conclusions drawn, is based on a comparison of Blakeney with the County of Norfolk and England. There has been no comparison with the District data or comparison with similar parishes in the district. A comparison of Blakeney with North Norfolk and the Glaven Valley Ward suggests a significantly different picture than that presented in the Plan. See commentary in the 'Evidence' section below.
121. In paras. 6.19 to 6.29 the information relating to the Blakeney Neighbourhood Housing Society, albeit interesting, does not add anything substantially to the evidence base for the Plan.
122. At para. 6.30 there is an incorrect reference to current Core Strategy policy. The requirement to provide affordable homes applies to 10 or more dwellings and not the 11 or more stated in this para.
123. The discussions with officers and the overall view of NNDC is misrepresented at paras. 6.43 to 6.46. Planning and Housing Officers' have provided the Parish Council and steering group with clarification on this matter on a number of occasions. The context of any discussion, around need and application of a local connection criteria, must be considered against the significant general concerns that officers raised in relation to the suggested policy approach at the meeting and in written representations. These concerns are re-iterated at paras. 19 to 31 of this representation.

Evidential basis of Policy 1

124. The preparation of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
125. **Please see paras. 19 to 38 for detailed comments in relation to affordable housing and setting a housing target.**

Census and other data

126. The data presented paints a distorted view and offers unhelpful comparisons with Norfolk and England. When Blakeney is compared to the District and the Ward it is a significantly different picture. What the Blakeney data actually suggests is that, in many regards, the village is similar to other villages in the area and the District as a whole.
127. As an example in Figure 3, 'Housing Type', the information presented and the conclusions state that *"Despite having significantly more one and two person households the housing mix in Blakeney, recorded in the 2011 Census, is dominated by detached homes, 54%, significantly higher than Norfolk and England at 39% and 22% respectively."* Firstly, it appears the data is incorrect. Secondly, when Blakeney is compared with the Glaven Valley Ward⁷ and with the District - the statistic for 'detached homes' paints a significantly different picture. Blakeney has 43% (correct

⁷ This Ward no longer exists as a result of boundary review, however, the Census data has not been amended to take into account new Ward boundaries.

figure not 54%), 47.3% in the Glaven Valley and 44% in North Norfolk as a whole. Therefore, Blakeney has actually less detached homes than the Glaven Valley and North Norfolk averages. It also has significantly more 'terrace' properties at 25% than the District (16.2%) and the Glaven Valley Ward (18.9%).

128. This presentation and interpretation of the Census and other data is important as it sets the scene and is the justification for much of what follows in relation to housing mix, affordability and the need for homes for local people. Given the distorted and incorrect nature of the census and other data in the Plan there is a lack of confidence in the remainder of the census related evidence presented.

129. When taking into account the presentation of the Census data and the potentially incomplete need data – the Plan has simply not put across an evidential justification for the Policy 1.

Clarity and effectiveness of Policy 1

130. Notwithstanding the significant concerns around the evidence and how this evidence has informed and justified the policy – there are concerns regarding how effective this policy will be. There are no outstanding allocations in the village and the policy will only apply to new residential developments in Blakeney over 10 dwellings. It appears there have been no developments in the village in the last 10 years of 10 or more dwellings, (other than the Core Strategy allocation) Looking at the available land within the settlement boundary – it is unlikely that any proposals for 10 or more dwellings would come forward.

131. The Plan or policy does not quantify how a person would qualify as a 'former resident' of the parish. An open interpretation could allow for a residence period of 1 day, 1 week or 1 year. This is not clear or explained in the justification or policy.

132. The final para. of the policy talks of 'letting'. In line with revised government policy and guidance affordable housing products could also include discounted sale or shared ownership dwellings and not exclusively rented dwellings. Does this policy only apply to 'let' dwellings?

Conclusions

133. Occupation is not a land use matter for Planning and there is no justification in national policy. This policy does not contribute, in a meaningful way, to delivering sustainable development. The policy is conflict with policies in the Core Strategy and Council's housing strategy aligned to statutory housing provision and is discriminatory. It is clear that **Plan has not had regard to national policies and advice** contained in guidance issued by the Secretary of State - in producing this policy. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendations

134. **Policy 1 should be removed from the Plan.**

135. However, as a way forward and in order to meet the aspirations the Plan should either:

a) allocate additional growth based on local needs in line with an agreed housing target with the LPA, a proportion would require to be affordable in line with strategic policies and occupation through the councils statutory housing allocation policies, or;

b) alternatively, the plan could seek to identify 100% affordable sites which would then be subject to the established strategic approach and core strategy policy on occupation as found on rural exception sites. This way the NP would be in conformity with the strategic policies and also achieve its' aim of local occupancy.

As previously advised, any Neighbourhood Plan allocation cannot seek to favour a specific provider, such as Blakeney Housing Trust. Should the Parish Council wish to be involved in developing a site it needs to set up a Community Land Trust and take further advice from the Housing Strategy officers.

Policy 2: Managing Second Home Ownership

136. The stated 'Ambition' in the Plan is: ***Managing Second Home Ownership – seeking to safeguard the sustainability of Blakeney village to make homes more affordable and available to the local community by limiting the number of second homes and increasing the number of principal homes.***

137. Para 6.59 is **taken almost verbatim from the St Ives NP** with the only difference being changing the name from St Ives to Blakeney. It is not acceptable to take such justification from another neighbourhood plan, which has been Made, and directly transpose this text into the Plan. The St Ives Plan would have its own evidence base and unique local context that would have persuaded the Inspector that the policy meets the basic conditions. One of those included the acceptance and identification of additional housing growth.

138. It is worth reading the inspectors report on the St Ives plan. The inspector had “concerns relate how the policy can meet the Basic Conditions particularly having regard to the NPPF – delivering a wide choice of quality homes and delivering sustainable development along with how the policy meets the requirements of European legislation”. The inspector considered the potential for “unforeseen consequences on the local housing market and the future delivery of affordable housing”. The Inspector concluded that “due to the adverse impact on the local community/economy of the uncontrolled growth of second homes the restriction of further second homes does in fact contribute to delivering sustainable development”. The important point to take from this is that the Inspector was presented with compelling evidence which enabled him to come to an 'on balance' view that the policy is acceptable.

