

EXAMINER'S REPORT
HOLT
NEIGHBOURHOOD DEVELOPMENT PLAN
2016 - 2036

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ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

Core Strategy - North Norfolk Local Development Framework, Core Strategy (incorporating development control policies), September 2008.

HRA - Habitats Regulation Assessment.

NDP- Neighbourhood Development Plan.

NNDC- North Norfolk District Council

Site Allocations DPD - North Norfolk Site Allocations Development Plan Document of 2011

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

SAC - Special area of Conservation

SSSI - Site of Special Scientific Interest

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Town Council of Holt in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by the North Norfolk District Council (NNDC), in consultation with the Town Council to carry out this independent examination. I am a Chartered Town Planner with over 30years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Town Council and NNDC and have no interest

in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

“Holt Neighbourhood Development Plan, 2016-2036, Submission Plan Version Basic Conditions Statement, August 2022”.

“Strategic Environmental Assessment Screening Report for Consultation Holt Neighbourhood Plan-Emerging Draft Submission Version (March 2022), May 2022 Final version for Consultation”.

“Strategic Environmental Assessment Screening Determination, Holt Neighbourhood Plan-Emerging Draft Submission Version (March 2022), July 2022.

Habitat Regulations Assessment Screening report for Consultation, Holt Neighbourhood Plan- Emerging DRAFT Submission Version (March 2022) May 2022 Final Version for Consultation”.

“Habitat Regulations Assessment Screening Determination, Holt Neighbourhood Plan-Emerging DRAFT Submission Version (March 2022) July 2022 Final Version for Consultation”.

Local and National Policies and relevant evidence

“National Planning Policy Framework”, (NPPF), July 2018.

“National Planning Practice Guidance”, (NPPG).

“Core Strategy - North Norfolk Local Development Framework, Core Strategy (incorporating development control policies)”, September 2008.

‘Site Allocations DPD - North Norfolk Site Allocations Development Plan Document of 2011’.

“First Draft Local Plan (Part1)”, May 2019.

“First Draft Local Plan (Part1)- Alternatives Considered”.

“Holt Conservation Area and Management plan”, August 2008.

“Local Plan, Proposed Submission Version, Publication Stage, Regulation 19”, January 2022.

“North Norfolk Local Plan HRA Submission Version”, Durwyn Liley, Phil Saunders and Chris Panter, Footprint Ecology.

“North Norfolk Design Guide, Supplementary Planning Document 2008”.

“At a Glance: a Checklist for Developing dementia friendly Communities” Dr Lynne Mitchell, The University of Warwick (Viewpoint No. 25. Housing LIN 2012.

Planning Committee Report of 27/112014 - Demolition of existing timber merchant buildings and erection of A1 (retail) food store, associated access, car parking and landscaping, Thaxters Portable Buildings Old Station Way Holt NR25 6DH Ref. No: PF/14/1373.

“North Norfolk Main Town Centre Uses and Retail Study, Final Report”, Lichfields, 22 March 2017.

“The North Norfolk Open Space Assessment, part of the Open Space, Sport and Recreation study 2019, North Norfolk District Council, Final version February 2020”, Ethos Environmental Planning.

Documents submitted during the examination

“Joint Response to Examiners Questions”, North Norfolk District Council & Holt Town Council, February 2023.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on the 25th and 26th of January 2023 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, Holt Town Council and relates to the whole of the area covered by it. The plan area was designated by NNDC in December 2013.

14. In accordance with the regulations², the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2016-2036). It does not relate to more than one neighbourhood area.

CONSULTATION

15. The Consultation Statement explains the manner in which the public, and statutory bodies were involved in the development of the Plan. The Plan’s inception stretches back to 2013 with the designation of the Plan area.

16. The initial open community consultation in October 2014 asked residents, businesses and stakeholders their views on planning matters and sought volunteers for the steering group. A hiatus then ensued until 2017 when there was a presentation to the “Annual Town Meeting”, a public consultation event with several displays and a policy development workshop.

17. The preparation of policies was informed by open steering group meetings, a community consultation event on 20/1/2018 and publicity in an article in the “Holt Chronicle” at the same time explaining the plan and its process.

18. A presentation to the Holt Chamber of Trade and Commerce was also made in January 2018.

19. The formal six-week consultation³ was carried out in January and February 2018 which was explained in a community consultation event and again in the “Holt Chronicle”. There was also publicity via the Town Council’s web site, social media and hard copies available at the Town Council offices.

20. The fifty-nine consultation responses were reviewed in open steering group meetings from April 2018 to February 2020. These responses and reaction are adequately summarised in the submitted consultation statement. The resultant changes to the submission plan are highlighted.

21. The need to address advice from NNDC and Covid intervened and led to changes to the steering group and a further review of policies.

² Neighbourhood Planning (General) Regulations 2012

³ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

22.The plan was then submitted to NNDC.

23.The final formal consultation⁴ was carried out from 10/10/22 to 21/11/22. I will assess these comments as part of this examination.

24.I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan.

BASIC CONDITIONS

25.It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act. ⁵ This element of the examination relates to the contents of the Plan.

26.This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the plan.
- f)The making of the neighbourhood development plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(2)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007(3)) (either alone or in combination with other plans or projects).

