

North Norfolk District Council
Holt Road Cromer Norfolk
NR27 9EN



28.05.24

Mr Ben Bethell
Parish Clerk
Hoveton parish Council,

Our Ref: Policy/12/01/15-1.

RE: Application to Designate a Neighbourhood Planning Area

Dear Mr Bethell

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

The proposed Area for Neighbourhood Planning falls into the administrative areas of both North Norfolk District Council, NNDC and the Broads Authority, BA. The application is supported by the Broads Authority ¹ and NNDC. In accordance with The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 through delegated authority to the Planning Portfolio holder in conjunction with the Planning Policy Manager it is resolved to **approve** the designation of the proposed Neighbourhood Plan as detailed in your statement.

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

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

Cllr Andrew Brown - Planning Portfolio Holder, NNDC

A handwritten signature in dark ink, appearing to read "A Brown", written over a horizontal line.

Iain Withington - Planning Policy Manager, (Acting) NNDC

A handwritten signature in dark ink, appearing to read "Iain Withington", written over a horizontal line.

Attached: NP Designation: Advice Note May 2024

¹ Development committee 24.5.2024



Neighbourhood Plan Designation: Advice Note (Designation)

Hoveton Parish Council

The attached designation letter is your formal notification that the parish area is now designated as a Neighbourhood Plan Area, NPA. Please keep this for your records. We will publish this along with the submitted map showing the designated area and other formal correspondence as your Plan progresses on our dedicated neighbourhood planning website, [Home | Neighbourhood Planning \(north-norfolk.gov.uk\)](http://north-norfolk.gov.uk). A specific page for the Hoveton neighbourhood plan, will be created on the Council's neighbourhood planning web pages which will host all the formal documentation and correspondence in relation to this neighbourhood plan. The Broads Authority will also host relevant publications [Neighbourhood planning \(broads-authority.gov.uk\)](http://broads-authority.gov.uk). We would also ask that the parish council set up a separate and dedicated Neighbourhood Plan page on your own parish council web site and publish all formal and informal notices such as steering group meetings minutes and consultations, so the process is open and transparent to the community and those that wish to follow the process. This should usefully link directly to the NP page at the district council.

As a designated area the parish council as the qualifying body in law can now produce a neighbourhood plan, NP, Neighbourhood Development Order, NDO and or a Community Right to Build Order, CrtBO. Further information on each is available on our web site and through the Neighbourhood planning section of the national planning practice guidance. [Neighbourhood planning - GOV.UK \(www.gov.uk\)](http://www.gov.uk). (PPG).

A neighbourhood plan should support the delivery of strategic policies set out in the local plan(s) or spatial development strategy and by being prepared positively should shape and direct development that is outside of those strategic policies (as outlined in [paragraph 13](#) of the revised National Planning Policy Framework). Within this broad context, the specific planning topics that a neighbourhood plan covers is for the local community to determine. A neighbourhood plan should, however, contain only policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#)). Given this there is no need to repeat or duplicate policy areas already contained in the local and national policy and only policies that seek to bring further local considerations to such matters that are suitably justified through evidence and not conflict or cause ambiguity between policies should be included in your plan.

Government advice contained in PPG advises that the production of a neighbourhood plan is best achieved where there is active and ongoing collaboration with council policy officers. As the Local Planning Authority(ies) we also encourage and support this not least so that complementary neighbourhood and local plan policies are produced but we are also able to assist through both informal discussions on the process, evidence, policy writing and much more. It is important to manage expectations and to seek to align policies by seeking to add

value or further local considerations to policy areas, minimising any conflicts between policies in the neighbourhood plan and those in the local plan early. This includes such areas of housing supply policies and infrastructure provision, not least so as to manage community expectations. Such areas form part of the independent examination, where conflict, duplications and overall sustainable development principles are examined through the Basic Conditions tests.

Given this and the breath of the subjects suggested in the supporting statement early engagement with officers is advised. It is suggested that a series of themed workshops are arranged by the steering group and any supporting consultancy appointed and officers can brief on the process of preparation, and specific policy approaches and evidence required. In such sessions officers can detail the context of national and local plan policy and help steer an approach to help address local concerns. The aim would be to assist in developing appropriately worded policies at an early stage and share evidence and or identified evidence gaps.

Officer Support

During the development of your neighbourhood plan, you will have access to and support from the qualified professional officers in the policy team here at NNDC and the BA. We can assist in many ways from informal sounding board, provide a general steer through the process, impartial planning advice, sense check of policy ideas/ approaches and policy wording, policy formation, evidence base, technical support and the statutory/ legislative matters as well as informal review.

As your Plan progresses officers are also required to take on a more formal role and will formally review and provide comment at the required legislative stages. These comments will be published on our web site. Officer resource remains limited due to the small size of our team and work priorities however We would strongly encourage you to make full use of the available officer resource and encourage continued informal dialogue throughout the production of your NP, especially now that video conferencing is facilitated and accepted as the norm. In doing so it is helpful to have advance notification.

Due to the complexity of planning it is advisable not to get too far down the production of a neighbourhood plan without sharing / discussing policy options and wording with officers. Neighbourhood planning is currently led up by Iain Withington as acting Policy Manager and as such is the senior contact for advice and support. In addition, once designated as a NPA a supporting policy officer is usually appointed as your specific liaison and he/she will become your first contact officer and will co-ordinate council advice and assistance from specialist policy areas across the council and act as a sounding board.

In order to help our project planning and resource available at key times it is asked that we are kept informed on the overall progress, intended timelines, the overall project plan and who your steering group members will be.

