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Borough Council of
**King's Lynn &
West Norfolk**



Executive Director

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Draft Ringstead Neighbourhood Plan 2021-2036, submitted 22nd April 2024: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

17 May 2024

FAO Simon Lee (Parish Clerk)

Dear Simon

I write to you on behalf of the Borough Council of King's Lynn and West Norfolk (BCKLWN) to confirm our receipt of the submission version of your draft neighbourhood development plan (Ringstead Neighbourhood Plan 2021-2036), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Ringstead Parish Council and the neighbourhood planning group on successfully reaching the submission stage (Regulation 15, The Neighbourhood Planning (General) Regulations 2012) of the neighbourhood planning process.

As you may be aware, under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 there is now a requirement for BCKLWN, as the local planning authority, to undertake a check of the compliance of the plan along with its process to date. The relevant legal tests are set out in the 1990 TCPA and relevant sections of the Planning and Compulsory Purchase Act (PCPA) 2004. It is then an obligation of the local planning authority to issue a written statement clarifying the compliance (or otherwise) of the plan. Accordingly, this letter comprises the formal view of BCKLWN and recommends whether it should be submitted for independent examination.

At this stage it is not a duty of the local planning authority to consider the plan proposal against the 'basic conditions' tests set out under Paragraph 8(2) of the TCPA 1990 (this is the role of the independent examiner). Nevertheless, I can confirm that BCKLWN is of the opinion that the draft Neighbourhood Plan is in general conformity with most relevant national and local strategic policies.

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Chief Executive – Lorraine Gore

We note that, prior to publication of the first draft (Regulation 14) version of the Plan, Natural England and the Environment Agency (20th May and 23rd May 2023 respectively) raised concerns about the potential for significant environmental effects arising from policies in the Plan. These concerns related to the proposed allocation of new housing land allocations and the implications for recreational disturbance and water quality/ groundwater (aquifers). These, in turn, triggered requirements for full Strategic Environmental and Habitat Regulations Assessments (appropriate assessment) to be undertaken. It is noted that Assessment reports have been prepared and submitted alongside the Neighbourhood Plan proposal.

We still have a small number of outstanding concerns; e.g. the status of the 2022 Ringstead Design Guidelines and Codes (its relationship to the Neighbourhood Plan itself) and whether certain policy requirements are excessively prescriptive and/ or onerous. Further detail is set out in the Council's initial review of the submission Neighbourhood Plan (Annex 1, below).

I note that your submissions also include the Basic Conditions Statement, which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. In a similar manner, I am pleased to confirm the following on behalf of BCKLWN:

- The plan **DOES** accord with all relevant provisions of the PCPA 2004 in that it: specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area;
- The plan **DOES NOT** comprise a 'repeat proposal' as defined under Paragraph 5 of the TCPA 1990;
- The submission **DOES** comprise the relevant documentation required under Paragraph 1 of Schedule 4B of the TCPA 1990 and as prescribed by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations');
- The plan **DOES** comply with all other provisions under section 61E(2), 61J and 61L of the TCPA 1990.

Annex 1 provides an initial check of the contents of the Plan. This provides initial feedback as to where, in officers' professional opinion, the draft Plan could be challenged with reference to the Basic Conditions, or general clarity/ readability.

The next stage in the process is consultation on the Ringstead Neighbourhood Plan 2021-2036, with reference to the Basic Conditions. This statutory consultation will be undertaken under Regulation 16 of the 2012 Neighbourhood Planning (General) Regulations, as amended.

The plan will then be made available for independent examination. The Regulation 16 consultation is anticipated to take place over a 6-week period during June/ July 2024. The Neighbourhood Plan, supporting submission documents and details of how to make representations to it will be published on BCKLWN's [Neighbourhood Planning](#) web page.

Alongside the Regulation 16 consultation we will begin the process for the appointment of an independent examiner for the Ringstead Neighbourhood Plan. The appointed examiner will start the examination soon after the end of the Regulation 16 consultation in July 2024.

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft Ringstead Neighbourhood Plan 2021-2036, complies with all relevant statutory

requirements. Please do not hesitate to contact me if you have any further queries regarding the neighbourhood planning process from hereon.

Yours sincerely

Stuart Ashworth
Assistant Director, Environment and Planning

Annex 1 – Ringstead Neighbourhood Plan 2021-2036: Initial Submission Neighbourhood Plan check

Initial review of the submission version Neighbourhood Plan, to accompany Legal Check under Schedule 4B of the Town and Country Planning Act 1990.