27.TheTown Council has submitted a “Basic Conditions Statement” to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

28.The Town Council submits in the Basic Conditions Statement that the Plan complies with NPPF core policies, which require the Plan to promote sustainable development. The NPPF establishes that the three components of sustainability are economic, social

⁴ Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and environmental and that these underpin all planning policy.

29. Table B of the Statement demonstrates that the Plan is firmly aligned with the core principles of the NPPF and the principles of sustainability, which underpin them.

30. In the social respect, the Plan supports appropriate community facilities including sports and recreation facilities. The Plan further encourages healthy lifestyles by protecting local green spaces and encouraging active travel. The Plan also has regard to provide housing to meet the needs of a range of households.

31. In its environmental role the Plan seeks to protect and enhance the natural and physical environment. Policies protect the landscape character, green spaces, biodiversity and the built character and heritage.

32. In economic terms the Plan has policies to promote appropriate retail development and tourism in sustainable locations. The NDP seeks to protect key local community facilities and services which support business uses.

33. I accept that the policies in the Plan meet the claims referred to in the Statement. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

34. A neighbourhood plan must be compatible with European Union Directives as retained into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁶ and the Habitats and Wild Birds Directives⁷. These require that consideration should be given to the need for a Strategic Environmental Assessment (SEA) to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognised as protected under European legislation⁸. A neighbourhood plan should also take account of the requirements to consider human rights.

⁶ Article 3(5) of Directive 2001/42/EC transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, commonly referred to as the SEA Regulations.

⁷ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁸ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SAP) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

35. The NNDC carried out a screening to determine whether or not the content of the emerging Holt Neighbourhood Plan March 2022 requires a full Strategic Environmental Assessment. It is based on the screening opinion request and the information provided on the emerging content of the plan as of March 2022. The determination is contained in the submitted screening determination by NNDC of July 2022.

36. The report tests the Plan policies against the criteria for determining “the likely significant effects” referred to in the EU Directive and Schedule 1 of the Regulations. No “likely significant effects” are identified as the Plan does not itself promote significant growth and is essentially introducing qualitative policies aimed at sustainable development to protect the landscape character and natural and built environment. There are no new site allocations beyond those already established in strategic policies which were previously subject to an SEA. The Plan seeks to minimise environmental and negative social impacts.

37. The report concludes that an SEA is not required. The statutory consultation bodies Natural England, Historic England and the Environment Agency have not raised an objection to these findings.

38. I am satisfied that an SEA is not required. 39. A Habitats Regulations Assessment screening has also been undertaken to assess any impacts on European designated habitats. The Neighbourhood Area (NPA) contains Holt Lowes SSSI⁹ which is part of the Norfolk Valley Fens SAC¹⁰ and classed as a European site. A number of other European sites are within 20km and include the North Norfolk Coast SAC/SPA, The Wash & North Norfolk Coast, SAC, River Wensum, SAC, Overstrand Cliffs SAC and the Greater Wash SPA.

40. It is concluded that there are no likely adverse effects upon the integrity of any European site either from this Plan or in combination with other plans or projects.

41. The policies in the Plan propose no new site allocations than are in strategic policies in the emerging Local Plan which have been through the HRA process.

42. I have raised concerns below in the policy analysis regarding the impact of policy HOLT6 Connectivity in and around Holt and the impact on the North Norfolk Valley Fens SAC and Holt Lowes SSSI. The Town Council brought to my attention an error in the mapping and corrected this with the provision of an updated map which shows the correct route of the Green Wheel, which avoids Holt Lowes and therefore allays my fears.

⁹ Site of Special Scientific Interest-an area of particular interest to science due to the rare species of fauna or flora it contains - or even important geological or physiological features that may lie in its boundaries.

¹⁰ Special Area of Conservation (SAC) is defined in the [European Union's Habitats Directive](#) (92/43/EEC), to protect important habitats

43. I am content that the screening opinion stating no further work is required to satisfy the HRA legislation is valid subject to the modifications to policy HOLT 6 as expressed below.

44. I note Natural England has not raised an objection to the screening determination.

45. In arriving at my conclusions on the screening opinions on the SEA and HRA, I have not taken into account any mitigation measures proposed in the Plan in accordance with case law¹¹.

46. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Neighbour responses have been considered in a satisfactory manner during the processing of the Plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

47. The Town Council states in the “Basic Conditions Statement” that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

48. The Statement states in relation to national policies that the Plan conforms to the basic principles of the NPPF that the neighbourhood plan contains only non-strategic policies which give particular local dimension.

49. In order to be clear and unambiguous and ensure the policies do not duplicate local plan policies and national guidance, I have made some recommendations below to alter certain policies.

50. The Statement in table A also analyses the plan policies against relevant national policy guidance in the NPPF. This is done in appropriate detail and illustrates close alignment with the national guidance.

51. In some cases I have made recommendations to alter policies in order to conform with guidance in the NPPF and NPPG.

52. Apart from these modifications I consider the Plan does take proper account of national policies and guidance.

53. The Neighbourhood Plan has been prepared to ensure its general conformity with the strategic policies of the development plan for the District, that is the North Norfolk Core Strategy (incorporating Development Control Policies) of 2008 and the North

¹¹ Court of Justice Case C-323/17 *People Over Wind*

Norfolk Site Allocations Development Plan Document of 2011 (“the Site Allocations DPD”).