139. Table 1 table is again a misrepresentation of the facts. The full table and up-to-date percentages is presented below

	total dwellings	2 nd home council tax data	holiday homes , business rates	percentage second homes	% second homes and holiday lets
2018 - 2019	705	178	125	30.7	43.0
2017 - 2018	711	178	127	30.3	42.8
2016 - 2017	696	180	124	31.1	43.7

Source NNDC April 1st 2019

140. Care needs to be taken to establish the correct percentages and to explain the differences between second homes, and holiday lets. It is suggested that the evidence for Blakeney should also consider the establishment and use of occupation rates of the second/holiday units rather than just the simple and often misleading percentage figures.

141. Blakeney is an all year round tourism destination and as such high occupation rates may well support the high level of service provision that without that available income might not be there. This is a positive influence on sustainability and allows the small settlement to punch above its weight in service provision.

142. With respect para 6.62 - has any advice been taken as to whether this would be legal, that said, it's not mentioned or reflected in the policy. It would potentially devalue every market

property under this regime by a minimum 20%. Has the Plan considered the impact on Human Rights and ability for purchasers to get a mortgage? Suggest that this para. is deleted.

Evidential basis of Policy 2

143. The Plan needs to consider how the evidence supports any assertion that the sustainability of Blakeney has been affected in respect the economic and social objectives of sustainable development. Please see the information, above for detailed comments in relation to affordable housing and setting a housing target.
144. As it currently stands this policy is not sufficiently justified with clear evidence. Whilst the data from 2017 and 2018, as misleadingly presented, portrays high levels of second home ownership at a point in time, it doesn't necessary demonstrate a trend or a pattern in Blakeney. The remedy to the evidential approach is discussed above.
145. Given the proposed introduction of this policy, it would be expected that the Plan's evidence base could demonstrate that the second homes market is having a detrimental impact on the sustainability of Blakeney. i.e. to back up the claim at 6.57 that the 'community has been eroded'. This would be evidenced through factors such as the loss of community facilities such as schools or shops, of the restriction of the provision of services through actions such as seasonal opening only. At present the plan provides no evidence, other than the *perceived* high house prices to demonstrate that this is actually the case.
146. Communities and society has changed over the past 20 years. House prices across the country have increased, outstripping affordability in many areas, the retail sector and high street is going through a seismic transformation, the tourism and holiday environment is ever changing, as are the overarching demographics.
147. As discussed in more detail below, the economy and services in Blakeney appears buoyant. However, if the evidence for Blakeney suggests that there has been a change in the fabric of the community, and its services, over a period of time – how much of this change can be directly attributed to second homes and not to other wider economic, demographic and social factors?

Impact on services in Blakeney

148. Blakeney is a village with a resident population of 775 (2011 census) which maintains a village school, doctor's surgery, small convenience store (including a Post office), 2 pubs, a hotel, a petrol filling station, village hall and a range of other services and shopping opportunities. This range of services **compares favourably with all other villages** of a similar size (and even larger) in the district and it can be argued that Blakeney appears to punch above its weight in respect the level of services on offer⁸. When you look at those villages that are comparable in population (and larger) which have average or low levels of second home ownership - they all have significantly less services than Blakeney.
149. In conclusion, there appears to be no correlation between high levels of second homes and a negative impact on the provision of services in Blakeney, therefore, it is suggested the erosion of services in Blakeney cannot be used as an evidential basis for the introduction of a principle residence policy.

House prices in Blakeney

150. There are a number of complex and interrelated factors which have an influence on houses prices in Blakeney. The attractive and environmentally constrained location of the village, the

⁸ See attached extract from Settlement Profile paper and Village Assessment summary.

broad range of services that are available, attractiveness to the retirement market, the buoyancy of the holiday and second homes market and the general demand versus the lack of supply – are all factors that work together on the housing market and potentially increase house prices.

151. It is not clear from the scant evidence presented in the Plan that by restricting a small amount of second homes in the village through the introduction of this policy that it would actually influence (decrease) house prices in the village. Without further evidence therefore, the case that second homes have had such a significant impact on house prices that it warrants a principle residence policy has not been made.

Unintended consequences.

152. The unintended consequence of the policy could be to impact on the overall viability of a development considering that a significant element of the house buying market may have been excluded from purchasing a property, which could have a knock on impact on sale values and saleability. If the viability of a development is tested and pushed to the margins then there is the potential to adversely impact on the delivery of affordable housing, which is often one of the elements that is negotiated down in marginal viability cases. The policy could actually impact on the viability to such a degree it could prevent development from taking place at all. The Plan is silent on these issues and it is suggested that you should certainly explain that the potential impact on viability has taken into account when assessing whether the policy is appropriate, proportionate and should be introduced.

153. A further unintended effect of the introduction of such a policy is that it does create a 2-tier housing market in which new dwellings developed under this policy will have a potentially lower market value than the existing unfettered housing stock (which would pre-date the introduction of any prime occupancy restriction). This situation is inequitable to new home buyers and unintentionally **places a premium on the value of unfettered existing housing** (which will be the majority) and may well increase house prices in the unrestricted stock and in the village as a whole.

154. There is no evidence that the policy will actually reduce the percentage of second homes. The demand will still be there - as a person will simply be able to purchase one of the 100's of houses in Blakeney that are unrestricted.

Clarity and effectiveness of Policy 2

155. In para 6.56 the extremely modest influence of this policy is acknowledged. Notwithstanding the lack of evidence, this must raise questions as to the need for such a policy.

156. The Policy 2 wording is a **copy of Policy H2 in the St Ives Neighbourhood Plan**. It may be tempting to take a policy out of a 'Made' local plan and transpose it into the Plan, however, this suggests that there has not been a locally focused approach to the development of this policy in the Plan. It also goes some way to confirm, for reasons stated above, that the policy is not underpinned by relevant and up-to-date, locally derived, evidence.

