



Great Yarmouth Borough Council & Broads Authority
Decision Statement on
Winterton-on-Sea Neighbourhood Plan Examiner's Report
9th December 2021

1. Purpose of Statement

The Winterton-on-Sea Neighbourhood Plan has been examined by an independent Examiner and they have issued the Examiner's Report. The report makes a number of recommendations for making modifications to policies within the submitted Neighbourhood Plan. In accordance with Regulation 17A and 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) and paragraph 12 of Schedule 4B to the 1990 Town and Country planning Act (as amended) Great Yarmouth Borough Council and the Broads Authority (as joint responsible authority) propose to accept each of the examiner's recommendations, as set out below.

2. Plan background

Under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the plan was submitted to the Borough Council in March 2021, with the parish council having undertaken early local consultations. In accordance with Regulation 16, the Borough Council published and consulted on the submitted plan in May 2021.

An independent examiner was then appointed to examine the plan in accordance with paragraph 7 of Schedule 4B to the 1990 Town and Country planning Act (as amended). To aid the examination, the Examiner then asked the Borough Council to undertake a focused consultation on implications of the revised National Planning Policy Framework on the neighbourhood plan. Responses from each of the respective consultations were passed to the Examiner for consideration.

The appointed Examiner has now examined the Winterton-on-Sea Neighbourhood Plan and published their report with recommendations. The Examiner can only examine the plan in so far as to determine whether it meets the 'basic conditions' required by the legislation. The Examiner can also recommend on that basis whether the plan should proceed to referendum, and if so whether the referendum area should be extended beyond the designated neighbourhood plan area.

Under Regulation 24A of the Neighbourhood Planning (General) Regulations 2012 (as amended), the Borough Council along with the Broads Authority (as part of the neighbourhood plan area falls within the Broads Local Planning Authority Area) have to make a decision on the Examiner's recommendations. The Local Planning Authority must consider whether to decline/refuse the plan or to accept the report recommendations and set out its reasons in a decision statement that must

then be published. It is also possible for the local planning authority to make a decision which differs from that recommended by the examiner, but this would require a statement of reason, further consultation, and the possibility of re-examination.

3. Consideration of Basic Conditions

The Examiner has concluded: *'Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine.'*

This assessment includes consideration of the Environmental Assessment of Plans and Programmes Regulations 2004 (formerly the Strategic Environmental Assessment Directive) and the Conservation of Habitats and Species Regulations 2017 (or 'Habitat Regulations'). After consultation with the statutory bodies, the submitted Screening Opinion concluded that the Plan is not likely to have significant environmental effects. The Screening Opinion also concludes that the Plan will not have any likely significant effects upon nearby habitat sites (National Site Network designated habitat sites) either alone or in combination with other plans and projects, and therefore screens the Plan out from requiring an appropriate assessment.

The Examiner concludes that: *'Taking account of the characteristics of the Plan, the information and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied... Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the Screening Opinion that an appropriate assessment is not required and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.'*

As competent authority, Great Yarmouth Borough Council and the Broads Authority accept these findings.

4. Reason for decision

Having considered each of the recommendations within the examiner's report and the reasons for them, Great Yarmouth Borough Council and the Broads Authority has decided to approve each of the recommended modifications. This is in accordance with section 12 of Schedule 4B to the Town and Country Planning Act 1990.

The following table sets out each of the examiner's recommended modifications to the submitted neighbourhood plan, the Council's consideration of those recommendations, and the Council's decision in relation to each recommendation.