54. The emerging Local Plan is not technically part of the consideration in relation to basic conditions as it is not yet an adopted Plan. Nevertheless, its findings and evidence can be taken into account and there is a need to consider that in the case of any future potential conflicts in the Plans this does not result in confusion and uncertainty.

55. An assessment of the general conformity of each policy with the relevant Core Strategy policy and its relationship with emerging policy where relevant, is contained in Table C of the Basic Conditions Statement. This is a relatively detailed comparison and does not highlight any discord between the respective policies. Apart from where I have identified below the proposed policies give an appropriate, detailed local dimension to strategic policies.

GENERAL MATTERS IN RELATION TO BASIC CONDITIONS

56. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications, I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction without explanation.

57. I have considered all aspects of the representations received during the Plan process. In most cases, these do not require specific reference as they do not, in my view, effectively raise a concern that the Plan does not conform to basic conditions. I can only consider matters relating to conformity with the basic conditions in relation to the policies proposed. It is not the remit of this examination to include new policies covering issues which consultees may consider should be included.

58. In some cases, I have referred to NNDC due to the specific and detailed nature of its representation and its relevance to “basic conditions”.

59. It is also not my role to comment on the aspirational elements of the plan which have no bearing on its planning policies. These relate to essentially non-planning matters which do not relate to land use and cover matters such as future lobbying e.g. for improved train services or matters which do not need planning permission such as changing the status or role of footpaths. Government advice is that these aspects of the plan should be clearly distinguished as separate from the formal policies. I am satisfied subject to my proposed modifications that the Plan achieves this in the manner in which the policies and aspirations are presented.

59. Nevertheless, I advise the Town Council to consider the comments made on the aspirations and consider whether to make any alterations in the interests of proper public representation.

60. A recurring issue is the need for policies to be drafted with appropriate clarity. The National Planning Practice Guidance (NPPG)¹² requires 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. It should be concise, precise and supported by appropriate evidence”*. I have therefore suggested some modifications in the interests of greater clarity and meeting this guidance.

61. A further recurring issue is the referencing of emerging Local Plan policies. Whilst, as referred to above, there is a need to take into account evidence produced in relation to the emerging plan and seek to avoid conflict with it in the interests of a seamless transition, there is no requirement to consider it in meeting basic conditions. This is because the emerging Plan is not yet been adopted and has the potential to change which could create confusion in relation to the specific references to its policies. Furthermore, it is not within my remit to consider representations relating to the emerging Local Plan of which there have been a number submitted in relation to this Plan. I have therefore made recommendations below to exclude specific references to the emerging Local Plan policies.

62. These recurring issues are not repeatedly explained in my text below in relation to individual policies but I have included the necessary modifications in my consequent recommendations.

63. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections.

COMMENTS ON CHAPTER 3 PLANNING CONTEXT

64. In paragraph 3.9 explaining the emergence of the new Local Plan in the interests of clarity, there is a need to explain more directly that the residential allocations referred to still require further final consideration at its examination.

65. It is important to briefly explain and illustrate the settlement boundary for Holt as established in the current Local Plan (Core Strategy). This has particular importance for some policies and in the interests of clarity there should be specific reference to it. However, the current Local Plan settlement boundary is outdated as it does not accurately circumscribe the built form particularly in the north-eastern part of the town. The settlement boundary as proposed in the emerging Local Plan cannot yet be relied upon. It is therefore necessary to reference that the current settlement boundary is likely to change when the emerging Local Plan is adopted.

¹² NPPG Paragraph: 041 Reference ID: 41-041-20140306

RECOMMENDATION 1

Para.1.12 “town council” alter to “Town Council”

Add the following sentence to the end of paragraph 3.9, “These residential allocations need to be considered further at the public examination of the Local Plan.”

In the first sentence in paragraph 3.10 alter “Local plan” to “Local Plan”.

In the last sentence in paragraph 3.10 delete “the Local Plan” and replace with “current Local Plan policy”.

Add a further sentence at the end of paragraph 3.10, as follows;

“The Core Strategy establishes a settlement boundary which is significant as it establishes limits on development and is referred to in policies in this Plan. The settlement boundary, however, will be altered in the emerging Plan to encompass changes to the built form of the town and include allocated development sites. The settlement boundary shown in in Plan D, is therefore only a proposal at this stage and is not a factor in determining planning applications.”

In plan D include a key which references the “proposed” settlement boundary.

COMMENTS ON ASPIRATIONS, OBJECTIVES & LAND ISSUES

66.In order to improve clarity, it is necessary to distinguish the land use policies from the Town Council’s aspirations. I consider the formatting of the Plan can be improved to achieve this and I have gone into detail in comments below relating to “Implementation” and “The Future of Rail Travel”.

67.However, it would be instructive for the reader if this was signalled in this chapter towards the beginning of the Plan and as part of the explanation of the purposes of the Plan.

RECOMMENDATION 2

After the paragraph 5.3 relating to “Land Use Policies”, insert a new paragraph as follows;

“Aspirational Policies

The Plan contains further aspirations which are not technically matters covered by planning legislation but are relevant to the context of the Plan and supplement the overall strategy for the town. These relate to mattes such as improved rail transport, which is referred to in the final chapter regarding Implementation.”