157. The specific exclusion of replacement dwellings undermines this policy. Blakeney has been subject to a high volume of planning applications for replacement dwellings which are substantially larger than the relatively modest existing dwellings (often bungalows within sizable plots) and which are subsequently used as second homes.

Conclusions

158. The justification for Policy 2 does not present a clear, robust, evidence base that is derived from local intelligence and data. It simply does not adequately consider the pattern of house

prices, the growth of second homes and the alleged disenfranchisement of local people from the local housing market. It fails to provide a robust correlation between any relevant factors and second home ownership. No balanced information or evidence has been produced concerning both the negative and positive effects of second homes in the village.

159. This policy does not contribute, in a meaningful way, to delivering sustainable development. The policy is conflict with policies in the Core Strategy. Therefore, when also taking into account the lack of a robust and locally derived evidence base it is clear that **Plan has not had regard to national policies and advice** contained in guidance issued by the Secretary of State - in producing this policy. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendations

160. **Policy 2 should be removed from the Plan.**

Policy 3: Change of use from Residential to Holiday Accommodation

161. The stated 'Ambition' in the Plan is: ***Change of use from Residential to Holiday Accommodation seeking to limit the loss of homes to holiday lets.***

162. This policy and justification appears to have been **copied from the North Northumberland Coast Neighbourhood Plan**. As with Policy 2, this policy must be informed by appropriate and proportionate evidence that is locally derived in relation to the issue that the policy is intending to influence and should be justified on the specific local circumstances. The North Northumberland Neighbourhood Coast Plan had its own evidence base and local context and, in fact, had a comprehensive 'Housing Evidence Paper' which fully justified the inclusion of this and other policies which is why the examining Inspector was minded to accept the soundness of the policy in the NP. It is clear that the policy in the Plan is not underpinned by relevant and up-to-date, locally derived, evidence.

Evidential basis of Policy 3

163. There appears to be no evidence presented in the Plan as to what the actual issue facing Blakeney that requires the introduction of this policy - other than a single statement regarding affordability. This statement at 6.71 is not compelling evidence, it is merely one particular statistic that has been extrapolated to make a spurious correlation between the number of holiday units and the affordability and supply of homes in Blakeney. For reasons stated previously, the issue around house prices and supply in Blakeney is complex and there is no clear justification or evidence to explain what influence holiday accommodation has on the local market and affordability.

164. Most of the justification at 6.84 to 6.86 has been **copied from the North Northumberland Coast Plan**. As previously stated, North Northumberland produced a 'Housing Evidence Paper' to support the inclusion of such policies and it is not appropriate to copy sections of 'justification' from one plan to another without having a similar significant evidence base to support it.

165. The Plan has not provided or considered any balanced evidence on the economic impact of tourism and overnight stays on the Blakeney economy.

Clarity and effectiveness of Policy 3

166. **The policy implies a level of control that cannot be imposed and as such is misleading to the public.** The application of proposed Policy 3 is likely to be considerably limited, if it is able to be implemented and apply at all. This has been explained to the Steering Group and the consultant

on a number of occasions. As acknowledged in the 'evidence and justification' section for this policy, in the majority of cases a change of use from residential to holiday accommodation does not require planning permission. The explanation previously sent to the Steering Group on the 'Moore' case fully detailed the issues.

167. An analysis on the Council's planning database suggests that there have only been 3 applications for change of use from residential to holiday accommodation in the past 20 years in Blakeney. There have been no applications for change of use from Residential to Sui Generis. The Plan is proposing a policy that will have very little impact in land use planning terms. This is not appropriate or proportionate.

168. Points 1 & 2 in the policy is already being applied through existing Core Strategy policies. This policy does not add anything that would not be currently applied through EN 4: Design or CT 5: The Transport Impact of New Development or CT 6: Parking Provision (including the Parking Standards at Appendix 3).

169. It is not clear what 'new purpose-built holiday accommodation' has to do with this policy? It is a separate matter and if it has been highlighted by the evidence as being an important issue then it probably should have its own policy.

Conclusions

170. No evidence has been provided as to the impact that any proposals have had on Blakeney. It appears that the Steering Group are adamant on including this policy as they are 'being seen to be doing something' irrespective of the evidence or no matter how ineffectual the policy may be.

171. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

172. **Policy 3 should be removed from the Plan.**

Policy 4: Change of use of Holiday Accommodation to residential

173. **The purpose of this policy is to control the change of use from holiday accommodation to residential dwellings.**

174. The stated 'Ambition' in the Plan is: ***Change of use from Holiday Accommodation to Residential - seeking to ensure any usage change increases the number of principal homes.***

175. This is another policy that appears to have been **copied from the North Northumberland Coast Plan**. The Blakeney Plan must to be informed by appropriate and proportionate evidence that is locally derived in relation to the issue that the policy is intending to influence and should be justified based on the specific local circumstances. As previously stated in relation to Policies 2 & 3, it may be tempting to take a policy out of a 'Made' local plan and transpose it into the Plan, however, without the supporting evidence base it is not appropriate.

Evidential basis of Policy 4

176. The evidence presented is lacking depth and explanation and it is not clear that there is a direct correlation between the information presented and the policy. As with Policy 3 little or no evidence has been presented to suggest that there is a need for the introduction of this policy

beyond the statement that its intention is to “boost the supply of homes occupied as a Principle Residence”.

177. An initial trawl of our records suggests that there has been 1 change of use application from holiday to residential in the past 20 years and there may only be around 5 properties in Blakeney which may have a holiday use restriction. This is an extremely, limited selection of properties that might be affected by such a policy (if it applies at all – see below).

Clarity and effectiveness of Policy 4

178. **The policy implies a level of control that cannot be imposed and as such is misleading to the public.** The application of proposed Policy 4 is likely to be considerably limited, if it is able to be implemented and apply at all. Planning permission is generally not required for change of use from holiday accommodation to residential in most circumstances. This has been explained to the Steering Group and the consultant on a number of occasions.