Borough Council of King's Lynn and West Norfolk comments on Ringstead Neighbourhood Plan 2021-2036 (submitted March 2023)		
Page No.	Item	Comment
	Overall comments	The Consultation Statement has been reviewed (with other submission documents) and it is noted that all the Borough Council's Regulation 14 comments/ representations have been duly considered. In most cases the Plan has been amended to take account of the comments. Where not fully taken on board, the Consultation Statement provides a clear analysis and rationale for the decision.
1-11	Para 1-40	Introductory sections (para 1-31) – The commentary regarding the emerging replacement Local Plan is generally accurate and correct for the time of Neighbourhood Plan submission. The Local Plan was submitted in March 2022, with a second round of hearings taking place during March/ April 2024 and consultation on Proposed Main Modifications expected later during the year.
16	Policy 1 – Housing Mix	Policy 1 clearly links to the Ringstead Housing Needs Assessment, submitted with the Plan (supporting evidence base). Regarding local eligibility criteria, the Borough Council will consult with the Strategic Housing team (strategic.housing@west-norfolk.gov.uk) at Regulation 16 stage, to ensure the proposed local eligibility criteria complement/ accord with the Borough Council's housing allocation policies.
22	Policy 2 – Affordable Housing	Previous concerns were raised as to the implications of the proposed policy criteria upon how the Borough Council manages housing delivery across the Borough as a whole. It is noted, through the consultation statement, that additional explanation/ clarification has been provided as to how it is anticipated that the local connections criteria should be applied, in practice. It should be noted that the Borough Council's Strategic Housing team may wish to uphold/ maintain their previous (Regulation 14) objection.
30	Policy 3: Land off Peddars Way North	It is noted that the submission plan (para 71-99) provides a detailed explanation/ narrative for the site selection process, for the proposed housing land allocation. This was subject to previous assessment through the SEA/ HRA screening process and Regulation 14. We (the Borough Council) are satisfied that the site allocation is supported by substantial and appropriate evidence (as explained in the supporting text/ supporting documents). Previous concerns about the detailed policy wording have been systematically addressed, as set out in the consultation statement.
35	Policy 4: Principal Residence Housing	The overall principle of having a "principal residences" policy is supported. It is noted that previous concerns have been taken into account, in the submission plan; e.g. that it is not reasonable to apply such a restrictive policy in the case of replacement dwellings.

**Borough Council of King's Lynn and West Norfolk comments on
Ringstead Neighbourhood Plan 2021-2036 (submitted March 2023)**

Page No.	Item	Comment
44	Policy 5: Design	<p>Ringstead Design Guidelines and Codes (2022) – it is noted this has been submitted as part of the supporting evidence base for the Neighbourhood Plan. This matter was considered through a recent Neighbourhood Plan examination (Stoke Ferry), where it was concluded that the Design Guide would carry more weight in decision making if included as an Annex/ Appendix to the Plan. This is particularly relevant where Neighbourhood Plan policies make direct reference (e.g. Policy 5).</p> <p>Although Policy 5 criteria are extensive/ far reaching, it is acknowledged that the Neighbourhood Plan seeks to go far further than the Local Plan could in addressing Ringstead's particular circumstances. It is noted that the Borough Council's comments on the Regulation 14 consultation document have been systematically assessed.</p>
47	Policy 6: Extensions etc	Policy 6 has been mostly amended in accordance with previous officer recommendations. Regarding the use of residential annexes as holiday lets, it is noted that the revised policy wording seeks to address this, in line with the Borough Council's previous recommendations.
53	Policy 7: Biodiversity	It is noted that the Borough Council's comments at the Regulation 14 consultation stage, have been duly noted and analysed accordingly. Biodiversity Net Gain (BNG) legislation has recently been implemented, although it is noted that the policy sets out criteria as to how this could be achieved, in practice.
57	Policy 8: Local Green Space	The Borough Council's previous comments related to the quality of the supporting map (Figure 29, submission Plan). This is small scale, but it is noted that a larger scale inset map, showing sites 1-8, is included in Appendix A.
63	Policy 9: Landscape Quality	It is noted that the Borough Council's previous (Regulation 14) comments related to matters of presentation. The analysis in the consultation statement is also duly noted.
67	Policy 10: Surface Water Management	It is noted that Policy 10 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
69	Policy 11: Conversion of rural farm buildings	It is noted that Policy 11 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
74	Policy 12: Conservation Area	It is noted that the Borough Council's previous (Regulation 14) comments related to matters of presentation. The analysis in the consultation statement is also duly noted.
78	Policy 13: Non-Designated Heritage Assets	No specific comments previously proposed re Non-Designated Heritage Assets (NDHAs) at Regulation 14 stage.

**Borough Council of King's Lynn and West Norfolk comments on
Ringstead Neighbourhood Plan 2021-2036 (submitted March 2023)**

Page No.	Item	Comment
79	Policy 14: Parking Standards	It is noted that the Borough Council's previous (Regulation 14) comments have been systematically reviewed. The policy requirements proposed are detailed and prescriptive. Concerns remain that these may be overly prescriptive and inflexible, given the detailed and specific criteria that are proposed.
94	Appendix A	It would be helpful if site details (Local Green Spaces, Non-Designated Heritage Assets etc) are cross-referenced, as per the inset maps/ figures within the main body of the document.
97	Appendix B	The list of considerations in the Design Checklist is extensive and potentially onerous. It is important to ensure that any obligations for applicants (through the Borough Council's local requirements or Neighbourhood Plan policies) are reasonable and proportionate.