HOLT1 DESIGN GUIDANCE

68.This policy gives a local dimension to the array of national and strategic policies concerned to achieve good design.

69.There is no reference to the Glaven Valley conservation area which should be corrected and its boundary which should be fully referenced in the text and shown in the key to the map in Appendix A. In order not to preclude the planned appraisal for this conservation area there should be a generic reference to such appraisals, rather than just Holt, in the opening paragraph of the policy.

70.In section 1 of the policy there is specific reference to some listed buildings and only in the town centre and the conservation area which is confusing as it implies these may have more status than other listed buildings in the Plan area. Similarly, reference to only “groups” of non-designated heritage assets implies single or isolated heritage assets have lesser status. This should be corrected in the policy and the supporting text which should embellish the overall approach to listed buildings and the particular approach to non-designated heritage assets.

71.The second section of the policy is rather prescriptive in requiring adherence to the predominance of two-storey, residential detached or semi-detached buildings with occasional bungalows all set within regular plot shapes and sizes in regular street patterns”. Furthermore, it implies no reference to the more modern developments as Mr Godfrey has pointed out in the final representations. This aspect of the policy is unwieldy and difficult to implement contrary to advice in the NPPG¹³ that *“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”*.

72.I recommend that a more generic reference to the need to acknowledge the scale and grain of development in the vicinity of development proposals.

RECOMMENDATION 3

In the first paragraph of the policy delete “and where applicable with the Holt Conservation Area Appraisal”, insert “relevant conservation area appraisals”

In section 3 first bullet point after “Glaven Valley”, insert “Conservation Area”.

At the end of the text relating to the policy, insert the following paragraph;

¹³ NPPG Paragraph: 041 Reference ID: 41-041-20140306

“The Glaven Valley Conservation Area is essentially rural in nature and broadly wraps around the west and southern parts of the town. Its boundary is shown on the plan in Appendix A.”

Add the boundary of the Glaven Valley Conservation Area to the key to the map in appendix A.

Delete the final bullet point in section 1. Add a further section 4 to the policy text as follows;

“In the whole Plan area, the presence of listed buildings or non-designated heritage assets”

Add a final paragraph to the supporting text as follows;

“National and local strategic policies offer protection to listed buildings from harmful development and must be closely observed. In addition, there are non-designated heritage assets in the Plan area which, whilst not necessarily of listed status have importance in heritage terms. These are also often referred to as buildings on the “Local List” and this list, as it relates to the Holt Conservation Area, is included in the Holt Conservation Appraisal. National planning guidance in the National Planning Policy Framework (NPPF) states in paragraphs 203 and 204 *“applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. ... Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”*.

In section 2 of the policy delete the second bullet and replace with the following; “The scale and grain of development in the vicinity of the site.”

In paragraph 5.5 delete “policies ENV2, ENV7 and ENV8 of the emerging Local Plan” and replace with “and supplements Local Plan policies”

HOLT2 HOUSING MIX AND TENURE

73.The Plan displays significant evidence of an ageing population with a substantially greater proportion of persons aged over 65 than the county or national average. The need for policies to help accessible and adaptable housing is also recognised in evidence provided for the emerging Local Plan.

74.The policy refers to development plan policies requiring accessible and adaptable homes and seeks to prioritise housing for older people which is “dementia friendly” and the supporting text refers to a checklist produced by the University of Warwick. This was produced in 2012 by the Housing; Learning Improvement Network, a network bringing

together housing, health and social care professionals in England, Wales, and Scotland to exemplify innovative housing solutions for an ageing population.

75. I am satisfied that, in principle, this complies with paragraph 27 of the NPPF which advises “ *Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*”

76. The Building Regulations M4(2) standard: Category 2 – Accessible and Adaptable Dwellings provides technical standards to allow dwellings to be made adaptable for older persons with mobility problems. Whilst the Regulations do not refer to dementia-friendly requirements per se they are very relevant to meeting the needs of dementia sufferers.

77. The reference to the general development plan policies in criteria 1 of the policy is technically not that helpful in establishing clarity as the relevant Core Strategy policy EN4 Design simply states that development should “*Ensure that places and buildings are accessible to all, including elderly and disabled people*”. The emerging NNDC Design Guide supplementary planning guidance provides explicit reference to the building regulations part M standards relating to adaptability and other requirements but this is not yet adopted. The emerging Local Plan policies similarly intend to add further reference to the building regulations.

78. I have some concern that the term “dementia friendly” is not sufficiently precise and could create confusion in application of the policy. The development plan policies do not assist in clarifying the situation. The advice in the checklist prepared by the University of Warwick is helpful but rather general in its description of dementia-friendly development. Furthermore, it is difficult to distinguish between the general need of older persons with mobility problems to those suffering from dementia.

79. I recommend therefore there is reference to the building regulations in the policy in terms of the provisions of the M4(2) which refers specifically to accessible and adaptable homes and offers clarity. The evidence to support this and the concentration of older people in the area is clear from the emerging Local Plan and its recommended policy HOU8 Accessible and Adaptable Homes. These changes will give greater clarity in advance of potential adoption of the emerging Design Guide and Local Plan. I do not consider these changes are modifying the policy significantly beyond its original intentions.

80. The policy can still contain reference to “dementia friendly” principles and the University of Warwick publication is a useful reference in the supporting text.