179. Does such an application for a narrow change of use actually need to be controlled with a ‘Principle Residence Restriction’, especially as a change from holiday accommodation to residential dwelling **would have a positive effect on the housing stock?** This policy would, in those rare circumstances where permission is required, prove to be a serious disincentive.

180. The same issues that are highlighted in the justification of Policy 2 (in relation to Principle Residences) apply to this policy. The evidence, as presented does simply not make the case.

181. The final sentence is poorly written and could be considered to conflict with the purpose of the policy text above.

Conclusions

182. Again, it appears that the Steering Group are adamant on including this policy as they are ‘being seen to be doing something’ no matter how ineffectual.

183. No evidence has been provided as to the impact that such development has had on Blakeney. No evidence has been produced to support the introduction of such a policy and the effects that such would have.

184. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

185. **Policy 4 should be removed from the Plan**

Policy 5: Extensions to Holiday Accommodation

186. The stated ‘Ambition’ in the Plan is: ***Extensions to Holiday Accommodation – seeking to reduce the impact any extension to holiday accommodation has on residents.***

187. This is another policy that appears to have been **copied from the North Northumberland Coast Plan.** The Plan must be informed by appropriate and proportionate evidence that is locally derived in relation to the issue that the policy is intending to influence and should be justified based on the specific local circumstances. As stated above, it may be tempting to take a

policy out of a 'Made' local plan and transpose it into the Plan, however, without the supporting evidence base it is not appropriate.

Evidential basis of Policy 5

188. 6.91 attempts to provide the context for the policy, however, the statement it is not backed up with any evidential basis. Furthermore, this justification text has been **taken, almost verbatim from the North Northumberland Coast Plan** and it must be questioned how the Plan can justify the requirement for the policy in Blakeney. As previously stated, North Northumberland Coast produced a 'Housing Evidence Paper' to support the inclusion of such policies and it is not appropriate to copy sections of 'justification' from one plan to another without having a similarly robust evidence base to support it.

Clarity and effectiveness of Policy 5

189. **The policy implies a level of control that cannot be imposed and as such is misleading to the public.** The application of proposed Policy 5 is likely to be limited, if it is able to be implemented and apply at all. Extensions to holiday accommodation are generally allowed through Permitted Development rights (unless the dwelling forms part of the small percentage of holiday accommodation that is sui generis or has an occupancy restriction condition).

190. There is an inconsistency in the 'justification' text and the wording of the policy. At 6.90 the text suggest that the policy would only apply to sui generis use, however, this is not reflected in the policy text.

191. What is meant by sufficient outdoor amenity space for holiday occupants? Some holiday apartments and units may not have any outdoor space at all and would be considered sufficient in the context of the type of holiday accommodation provided.

192. Bullet 2 may be considered unreasonable. Application of the policy in relation to car parking could be seen as unreasonable in the historic heart of Blakeney, where many properties do not have off street car parking. Holiday cottages are often occupied by a family group often arriving in more than one car – how can this policy be enforced? Parking is provided free of charge off site and weekly passes available - the policy simply cannot be applied.

193. There is an inconsistency in language: holiday accommodation in the title and holiday lets in the body. Presumably, this policy only applies to holiday accommodation that is formally let?

Conclusions

194. There is little to be gained from including a policy that will be ineffectual. Remember plans need to be aspirational but realistic. It would be better to explain in the Plan the difficulties of adopting such an approach rather than include a policy for the sake of it.

195. No evidence has been provided as to the impact that such development has had on Blakeney. No evidence has been produced to support the introduction of such a policy and the effects that such would have.

196. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

197. **Policy 5 should be removed from the Plan.**

Design Policies

198. The design related policies (6, 7, 8 & 9) are repetitious, confusing with potential conflicts between them. A single design policy should be produced that covers the issues that need to be addressed taking into account the evidential basis and community aspirations.
199. Much of the 'heritage' and conservation related information is located under the 'Natural Environment' section and should be moved to form part of the justification of the design policies.
200. The Plan should consider, and take fully into account, the Government's recently published design guidance. **The National Design Guide** sets out the characteristics of well-designed places and demonstrates what good design means in practice. This guide forms part of the government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.
201. The Plan does not present a comprehensive appraisal of the existing suite of design and conservation related policy and guidance documents, including **Section 12 of the NPPF, Core Strategy Policies EN 4, EN 5 & EN 8, The North Norfolk Design Guide and the July 2019 Blakeney Conservation Area Appraisal and Management Plan**. An assessment of the existing policy and guidance would have clearly identified where there are gaps (taking into account local evidence) and inform locally derived specific policies to add local distinctiveness.
202. Given the existing detailed policy and guidance on design, including the comprehensive and specific guidance for Blakeney in the 2019 Conservation Area Appraisal and Management Plan, the Plan has not presented a clear rationale for a great deal of the content of policies 6 to 9.

Policy 6: Design of New Development

203. The stated 'Ambition' in the Plan is: ***Design of New Development – seeking through good design principles to facilitate high quality and well-designed development. It is particularly concerned with ensuring the infrastructure of multiple or single new developments meets high standards.***
204. It is not clear why is the policy thought to be necessary and what the Plan is trying to achieve that is not already in the existing policy and guidance. The comments below relate to the 4 'design' related policies: 6, 7, 8 & 9. No reference is made to the North Norfolk Design Guide which will cover many of the principles set out in this policy and is a key document in this policy.
205. Within the sections referring to landscape proposals, reference should be made to the requirement for a 10% net gain in biodiversity resulting from all development which is set out in the Government's draft Environment Bill (Policy Statement July 2019).