Guidance

Your attention is drawn to a number of specific local guidance notes and check sheets which have been produced by the Council and it is asked that these are reviewed by all members the steering group and that the web site is checked regularly for updates. These cover areas such as how to use evidence, how to designate land as local green space, and how to develop policies in areas such as housing. We strongly recommend that the guidance contained in these is followed. These are available at:

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

The growing evidence base of the emerging Local Plan is available in the document library <https://www.north-norfolk.gov.uk/tasks/planning-policy/document-library>. Further material is also available in the local Plan examination library. [Home | Local Plan Examination Library \(north-norfolk.gov.uk\)](#)

It's recommended that these should be your first port of call for your evidence review, however you should also check with officers of any other available evidence before commissioning or undertaking your own.

In addition, there are guidance notes available from Locality which is the community organisation that provides support for Neighbourhood Planning nationally. There is guidance on many aspects of neighbourhood planning including how best to engage with the Council, the use of evidence to justify approaches as well as specific guidance on individual policy areas such as how to establish housing needs and to undertake local green space assessments, how to undertake design guides and coding and the approach to historic environment. Locality also publish a useful road map and details on other areas of planning that will need to be scoped such as any requirement for a Habitat Regulation Assessment

National guidance

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

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

Local Plan Conformity, Repetition & Duplication of policies

As you will be aware the Council is in the final stages of producing a new Local Plan which is expected to replace the current Local Plan shortly

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

The new local plan for NNDC is at an advanced stage and is under examination. Due regard should be had to NPPF para 48 and the weight of the policies now have. The expectation is that the emerging Local Plan will be the adopted Plan later this year and early next at the latest. **Our advice is that from the outset conformity with the submitted Local Plan (as modified through the examination) rather than the Core Strategy should be your focus.** It is expected that a number of modifications will be made during examination, and it will be important to be aware of these when reviewing policy areas. It is this Plan that will set out the longer-term strategic policies of the district, and for any emerging neighbourhood plan to remain relevant and up to date in the longer term it is this emerging Local Plan that the parish should look to align with.

We would advise that the starting point of any Neighbourhood Plan is a review of the existing and emerging Development Plan and policy base, in relation to the chosen policy areas to see what additional considerations could be added and what evidence would be needed to justify such an approach.

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

A neighbourhood plan can be comprehensive or simply focused on a few matters. It should not try and replicate the broad approach of strategic policies contained in the Local Plan. At the end of the day decisions on planning application will have regard to all relevant policy documents in the development plan including any relevant made neighbourhood plan

Basic conditions

One of the basic conditions tests for Neighbourhood Planning undertaken at examination stage is that Plans need to be in general conformity with the strategic policies of the district. Policies that seek to duplicate or repeat existing Development Plan policies and or national policy or introduce unnecessary ambiguity into decision making run the risk of falling foul of such conformity rules and will run the strong risk of deletion at examination if left in. **Our advice is that a Neighbourhood Plan should be focused on what additional benefit/**

considerations, including justified growth it can bring to the NPA and any Plan should not seek to repeat or conflict with existing local or national policies. Equally there is no need to seek to have a general policy on every matter and especially those that are already covered in the wider development plan. With the risk of repeating the advice above neighbourhood plan policies should seek to address more local and additional land use considerations, provided there is the evidence to justify the approach.

Subject matters and land use planning

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

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

In other areas there may be ambitions to introduce similar policies to that contained in other neighbourhood plans. This should only be done so where there is the supporting evidence to do so in your NPA. Where there is, there may be a tried and tested route and rather than seeking to reinvent a policy, officers may be able to provide appropriate wording that is tried and tested e.g. in areas such principal homes. In such cases, please seek to discuss with officers early on.

Evidence

Evidence is extremely important in developing a NP as it ensures that the choices made in your neighbourhood plan are backed up by facts and that the policies produced are therefore robust and justified as required by planning Law. **Opinion and views of the local community and others that have a stake in the future of a neighbourhood plan area e.g., expressed through consultation, demonstrate that the policies in your plan have been informed by the participation of the local community and others with an interest in the area (a basic condition test) but opinion itself does not provide the justification for policy choices.** Although local opinions and engagement is important the lack of distinction between opinion and evidence is often a mistake that occurs early on in neighbourhood planning, and it is best to ensure all those involved are aware of the distinction and can make informed choices by presenting objective evidence and provide reasoning for both for and against options in the early stages of consultation. For example, you may find that there is **insufficient evidence to support the community raised issues and concerns** or that the policy area is already

adequately covered in the Local Plan and or national policy. In such cases where the evidence **may not substantiate the views of the community**, or it may contradict the views of the community, or the policy already exists in the development plan the steering group should not shy away from saying so in early versions of the consultation document.

Environmental Screening

As the “responsible body” in separate environmental legislation, when the time comes a detailed **Screening Opinion request should be submitted to the Council and we will usually undertake the Strategic Environmental Assessment, SEA Screening and Habitats Regulation Assessment, HRA Screening of the emerging Neighbourhood Plan on your behalf**. These are statutory requirements and need to be undertaken by qualified professionals to the satisfaction of the Council, and relevant statutory bodies such as Natural England and the Environment Agency. They should however only be undertaken when the policy content is known and advanced enough. Depending on the outcome a full SEA/HRA may be required, (unlikely if the NP is not allocating development sites).

We do not advise that these screenings are undertaken by others without the knowledge and agreement of the Council. If they are it invariably leads to further delay as officers need to undertake / review the screening work themselves before they can sign off on such when the formal need arises. Again, avoiding this pitfall falls into the category of ensuring there is ongoing and continual dialogue. If further HRA/SEA are required these will have to be commissioned separately and undertaken by a suitable qualified professional. Further technical grants may be available from locality at this stage.

Steering Group

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

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

Iain Withington.