81. As the policy requiring “dementia friendly” homes applies to all residential development it is necessary to achieve appropriate flexibility to qualify this by allowing for exclusions on account of practical or viability reasons.

82. Criteria 2 of the policy requires older persons development to be in sustainable locations within the settlement. This accords with the underpinning advice in the NPPF promoting sustainable development.

83. Criteria 2 of the policy also refers to the need for older persons accommodation to be located within the settlement boundary but the plan does not explicitly depict the boundary. The Core Strategy settlement boundary is outdated, as referred to above (paragraph 65) and does not take into account more recent development in the north-eastern part of the town. In view of this, I recommend utilizing the term “within the confines of the built form of the development or updated settlement boundary, whichever is applicable”.

84. Criteria 3 requires provision of affordable housing including First Homes. This does not add substantively to national or local strategic policies and is lacking in the detail of those policies in terms of the proportion of affordable housing. In these respects, the policy could lead to confusion and should be deleted.

85. The supporting text can be adjusted to inform the reader of the wider affordable policies.

RECOMMENDATION 4

Replace criteria 1 of the policy text as follows;

“All new homes must be designed and constructed in a way that enables them to be adapted to meet the changing needs of their occupants over their lifetime. Planning permission will be granted for new dwellings subject to all new dwellings meeting the Building Regulations M4(2) standard: Category 2 – Accessible and Adaptable Dwellings. (Insert footnote as below).

All residential development proposals should demonstrate that dementia-friendly design principles are incorporated in the design.

If it is considered there is a case to not comply with these requirements on practical or viability grounds developers must submit appropriate supporting evidence of sufficient detail including a viability appraisal, when necessary, to enable these exclusions to be considered.”

Footnote: “*Or any subsequent national equivalent standard should the Building Regulations and or national policy be reviewed in the future.*”

In criteria 2 of the policy delete “defined Holt Settlement Boundary”, insert “built form of the settlement or updated settlement boundary, whichever is applicable”.

Delete criteria 3 of the policy.

In paragraph 5.16 delete the first sentence and replace with the following new paragraph;

“The provision of affordable housing to meet local needs is a requirement under national and Local Plan policies and this does not require repetition in this Plan. It is however, important for the overall context of housing needs in the Plan area that the Local Plan polies are explained in this Plan”. Then start a new paragraph with the remaining text in paragraphs 5.17 but delete “of HOU2 of the emerging Local Plan” and insert “local plan policies”

Keep the paragraphs 5.18-5.20.

Add a further paragraph;

“The settlement boundary, shown in the Core Strategy, at the time of the preparation of this Plan is outdated and does not equate fully to the built form of the settlement. This should be remedied by the emerging Local Plan but is recognised in this policy.

HOLT3 GREEN INFRASTRUCTURE

86.This policy complements national and Local Plan policies to encourage green networks and promote biodiversity. It provides a useful map base highlighting local green areas and infrastructure.

87.The policy whilst encouraging measures to “enhance habitat connectivity” should stress the need for bio-diversity net gains in a more strident manner, in accord with the advice in the NPPF which in paragraph 179(b) states plans should *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*”

88.The reference in the second sentence specifically to “layout and landscape schemes” infers that other aspects of a development proposal may not fall to be considered in relation to this policy, which needs correction.

89.The last sentence in paragraph 5.21 relating to footpaths appears superfluous and I recommend it be deleted in the interests of clarity.

90.The supporting text for the Plan F “Green infrastructure Map” (reproduced in Appendix 1) omits to mention that the AONB boundary extends into the north part of the Plan area. It is important that this is corrected and that further reference is made to the hierarchy of environmental and ecological designations¹⁴ as they relate to the Plan area and this policy. The policy context would also benefit from mention of the Norfolk wide Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS).

¹⁴ NPPF paragraph 175

91.I agree with NNDC that in the context of landscape description and policies there should be reference to the North Norfolk Landscape Character Assessment which is adopted policy as a supplementary planning document.

92.Norfolk County Council have commented on the Plan as Lead Local Flood Authority and expressed concerns that the Plan in this section does not make any reference to flood alleviation measures. It is not incumbent for the Plan to adopt policies of this nature as these are contained in national guidance and in the Local Plan.

93.During the examination I sought clarification on certain aspects of the key relating to Plan F regarding reference to Ramsar sites and indeterminate coloured areas. I received clarification and Plan F should be corrected appropriately. Furthermore, in the interests of clarity as referred to above , the AONB boundary should be added to Plan F.

RECOMMENDATION 5

In the second sentence of the policy text delete “should demonstrate that their layout and landscape schemes” and replace with “they”.

**Replace the sentence at the end of the policy text with the following;
“Proposals within or adjoining the Network shall identify and pursue opportunities for securing measurable net gains for biodiversity, including habitat connectivity, proportionate to their scale and impact”.**

**In paragraph 5.21 alter the first sentence as follows;
“This policy embellishes green infrastructure policies contained in in the national advice, the Core Strategy (include footnote as below) and potentially emerging policies into a mapped network..... etc.” “(Footnote: Core Strategy policy EN9 biodiversity and Geology)”.**
Delete the final sentence in this paragraph.

In paragraph 5.22 create a separate paragraph out of the last three sentences i.e. beginning “There is a good deal of woodland....etc.”