Evidential basis for Policy 6

206. The approach in relation to Design adds nothing to the existing policy base and is a lost opportunity to specify the local distinctiveness and character that the Plan would want developers to take account of and define the necessary characteristics that the existing strategic approach calls for. Much of the policy approach repeats the design elements in existing policies and is a lost opportunity for the neighbourhood plan and unnecessary. Much of the comments below have previously been highlighted to the steering group and consultant previously.
207. There is little in the way of evidence in relation to Blakeney's architectural or building heritage. The Conservation Area Appraisal is not mentioned and there is not a clear explanation of how design has influenced the place setting of Blakeney. There are a number of areas of widely

different character ranging from the historic heart to the post war and modern development. It is not realistic for a development that is some way from the Conservation Area to be expected to preserve or enhance the character of the CA.

208. The evidence/policy approach does not really address:

- What creates a strong sense of place with regard materials in Blakeney – this should be specific and clear.
- Heritage assets are covered in the Core Strategy and in the NPPF and the policy approach does not add anything further to Core Strategy or NPPF.
- Parameters of massing etc., are covered in the Core Strategy and are detailed in the NNDC Design Guide – what is meant by unacceptable in the Blakeney context?
- Highway safety is the remit of the highway authority and will be considered by them – at best this is an aspiration.
- What is meant by mitigate visual impact of the development? Landscape impact is covered in the Core Strategy and emerging Local Plan. Tree retention, hedgerows and landscaping are all covered in the LP and Design Guide. Is the character of Blakeney dependent on existing tree coverage?
- Reference to a 3rd Party checklist should not be incorporated into policy. National policy can only implement the nationally described technical standards. These can only be evoked through a Local Plan. You may express support for the use of a check sheets but it will not be possible to require its use.
- Secure by design is requirement of the policy. It is not clear how the Plan expects that new homes will introduce measures to enhance the safety and security of village. If the development has a neutral effect on the wider ‘security’ of the village – should it be turned down?
- Outdoor lighting does not require planning permission as such the policy implies a level of control that cannot be imposed and is misleading.

209. It is not clear why the Plan has introduced the issue around connections to the public sewerage system. The Plan does not present any evidence on this matter and relies on a statement (at 6.127) that there has been a problem elsewhere in Norfolk. There is no evidence of a problem in Blakeney and this is supported by the information from Anglian Water in their consultation responses to the proposed site in Blakeney. This ‘issue’ and policy line appears to be copied from the Aylsham Plan where it did appear there was evidence that connections to the sewerage system was a local issue.

Policy 7: Improving Design of New and Replacement Homes

The stated ‘Ambition’ in the Plan is: ***Improving Design of New or Replacement Homes - this policy seeks to ensure new homes are designed to a high standard.***

210. See overarching comments, above, in relation to shortfalls of the suite of ‘design policies’.

211. This policy appears to duplicate elements of Policies 8 & 9 in relation to density, scale, height, etc. and is similarly a duplication of existing Core Strategy policy, NPPF and Building Regs. Extensions to dwellings may be Permitted Development in many cases.

Policy 8: Infill Development

212. The stated 'Ambition' in the Plan is: ***Infill Development – seeking to ensure infill development is appropriate in terms of the size and character of new homes and will complement the existing development.***
213. See overarching comments, above, in relation to shortfalls of the suite of 'design policies'.
214. It would be helpful if the plan could have provided evidence or examples where there has been recent developments that are considered overdevelopment or have affected the character. There is a picture of a site at 'The Chase' which is described as being 'High density replacement homes' – but no explanation as to why such development is an issue or what impact it has on Blakeney.
215. The removal of permitted development rights cannot be applied in a blanket fashion as suggested in the policy. A view will be made on each proposal as to whether there are individual circumstances which suggest permitted development rights should be withdrawn. The policy and supporting text needs to add wording in order to guide officers as the circumstances where permitted development rights could be withdrawn. e.g. further development may have an undesirable effect on amenity (which will need to be established in a case by case basis).
216. What is a 'redevelopment site'? Is it a brownfield site or is it a replacement home site? If it is brownfield – the Plan should say so and be mindful of the up-to-date guidance on the matter including issues such as 'permission in principle'.

Policy 9: Existing Dwelling Replacement

217. The stated 'Ambition' in the Plan is: Existing Dwelling Replacement – seeking to counteract overdevelopment and negative impact on existing residents.
218. See overarching comments, above, in relation to shortfalls of the suite of 'design policies'. Again, appears to be a great deal of duplication between this policy and the other 'design' policies in the plan.
219. The removal of permitted development rights cannot be applied in a blanket fashion as suggested in the policy. A view will be made on each proposal as to whether there are individual circumstances which suggest permitted development rights should be withdrawn.
220. The policy references increase in height, but does not reference any increase in area. Would an existing dwelling replacement also be considered 'infill' under Policy 8? Application of this policy could see a potential for 'over development' of a site which is not in line with the Plans ambitions.

Conclusions in relation to the 'Design' Policies (6, 7, 8 & 9)

221. If the Plan's aim is to influence design or it is a concern, then a single policy should be used to outline the detail and meaning of the key components of design that are identified as important in the context of the village and wider parish (the Plan doesn't distinguish between the two). Such an approach would include elements of all of the policies so as to avoid the repetition. It is better to have one solid meaningful and applicable policy than numerous conflicting policies.

222. The approach could detail the local context that should be reflected, specify materials that reflect the local texture of building, detail the form and layout that would be acceptable, include such things as how development should reflect the street frontage, etc.
223. A background paper should be produced that reviews the existing policy requirements contained in the Core Strategy and Design Guide and also the new local plan and new design guide. Please note that the new Local Plan REQUIRES development to accord with it – i.e. Comply (with the Design Guide) or Justify (why an alternative approach is taken). This is a strategic approach that needs to be respected in the Plan. This is a change from the old policy which stated developers to have regard to the Design Guide and it is an attempt to increase the design quality of development in North Norfolk. There is therefore an opportunity through the Plan to identify specific design requirements over and above those conditioned in the strategic policy and new design guide as long as they are justified remain reasonable and does not place an onerous burden on developers.
224. The following are words that encapsulate the local context and are design principles and the Plan should use the policy to define the relevant local meaning of each.
- Context
 - Urban structure
 - Density and mix
 - Building type
 - Details and materials
 - Urban grain – e.g. nature and extent of sub division
 - Height and massing
 - Façade and interface: the relationship with the street e.g. stepped back from road/ path, directly onto the street front gardens, include access to off street parking sufficient for the no of adults occupying
 - street scape and landscape – paths, connections,

Recommendations

225. As currently evidenced, justified and presented Policy 6, Policy 7, Policy 8 and Policy 9 should be significantly reworked and consolidated into a single effective design policy.