Section of Submitted Neighbourhood Plan	Examiner's recommendation	Council consideration of recommendation	Council decision
Whole document	As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.	The Councils agree with the Examiner that the contents page, renumbering paragraphs or pages, should be renumbered as they appear sequentially.	Accept Examiner's recommended modifications.
Vision & Objectives	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy HO1: Housing Mix	No modifications	Agree	Accept Examiner's recommendation. No modification necessary.
Policy HO2: Affordable Housing	<ul style="list-style-type: none"> • Add the word "to" before "...the settlement" in the third sentence of paragraph 38 on page 10 of the Plan • Add a new sentence at the end of the policy that reads: "It should be noted that national policy does not permit entry-level exception sites within the Broads Authority area." 	The Councils agree with the Examiner's reasoning that the policy requires amendment to align with the NPPF in that entry-level homes should not be permitted within the BA area & the minor grammatical tweak for clarity.	Accept Examiner's recommended modifications.
Policy HO3: Design	<ul style="list-style-type: none"> • Delete the word "historic" from paragraphs two and three and five of the policy and change all references to "Village Centre" • Add the words "subject to other policies of the development plan" at the end of the first sentence of paragraph three of the policy that begins: "Proposals outside of the [historic] village centre that are of an innovative design..." • Add a new criterion to the policy that reads: "Tree-lined streets should be included in developments" 	<p>The Councils agree with the Examiner's reasoning that:</p> <ul style="list-style-type: none"> • The defined Village Centre should be made more distinct to the Conservation Area • To ensure that the plan aligns with other policies of the development plan 	Accept Examiner's recommended modifications.

	<p>unless in specific cases there are clear justifiable and compelling reasons why this would be inappropriate. Trees should be included within developments where the opportunity arises. Where development is permitted, conditions will be imposed to secure the long-term maintenance of newly-planted trees. Existing trees, tree belts and hedgerows should be retained wherever possible.”</p>	<ul style="list-style-type: none"> The policy should reflect the NPPF’s requirement to secure tree-lined streets. 	
Policy HO4: Principal Residence Housing	<ul style="list-style-type: none"> Add the word “of” after “The socio-economic effects...” in the first sentence of paragraph 43 on page 12 of the Plan 	The Councils agree with the Examiner’s reasoning for the minor grammatical tweak.	Accept Examiner’s recommended modifications.
Policy HO5: Tourist Accommodation	No modifications	Agree	Accept Examiner’s recommendation. No modification necessary.
Policy E1: Protecting and Enhancing the Environment	No modifications	Agree	Accept Examiner’s recommendation. No modification necessary.
Policy E2: Surface Water Flooding and Drainage [shown as Policy E4 in the Submitted plan]	<ul style="list-style-type: none"> Delete the words “and all developments of 5 or more properties” from the first paragraph of the policy and replace with “and for other development in line with national policy requirements” Update the link on page 18 of the Plan I note that this policy is numbered E4 in the Plan and that later policies are numbered E2 and E3. I recommend that the policies are numbered in sequence and that is a simple editing matter. 	<p>The Councils agree with the Examiner’s reasoning that the policy requires amendment to align with national policy & that the link should be updated.</p> <p>The Councils agree with the Examiner that the policies should be renumbered as they appear sequentially.</p>	Accept Examiner’s recommended modifications.
Policy E3: High Grade Agricultural Land	<ul style="list-style-type: none"> Change the first sentence of the policy to read: “Development on Grade 1 or 2 agricultural land that is viable arable land...” [retain remainder of sentence to bullet points] 	The Councils agree with the Examiner’s reasoning that the policy could apply to all types of development (not just major development) and that all of the criteria should apply.	Accept Examiner’s recommended modifications.

	<ul style="list-style-type: none"> Change both words “or” at the end of the first and second bullet points of the policy to “and” 		
Policy E4: Protecting Winterton-on-Sea’s Heritage	<ul style="list-style-type: none"> Revise Figure 4 to make it clearer and retitle it to “Winterton-on-Sea’s Conservation Area and Village Centre” and amend key as necessary Change the title of the policy to “Protecting Winterton-on-Sea’s Heritage and its Village Centre” Add a new sentence at the start of the policy which reads: “A Village Centre is designated and is shown on Figure 4.” Delete the word “Historic” from “Historic Village Centre” in the last sentence of paragraph one of the policy Reword the [existing] second paragraph of the policy to read: “Any development should take account of the landscape setting, open spaces, heritage assets and the key views and vistas of the Church which make a valued contribution to the area. Development should make a positive contribution to local character and distinctiveness.” Delete the word “Historic” from “Historic Village Centre” in two places in paragraph 65 of the supporting text 	<p>The Councils agree with the Examiner’s reasoning that:</p> <ul style="list-style-type: none"> The defined Village Centre should be made more distinct to the Conservation Area The revised wording to protect the landscape and character aspects of the village centre and Conservation Area better aligns the policy with local and national policy. 	Accept Examiner’s recommended modifications.
Policy CA1: Winterton-on-Sea Primary School	Change the first sentence of the policy to read: “Proposals for complementary uses of the primary school and nursery grounds will be supported where they maintain its principal function as an education facility, benefit the wider community and are compatible with the amenities of nearby residents.”	The Councils agree with the Examiner’s reasoning that the policy requires amendment to consider neighbouring residential properties & the minor grammatical tweak for clarity.	Accept Examiner’s recommended modifications.
Policy CA2: Economic Development	<ul style="list-style-type: none"> Retitle the policy “Economic Development within the Development Limits” 	<p>The Councils agree with the Examiner’s reasoning that:</p> <ul style="list-style-type: none"> The policy only applies to such development within the 	Accept Examiner’s recommended modifications.