Insert a further text to the remaining part of paragraph 5.22 i.e. first two sentences ending in” (AONB).

“The AONB stretches into the northern part of the Plan area. The NPPF stresses in a paragraph 176 that *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas,”* It is particularly important that the merits of the parts of the green infrastructure

designated for their ecological importance such as the Norfolk Fens (Holt Lowes SSSI) shown on plan F and the Plan in appendix 1 are specifically recognized as part of any assessment of impacts on the green infrastructure and its ecology.

And a further paragraph immediately after, as follows;

“The North Norfolk Landscape Character Assessment (LCA)(2021 Supplementary Planning Document). Holt lies within the Wooded Glacial Ridge Landscape Type and the town is noted both as a key characteristic and as a valued feature of this type. The LCA and its highlight of special landscape qualities can be a material consideration in the determination of proposals”.

Add a further paragraph after 5.26 as follows;

“The Norfolk-wide Green Infrastructure and Recreational Impact Avoidance & Mitigation Strategy (GIRAMS) is a joint local planning authority and Natural England approach which aims to deliver strategic mitigation to offset recreational impacts on European designated sites (i.e. the north Norfolk Coast SAC /SPA etc.) from qualifying development (residential and tourism) and ensure compliance with the Conservation of Habitats and Species Regulations (2017) as amended.”

Replace Plan F on page 22 and in Appendix A with the version submitted in response to examiner’s questions received February 2023.

HOLT4 EMPLOYMENT GROWTH IN HOLT

94. This policy seeks to protect the functional integrity of key strategic employment sites by reducing the potential for more retail and service type uses in these areas. This is in accord with the NPPF¹⁵ which encourages the protection of key strategic employment sites in accordance with local industrial strategies.

95. The policy, however, has flexibility in highlighting the potential for a retail or hotel use on the employment site at Old Station Way and a hotel site in appropriate sustainable, accessible positions within the town.

96. This proposed Plan policy allows a potential exception to the current Local Plan (Core Strategy) policy SS4 Economy which doesn’t allow retail on the designated employment site at Old Station Way. Retail development of the nature proposed (1,400sqm) is only possible in the town centre. This emerging policy is based on an expired permission for retail ref: PF/14/1373, on the site, granted in 2014 for 1429sqm of retail space subject to conditions including limits on convenience and non-convenience sales in order to protect the vitality and viability of the town centre. This was accepted as an exception to Local Plan policy at the time based on a previous

¹⁵ NPPF paragraph 82

permission, proof in a sequential test of no alternative town centre sites and a demonstration in an Impact Study of no detrimental impact on the retail hierarchy in the area. The North Norfolk Retail & Main Town Centre Uses Study (2017) has since further underpinned this decision and lends support to the retail development of this site, in particular because of the need to provide more convenience shopping and the lack of sequentially available sites in the town centre

97.The emerging Local Plan, Policy E 2 is concerned to protect employment areas from main town centre uses(retail) unless an exception can be made on a range of criteria including there are no more sequentially preferable sites available in the town centre.

98.Furthermore, policy E4 Retail and Town centres establishes that support for out-of-centre development such as proposed “will be dependent on how it reflects the capacity available to support the proposal as identified in the retail study and subsequent permissions, how it seeks to enhance expenditure retention and in relation to the assessment of impacts on the town centre is in accordance with the locally derived impact thresholds.

99.Because of the material weight of the previous lapsed permission and the retail study evidence, I am satisfied this supports the non-conformity with the current Local Plan. strategic policies.

100.In view of the non-conformity with the current Local Plan policy, the time since the permission was granted and that the North Norfolk Retail & Main Town Centre Uses Study (2017) is nearly 6 years old, during the examination, I sought reassurance from NNDC and the Town Council that the same planning parameters apply. In particular, I enquired about current conformity with the sequential test and that the scale of development proposed is acceptable in terms of the retail hierarchy in the area.

101.NNDC has stated there are no objections to the proposed policy and that the non-conformity with the older Local Plan policy is acceptable subject to caveats. NNDC confirmed that the site remains well connected to the town centre and is sequentially preferable for the intended scale of retail development. However, NNDC expressed the need for caution around potential impacts due to changes in market and trading conditions since the retail study was first published and the need to review compliance with the sequential test.

102.In summary, I consider that on the evidence, the proposed criteria 1 does not significantly contravene strategic policies in the Local Plan and is a justified relatively minor exception. However, the policy should contain caveats relating to the need to satisfy the sequential and retail impact assessments as required by strategic policies.

103.The policy specifies a retail floorspace of 1400sqm based on the scale of development granted by the lapsed planning permission. This is too prescriptive and there is no evidence to support this specific level of floorspace. There is however a need to ensure that the scale of the development is appropriate to the retail needs of

the area and capacity of the site so there should be a more general reference to scale with some elucidation in the supporting text in the interests of clarity.

104. Whilst the evidence points to the need for an outlet selling primarily convenience goods there should be flexibility to allow for a small amount of comparison goods if, as was the case in the lapsed permission, it can be proven this will be acceptable in terms of the impact on the town centre and neighbouring centres. This can be resolved at planning application stage.