Policy 10: Drainage and Flooding

226. The stated 'Ambition' in the Plan is: ***Drainage and Flooding – seeking to ensure new development does not cause flood related problems, especially associated with surface water run-off or sewerage.***
227. The chapter should draw attention to climate change mapping and all sources of flood risk and specifically include references to the SFRA mapping rather than the EA mapping.
228. The policy approach is unnecessary. If a flooding policy is required then the issue first has to be identified that is not already covered by existing policy then the policy should focus on address the local distinctive issue. National policy already restricts development in flood zones by use, no further development is likely to take place in any tidal zone. There appears to be no evidence in the plan to justify the inclusion of the policy to address known issues in Blakeney.
229. Disproportionate for all development, need to align with requirements of local validation list. FRA are set out in national policy

230. The policy seeks to duplicate an approach already included in the Core Strategy and emerging Local Plan. Much of flood risk policy is prescribed in national policy and guidance and there is no requirement to include such a policy in the Plan.
231. Given its generality the policy has the potential of adding a layer of confusion and complexity that is not warranted.

Conclusions

232. Remove the policy or make it site specific. e.g. if allocating sites and/or there is a need to address a particular flooding issue.
233. LLFA may advise that it is prudent to include flood policies however it is more useful to do so in relation to site specific proposals. The approach you have taken is a duplicate of what is required and adds no further detail to that that is already contained in the Local Plan. It is not locally distinctive and runs the considerable risk of being delated at examination.
234. This policy does not contribute, in a meaningful way, to delivering sustainable development. The policy is an unnecessary duplication of existing local and national policy. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

Policy 10 should be removed from the Plan

Theme 2: Natural Environment

235. A large section of the 'justification' under the Natural Environment relates to the Built Environment (Heritage at 6.197 to 6.208) and should be moved to support the 'design' policies.

Policy 11: Biodiversity and Accessibility

236. The stated 'Ambition' in the Plan is: ***Biodiversity and Accessibility – seeking to enhance the rural coastal setting and provide habitats for wildlife whilst improving access to the coastline and countryside.***
237. There is no need to refer to all new development – just simply 'development'.
238. In reference to specific biodiversity improvements it is suggested the following wording is included:
- Development should result in a net gain in biodiversity, retaining landscape features and ensuring enhanced habitats as a result of development.
 - The principle of ecological connectivity should be a consideration of all development
239. The reference to 'green infrastructure' is entirely appropriate but should be justified by a reasoned strategy that includes mapping of identified green infrastructure opportunities in Blakeney. The suggested approach is detailed, above, at paras. 56 to 67 of this representation. Such an approach would give this policy and Policy 13 a more robust evidence and assessment based justification.

240. The situation in planning terms is complicated and the Council is currently working with Habitat Regulation Assessment consultants and compiling evidence to inform an approach that will seek to enhance Green Infrastructure in order to remove the pressures off sensitive European sites that surround Blakeney. This is a cross boundary approach with other LPA's around the mitigation measures required due to visitor impacts. The emerging Local Plan will have a specific policy on this and it is likely that all development will be required to contribute financially (once the full scale of management priorities and enhancements to G.I. are fully costed).

241. The health and wellbeing benefits of access to the coast, countryside and natural environment are not disputed and it is encouraging to see this recognised in the Plan policy. However, improving access to the coastline and countryside may not be appropriate in all locations or at certain sensitive times of the year (for example the ground nesting bird season). This should be reflected in the policy wording.

242. The statement that "landscape proposals must form an integral part of any development design, with particular trees and hedgerows retained unless, following surveys, their value is deemed low in accordance with established practice", we question the use of the word 'particular' and would suggest omitting this. Why not seek to retain all trees and hedgerows? Furthermore, what is the established practice that is referred to? Is this the British Standard (BS5837)? If so, mention it specifically. A 'low' value tree might be better referred to as a category of C or below.

Conclusions

243. This is a duplication of Core strategy and emerging Local Plan policies and as currently presented the policy is not required.

Recommendations

244. **As currently evidenced, justified and presented Policy 11 and Policy 13 should be significantly reworked and consolidated into a single effective Green Infrastructure policy.**

Policy 12: Preserve Dark Night Skies

245. The stated 'Ambition' in the Plan is: ***Preserve Dark Night Skies – seeking to maintain the 'dark skies' that characterise Blakeney through the implementation of good design principles in the planning process.***

246. A suggested addition to this section (at 6.226), to add weight, would be to introduce text such as "The North Norfolk Coast AONB boasts some of the darkest skies in the country which are a defining feature of one of the identified special qualities of this AONB, namely a sense of remoteness, tranquillity and wildness".

247. At para. 6.237 the correct title is "The Campaign to Protect Rural England".

248. The Plan should take into account the latest guidance produced by the MHLG which can be found here: <https://www.gov.uk/guidance/light-pollution>. This new comprehensive guidance looks at how to consider light within the planning system. The guidance covers:

- What light pollution considerations does planning need to address?
- What factors can be considered when assessing whether a development proposal might have implications for light pollution?
- What factors are relevant when considering where light shines?
- What factors are relevant when considering when light shines?
- What factors are relevant when considering how much the light shines?

- What factors are relevant when considering possible ecological impacts of lighting?
- What other information is available that could inform approaches to lighting and help reduce light pollution?