	<ul style="list-style-type: none"> Delete the word “Historic” from the second bullet point of the policy and from the first bullet point of paragraph 73 on page 24 of the Plan 	<p>Development Limits and should be titled as such</p> <ul style="list-style-type: none"> The defined Village Centre should be made more distinct to the Conservation Area 	
Policy CA3: Designated Local Green Spaces	<ul style="list-style-type: none"> Remove the car parking area from WLGS5, the Playing Field from Figure 5 Delete the sentence which begins “These should be protected from development...” from the policy Delete the penultimate paragraph of the policy which begins “Development that would harm the openness...” Delete the last paragraph of the policy which begins “Two of the green spaces...” from the policy but move to the supporting text if desired Retaining the first sentence of paragraph 76 on page 25 of the Plan, delete the remainder of this paragraph 	<p>The Councils agree with the Examiner’s reasoning that:</p> <ul style="list-style-type: none"> Local Green Spaces (LGS’s) should relate to the criteria set out in the NPPF, and this would not apply to the car park in WLGS5 The policy should be worded consistently with Green Belt policy as set out in the NPPF Supporting text should be amended accordingly 	Accept Examiner’s recommended modifications.
Policy CA4: Investment in Open Space	Add at the start of the policy: “Applicable development will be expected to contribute towards the provision of high-quality open space within the community, with a contribution in line with the policy in the relevant Local Plan.”	The Councils agree with the Examiner’s reasoning that the policy requires amendment to align with the Local Plan.	Accept Examiner’s recommended modifications.
Policy TR1: Public car parking	No modifications	Agree	Accept Examiner’s recommendation. No modification necessary.
Policy TR2: Residential Car Parking Standards	No modifications	Agree	Accept Examiner’s recommendation. No modification necessary.

Policy TR3: Walking	Delete the word “Historic” from paragraph 100 on page 33 of the Plan	The Councils agree with the Examiner’s reasoning that the defined Village Centre should be made more distinct to the Conservation Area	Accept Examiner’s recommended modifications.
Community Policies	<ul style="list-style-type: none"> • Change the “Community Policy” to “Community Aspiration” [this will apply throughout the Plan document and this modification is not repeated elsewhere] • Add a new paragraph at an appropriate location in the Plan which reads: “A number of Community Aspirations have also been developed alongside the planning policies. These cover issues which are not development and use of land related, but nevertheless are important considerations which arose through work on the Plan. Their status is as non-statutory aspirations which the Parish Council will seek to progress during the lifetime of the Plan.” 	The Councils agree with the Examiner’s reasoning that ‘community policies’ should be clearly distinct from policies and therefore identified as aspirations.	Accept Examiner’s recommended modifications.

5. Next steps

This Decision Statement and the Examiner's Report into the Neighbourhood Plan will be made available at the following online locations:

- <https://www.great-yarmouth.gov.uk/winterton-neighbourhood-plan>
- <https://www.broads-authority.gov.uk/planning/planning-policies/neighbourhood-planning>
- <http://www.winterton-on-sea-parishcouncil.org.uk/community/winterton-on-sea-parish-council-15212/neighbourhood-plan/#>

Hard copies of this are also available for inspection at:

- Great Yarmouth Borough Council, Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

The next stage is for the Neighbourhood Plan to proceed to a referendum within the neighbourhood area. Such a referendum needs to take place within 56 days from the day after the date of the decision. Notice will be given 28 days before the referendum takes place.