105. The policy text refers to “defined” employment sites whereas the emerging local plan refers to “designated employment sites”. In order to avoid potential confusion, I recommend changing “defined” to “designated”. I note “designated” is the term used in paragraph 5.28 of the Plan.

106. The second criteria of the policy provides scope for a hotel to serve the needs of the tourist industry which is important for the economy of the town. The NPPF categorises hotels as a main town centre use which should preferably be in a town centre. In this case bearing in mind the lack of available town centre sites, the limited size of the town and the policy qualification that the hotel should be in an accessible position, it is not considered the policy significantly contravenes strategic policies and it is a justified minor exception.

107. The reference to the Holt settlement boundary regarding a potential hotel site needs correction due to the current anomaly, referred to above in paragraph 65.

RECOMMENDATION 6

Alter the policy text as follows;

“1. Proposals to intensify designated employment areas and on land allocated for employment development will be supported provided they comprise only uses falling within Use Class B2, B8, E(g) Footnote (see below). An exception is land at Old Station Way (see Plan G) which may also be used as a primarily convenience food retail class E(a) or hotel use (C1) provided it is of a scale which does not harm the vitality and viability of the town centre or neighbouring centres, satisfies the sequential test and conforms to other development plan policies.

Footnote: as defined by the Town and Country Planning Use Classes Order 1987 (as amended) or subsequent re-enactment.

In criteria 2 after “in other locations within...” insert “the built form of the settlement or updated settlement boundary, whichever is applicable”.
After “provided they...”, insert “satisfy the requirements of the sequential test...”

Alter paragraphs 5.27, 5.28 and 5.29 as follows;

“Local Plan policies seek to protect employment sites for uses that maintain the functional integrity of land supporting businesses. There is a need to ensure that the employment needs of Holt are addressed by restricting uses that are not suitable to the unique location for employment and protect the viability and vitality of the town centre as a retail and service hub. This policy restricts the potential for retail and service industry uses on these sites but allows general and light industry and offices. This helps to maintain a critical mass of this type of employment in the town.

Flexibility is introduced in the case of the employment site at Old Station Way (see Plan G) where there is potential for a retail or hotel use. Permission was granted in 2014 ref: for retail ref: PF/14/1373 subject to conditions including limits on convenience and non-convenience sales in order to protect the vitality and viability of the town centre. The North Norfolk Retail & Main Town Centre Uses Study, Final Report (2017), Lichfields supports the continuation of this retail permission in the interests of the sustainability of the retail function of the town serving a growing population and complementing other town centre uses. This site is particularly well-related to the town centre and there is no clear prospect of town centre sites becoming available.

The policy allows this exception, in principle, but there will be a need to reconsider the scale, retail impact, the availability of any preferred sites under the sequential test and any site-specific issues at the time of any planning application. Similar conditions apply to the consideration an hotel proposal.”

In paragraph 5.30 delete “modifies PolicyE6 of the emerging Local Plan in”, insert ‘is’.

HOLT5 COMMUNITY FACILITIES

108.This policy supports retention of viable community facilities and accords with national and local strategic policies.

109.In the interests of clarity these facilities should be identified on a Plan.

110. Core Strategy policy CT3 Provision and Retention of Local Facilities and Services provides tests to consider the case for loss of a community facility and it is acceptable for the proposed Plan policy to cross refer to this.

111.It is not possible under planning legislation to determine who should operate a community facility or the terms on which it is operated and I recommend this be deleted from the policy.

RECOMMENDATION 7

In criteria 2 delete “the defined Holt Settlement Boundary or will be provided and made available to a relevant operator on reasonable terms”, replace with “Holt”.

Include a map showing the location of all the community facilities.

HOLT6 CONNECTIVITY IN AND AROUND HOLT

112. This policy seeks to improve connectivity via footpath, bridleways and cycleways between green areas in the town. It sets out a broadly circular route around the town and requires major developments to connect to and improve the network. It is firmly in accordance with NPPF and local strategic policies to encourage active travel, health and well-being and improve connectivity.

113. The policy text states major developments “should demonstrate” connectivity which is rather vague and could cause confusion. It would be preferable to require that developments should include “proposals” to demonstrate connectivity to the “Green Wheel”.

114. The policy has a requirement to mitigate impacts on the quality or extent of “The Wheel” by financial agreements attached to planning permissions, if necessary. This is a reasonable requirement and will be linked to the scale of development and its impact in accordance with national advice on such agreements.

115. Strutt and Parker has objected to the inclusion of the public footpath 9A in the Green Wheel. It is on their client’s land linking the A148 and Hempstead Road and it is claimed there would be conflict between users, particularly cyclists with the traffic serving a farm and businesses. The policy is establishing a broad strategy for a connective route. It is not considered that significant potential conflict can be accepted without detailed consideration of schemes such as a cycleway or other physical works to intensify use, which is not appropriate for this examination. It is currently a public footpath route allowing unrestricted pedestrian use. It is strategically located in relation to “The Wheel” route and an important component aiming to establish connectivity. I noted on my site visit that this section is hard surfaced in good condition and relatively wide for a footpath and appears to present no extraordinary traffic hazards. No evidence has been forthcoming of traffic hazards and the Highway Authority has not objected. I cannot accept that the policy which supports a broad strategy for connectivity will result in exacerbating any traffic conflicts to a significant degree.