Clarity and effectiveness of Policy 12

249. The policy, as written, does try to add some further detail to policy EN 13, however, there are elements of the policy that are covered by permitted development rights or are the responsibility of the Highway Authority. Furthermore, the language used is not precise and is open to interpretation.
250. The policy needs to tighten up the wording in relation to the control of the light pollution and it is not the internal lights that are the problem it is the openings and widows that allow the light to escape causing the pollution. Would large windows, a roof light or 'atria' be acceptable in a sensitive location with blinds or curtains? This could not be controlled in the future.
251. Point 1 of the policy in relation to 'reducing the impact' should, it is suggested, say 'minimise the impact of the development on light pollution'. This would tighten up the wording of this policy. The suggestion of the submission of a 'statement of intention' would, therefore, be supported – if the text was amended accordingly.
252. Extensions may not require planning permission and adding external lighting to existing buildings will not require planning permission.
253. The lighting of 'public thoroughfares' is a highways issue (covered by highways permitted development rights) and the lighting of public areas may not always require planning permission.

Recommendation

254. **Notwithstanding the lack of evidence, this policy can be seen to add to the existing Local Plan policy and, if amended as suggested, could be supported.**

Policy 13: Open Space Preservation

255. The stated 'Ambition' in the Plan is: ***Open Space Preservation – seeking to recognise the importance of these areas to the village for recreational, amenity and visual value. The policy is not seeking 'Local Green Space' designation.***
256. Open Space is defined in the NPPF as "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity."
257. Open Space (including Local Green Space and public rights of way) is covered in paras 96 to 101 of the NPPF.
258. The NPPF states:
- Planning policies should be **based on robust and up-to-date assessments** of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Para. 96*
- The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable*

development and complement investment in sufficient homes, jobs and other essential services. Para. 99.

Evidential basis for Policy 13

259. The importance, and protection, of public open space is acknowledged in the Plan, however, a number of the sites in 'Table 2' are already protected by existing designations (although it is difficult to fully ascertain where these sites are, and their extents, without a plan). Site's 4, 9, 11, 16 and 17 are currently designated in the Core Strategy as 'Open Land Areas'. Sites 1 & 14 are car parks. There appears to be no other associated, or ancillary, community use associated with these car parks and it is suggested that they should not be considered public open spaces. Site 3 appears to be agricultural land in the countryside and further evidence is required as to why this should be considered open space.

260. The NPPF requires there to be a robust and up-to-date assessment of public open space to support plan making. The Nation Planning Guidance also details the criteria for designating Local Green Space.

261. It appears that the Plan is not designating any of these sites detailed in the table as LGS. The criteria, definition and methodology (outlined at 6.253 to 6.255) for considering sites as open space doesn't appear to be followed through with a robust and up-to-date assessment of the sites in Table 2.

262. See further detail on our suggested approach this at paras. 56 to 67 above.

Clarity and effectiveness of Policy 13

263. This policy adds very little to current development plan in Policy CT1, beyond the list of sites in the table. It does add in the notion of development having 'community support'. However, the nature and level of this support is not defined or quantified. Is it the majority support of the village, is it the support of the Parish Council? Would any support (in the face of no wider objection) be acceptable? The arbiter of the application of this element of the policy would have to be the planning authority and it is difficult to apply without further qualification or explanation.

264. Although the Plan states that they are not designating the sites as 'Local Green Space', by having a policy that seeks to preserve the listed open space sites – the Plan is, in effect, applying an open space designation.

265. An opportunity has been missed in relation to Open Space and Green Infrastructure as detailed at paras. 56 to 67.

Recommendations

266. **As currently evidenced, justified and presented Policy 11 and Policy 13 should be significantly reworked and consolidated into a single effective Green Infrastructure policy. See paras. 56 to 67 for our suggested approach in relation to Green Infrastructure. An adoption of this approach would be seen to add to the existing Local Plan policy and, if amended as suggested, would be acceptable. However, if the policy is to remain - further justification and evidence is required (with mapping) to support the sites included.**

Policy 14: Sustainability of Open Spaces

Evidential basis for Policy 14

267. The stated 'Ambition' in the Plan is: ***Sustainability of Open Spaces – seeking to ensure appropriate steps are taken to ensure open spaces (play areas, formal and informal recreational areas, etc.) are managed, maintained and funded in a sustainable way.***

268. It is a laudable aim at 6.261., however, there is no evidence presented in the Plan that the lack of funding for maintenance or folding of management companies has been a particular problem or issue in Blakeney.

269. The general approach laid out in this policy is considered to be is too prescriptive. This element of development would be secured via a S106 agreement and would require site by site negotiations. This is more of an issue that is covered through the planning process, rather than something that can be effectively managed at NP level

270. Suggest that wording is amended to:

Where new development provides elements of green infrastructure and public open space, effective future management and maintenance will be secured via a S106 agreement.

Clarity and effectiveness of Policy 14

271. Policy 14 appears to be a copy of Policy 8 in the Aylsham Neighbourhood Plan. Which, as previously stated in relation to other copied policies, the Aylsham plan would have had its own locally derived evidence base and may well have had a clear rationale for the inclusion of such a policy.

272. Policy CT 2 in the Core Strategy does cover the prospect of securing developer contributions for the maintenance of public open space, however, it could be accepted that this policy adds further detail to that policy. It is suggested that all 3 management mechanism would need to demonstrate that there is appropriate funding provided and it is suggested that the finance for the maintenance should cover 15yrs and not the 10yrs in the policy. This is in line with the general practice at NNDC.

Conclusion and recommendation

273. **Notwithstanding the lack of evidence, this policy can be seen to add to the existing Local Plan policy and, if amended as suggested, would be acceptable.**

Theme 3: Local Economy and Tourism.

Policy 15: Local Employment

274. The stated 'Ambition' in the Plan is: ***Local Employment – seeking to protect existing and encourage creation of local employment that is appropriate to Blakeney, which will strengthen and improve sustainability of the local economy.***

Evidential basis for Policy 15

275. There isn't a great deal of evidence presented to support this section. The statement at 6.270 is not supported by evidence.

276. If the Plan is considering introducing policies in relation to jobs and the economy it should have look to produce 'economic evidence paper' or study. This would explore in detail (and with a Blakeney focus) the issues around the economy, employment, tourism, service provision, the

housing market and the other factors that influence the overall economic sustainability of Blakeney. A comprehensive evidence base which considers all of the economic influences in Blakeney could have gone some way in justifying a number of the policies.

Clarity and effectiveness of Policy 15

277. It is not clear what the development proposals are that would be ‘*appropriate to a coastal village*’ and there are concerns that the policy is potentially seeking to restrict development to a limited number of employment uses such as farming, agriculture or traditional industries. As stated above there is no analysis of the economic activity in Blakeney and whether the suggested restrictions are corroborated by the evidence.

278. A development that creates ‘home working’ opportunities could be a residential dwelling with a study or part of the dwelling which could be used for an office, studio, salon, etc. As long as such a development meets criteria 1 to 3 the Plan would support it. It could also apply to any employment related development outside the settlement boundary. This permissive approach may be in conflict with other policies in the Plan and the Core Strategy, in particular, Policy SS 5.

Conclusions

279. No substantive evidence has been presented to support the inclusion of the policy and the policy as written, lacks clarity and conflicts with Core Strategy policies and other policies in the Plan.

280. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

281. **Policy 15 should be removed from the Plan.**

Policy 16: Retention of Business Premises for Blakeney

282. The stated ‘Ambition’ in the Plan is: ***Retention of Business Premises for Blakeney – seeking to retain the limited number of existing buildings used for commercial activities.***

Evidential basis for Policy 16

283. The information presented at 6.280 to 6.282 **does not provide an evidence base** in relation to the need to retain businesses in Blakeney as expressed in the ‘Ambition’. No local or specific Blakeney data has been presented. In fact the policy does not seem to flow from the reasons/justifications listed which appear to describe matters relating to tourism.

Clarity and effectiveness of Policy 16

284. The header of this section is titled “*Retaining Local Services and Retail*”, the justification discusses *tourism*, the Ambition mentions “*Retention of Business Premises...*” and the text of the policy describes “*commercial premises*”. This is a confusing and muddled approach – is it local services, business or commercial premises that the Plan is seeking retention?

285. An interpretation of the policy could also suggest that the change of use between any use class would be acceptable as long as the proposal retains the ‘commercial premises’. As the policy seeks to retain the commercial premises – but does not explicitly state there is an aim to retain

commercial use or business use. There could be an interpretation that the fabric of the commercial premises could be retained whilst the use is changed to residential or some other non-employment generating use.

286. The qualifying criteria uses “or” and not “and” – was the intention? For example, a change of use application from a shop (or other service considered important to the village) to a less desirable ‘commercial’ use would be supported by the Plan if it only met one of the qualifying criteria.

287. The permissive and especially imprecise approach in the policy is in conflict with other policies in the Blakeney Plan and the Core Strategy, in particular, Policy SS 5.

Conclusions

288. No substantive evidence has been presented to support the inclusion of the policy. The policy as written, lacks clarity and conflicts with Core Strategy policies and other policies in the Plan.

289. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

290. **Policy 16 should be removed from the Plan.**

Policy 17: Tourism

291. The stated ‘Ambition’ in the Plan is: ***Tourism – seeking to balance the provision of facilities in Blakeney for the benefit of residents, the local community and visitors whilst minimising the social and environmental impact.***

292. The policy and justification should make reference to the Norfolk Recreational Avoidance and Mitigation Strategy (RAMS) which is currently in draft form and we can provide further details on this work. Mitigation for all development will come through the Local Plan due to issues identified in the HRA. To date the Plan has not been informed by such so it is hard to see there is the evidence to support the approach.

Evidential basis for Policy 17

293. The Plan has not presented a balanced evidence based assessment into all the benefits, and dis-benefits, of tourism (including second homes and holiday accommodation) on the local economy and housing market. On the one hand the Plan is suggesting a number of negatively worded policies which seek to restrict the availability of holiday accommodation and on the other hand, in this policy, is welcoming development that has the potential to expand tourism in the parish.

294. A detailed report was been produced in 2017 that looked at the Economic Impact of Tourism in North Norfolk (here: <https://www.north-norfolk.gov.uk/media/3681/economic-impact-of-tourism-north-norfolk-report-2017.pdf>) and it is suggested that this evidence should have been referenced or built upon to provide a Blakeney focus.

Clarity and effectiveness of Policy 17

295. Point 1 & 2. Environmental Impact Assessments will not be required for the majority of tourism related developments. The thresholds for when an EIA is required is contained in National regulations and cannot be imposed by the Plan.
296. Point 3. Is it not more appropriate to point to the Conservation Area Appraisal and Design Guide rather than the Landscape Character assessment?
297. The policy currently suggests that as long as development meets the criteria in the policy – all tourism development is acceptable. This could potentially include the building of holiday accommodation and second homes. An open interpretation of this policy would be in conflict with the Plan Policies 2,3,4,5?

Conclusion

298. The policy conflicts with National Policy, Core Strategy Policies on tourism, and related development, at EC7, EC8 & EC10. In particular, the policy, as currently written, conflicts with the sequential test in EC7.
299. This policy does not contribute, in a meaningful way, to delivering sustainable development. Furthermore, when also taking into account the lack of a robust and locally derived evidence base **this policy has not had regard to national policies and advice** contained in guidance issued by the Secretary of State. **Therefore this policy does not meet the Basic Conditions tests.**

Recommendation

300. **Policy 17 should be removed from the Plan.**

Implementation, Delivery and Monitoring.

301. The Plan does not mention in this section any review mechanisms. Given the NNDC are likely to produce a new Local Plan in the next 2 to 5 years it is likely that a number of the Plan policies will be out of date or superseded. The Plan, in line with guidance, and to reflect potential change in policy or circumstances should include reference to a future review – which could be of the whole Plan or individual policies.