116. I agree with Strutt and Parker that the reference to the proposed footpath on Plan H across the A148 should be clarified as a “potential” footpath.

117. The Trustees of Holt Lowes and the Norfolk Wildlife Trust have objected to the route of the Green Wheel as it runs through Holt Lowes which is a SSSI and part of the North Norfolk Valley Fens SAC. The concern is on the basis the policy would encourage intensification of use which could have a detrimental impact on wildlife and habitats

particularly ground nesting birds. In terms of “basic conditions” and the need to take national guidance and strategic policies into account I am aware that environmental and ecological designations such as SSSI and SAC require the utmost protection of habitats and their unique environment. It is inappropriate to include the section of the route through Holt Lowes within the Green Wheel.

118. During the examination the Town Council issued a correction to Plan H which included the removal of the route of “the Green Wheel” from the Holt Lowes SSSI. This is welcome and allays my concerns that the HRA screening opinion concludes that no further Appropriate Assessment is necessary and satisfies the objections in the representations to the submitted version of the Plan.

119. I note there is currently a fence along the boundary of the Country Park and Holt Lowes SSSI, which satisfactorily reduces the potential for disturbance from increased use of the route on the SSSI, particularly from dogs off the lead.

120. There are other sensitive environmental (green) areas included in the Wheel route but they do not have the same policy protection as Holt Lowes which is a European designated site. I am satisfied that any potential extra visitor pressure on these further areas will not have the potential for significant effects on the designated sites of environmental or ecological importance.

121. Criteria 3 of the policy refers to “reasonable” financial contributions which is rather vague and lacks the necessary clarity. National guidance in the NPPF sets out tests for the levels of planning gain¹⁶ which should be referred to in the policy.

RECOMMENDATION 8

In criteria 2 of the policy text delete “demonstrate how future occupants will be able to” and replace with “include proposals to allow people”.

In criteria 3 delete “reasonable” after “financial contributions”, insert “in accordance with national guidance”.

Add an extra paragraph after paragraph 5.43 as follows;

“The Green Wheel is adjacent to the Holt Lowes SSSI and the North Valley Fens SAC which are important designations on account of their value for biodiversity. In accordance with national and Local Plan policies these areas are protected from any extra pressure brought about by the increased opportunities for access. Substitute the submitted Plan version of Plan H with that submitted in the February 2023 response to examiner’s questions.

HOLT7 OPEN SPACES

¹⁶ Paragraph 57 of the NPPF

122.This policy seeks to protect two areas of open space for their recreational and amenity value.

123.Also the reference to “Lodge Close” Play Area is wrong as it is not adjacent to Lodge Close. This was corrected to Neil Avenue Play Area” during the course of the examination.

124.The merit of these spaces was clear from my site visit. I note that they have value for recreation, active and passive and contribute to visual amenity. The memorial garden is very accessible in the town centre and provides a quiet area for relaxation whilst the Neil Avenue play area provides scope for active recreation in the form of largely grassed playing areas. A policy restricting their development conforms with national and strategic policies. There should be reference to the formal open audit and needs assessment in the supporting paragraph to clarify the way any loss of open space will be considered.

RECOMMENDATION 9

Delete paragraph 5.44 and replace with the following;

“This policy complements Local Plan policies concerned to protect areas of open space valued for their recreational and visual amenity qualities. The assessment of the impact of any loss of open space will be done in relation to the most recent audit of such space in the area.¹⁷

Retitle “Plan H” on page 29 as “Plan I”.

Plan I -Draw a boundary around the Memorial Garden, Remove the crosshatching and Local plan annotation and use the same colour for infilling both areas on the respective maps.

6 IMPLEMENTATION

Development Management

125.The section on development management is a useful clarification of the role of the Plan and the Town Council in determining planning applications.

Local Infrastructure Improvements, the future of Rail Travel for Holt

¹⁷ The 2023 version is the “The North Norfolk Open Space Assessment, Part of the Open Space, Sport and Recreation study 2019, North Norfolk District Council, Final version February 2020”, Ethos Environmental Planning.

126.The remainder of this section relates essentially to the Town Council’s aspirations and in the interests of clarity should be clearly separated in a different format to the planning policies to avoid any confusion.

127.As they are aspirations and not formal planning policies, I do not propose to present recommendations on them but I would advise that the Town Council pay regard to representations particularly those from NNDC with respect to rail travel and that currently proposals are only indicative.

128.The section on Local Infrastructure Improvements is a useful guide as to the priorities for planning obligations and inclusion in this Plan gives this status.

RECOMMENDATION 10

After the “Development Management Section” insert a title COMMUNITY ASPIRATIONS to clearly distinguish these from the formal planning policies.

Insert the following as an introductory paragraph to this section;

“The following are the Town Council’s aspirations and community initiatives which are related to planning matters but cannot be directly controlled by planning legislation or cast with real certainty.”

SUMMARY

129.I have completed an independent examination of the Neighbourhood Development Plan.

130.The Town Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have considered the further comments received as part of the consultation under Regulations 14 and 16 of the Neighbourhood Planning Regulations 2012.

131.I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

132.Subject to these modifications, I am satisfied that the plan meets the Basic Conditions.

133. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

134. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area, and if it is to be extended, the nature of that extension.

135. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the Plan area, as they are currently defined.

136. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations should proceed to a referendum.