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Borough Council of
**King's Lynn &
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Marshland St James Neighbourhood Development Plan 2022-2038, draft submitted 11th March 2025: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

13 March 2025

FAO Neil Watson (Parish Clerk)

Dear Neil

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 (Marshland St James Neighbourhood Development Plan 2022-2038), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Marshland St James 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 in force at the time of submission (11th March 2025). However, it should be noted that the Neighbourhood Plan will almost certainly be

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examined with reference to strategic policies in the replacement Local Plan 2021-2040, which is expected to be adopted on 27th March 2025.

We still have some outstanding concerns regarding the Neighbourhood Plan, as submitted; e.g. how some policies' requirements such as the housing mix standards (with reference to custom and self-build housing) and footway improvements could be achieved in practice through the planning system, and the status of the Marshland St James Design Guidance and Codes report, May 2022 (its relationship to the Neighbourhood Plan itself). 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 Statement of Basic Conditions (SBC), which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. I note that the SBC explains that the Neighbourhood Plan was prepared with reference to the December 2023 version of the NPPF (in force at the time of the Regulation 14 draft plan consultation). However, you should note that the Plan will be examined with reference to the current (December 2024/ February 2025) NPPF. Notwithstanding, 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 Marshland St James Neighbourhood Development Plan 2022-2038, 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 proposed to take place between 24th March and 12th May 2025, inclusive. This will take place over 7 weeks (rather than the statutory 6-weeks minimum), to take account of the Easter and May Bank Holidays. 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 Marshland St James Neighbourhood Plan. The appointed examiner will start the examination soon after the end of the Regulation 16 consultation in May 2025.

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft Marshland St James Neighbourhood Development Plan 2022-2038, 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

Stuart Ashworth
Assistant Director, Environment and Planning

**Annex 1 – Marshland St James Neighbourhood Development Plan 2022-2038:
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 Marshland St James Neighbourhood Development Plan 2022-2038 (submitted February 2025)		
Page No.	Item	Comment
	Overall comments	<p>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.</p> <p>It is advised that the next (post-examination/ referendum) version of the Neighbourhood Plan document could benefit from graphics (e.g. photo collage) on the document cover, to make the document appear more user-friendly.</p>
1-13	Introductory sections (Para 1-35)	<p>Contextual information provides a useful summary for Marshland St James parish. However, the plan still includes a small number of references to the current Local Plan (2011 Core Strategy/ 2016 Site Allocations and Development Management Policies Plan) and/ or plan policies, at paragraphs 9, 14, 22, Figures 3 and 4 (although it is noted that most have been removed). These should be removed and/ or referenced “previous Local Plan”, as appropriate, as the replacement Local Plan 2021-2040 is due to be adopted at the end of March 2025.</p> <p>It is also probably best to remove specific NPPF paragraph references, as in recent years this has been subject to regular updates – paras 37 and 66 (removal of defunct “beautiful” reference). It may be ok to retain the Appendix 1 affordable housing reference, as this provides a specific definition that has been used for the Neighbourhood Plan. These changes should also help to future-proof the Neighbourhood Plan.</p>
16	MSJ1: New Services, Facilities and Employment Opportunities	It is noted that due consideration has been given to BCKLWN’s previous Regulation 14 consultation feedback and changes have been made accordingly. The Consultation Statement clearly explains these changes.
19	MSJ2: Protection of Community Facilities	It is noted that due consideration has been given to BCKLWN’s previous Regulation 14 consultation feedback. Policy MSJ2 is clear and succinct and will provide extra policy protections to the named facilities.

Borough Council of King's Lynn and West Norfolk comments on Marshland St James Neighbourhood Development Plan 2022-2038 (submitted February 2025)

Page No.	Item	Comment
22	MJS3: Housing Mix	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and some changes have been made accordingly. The Consultation Statement clearly explains how the 75% standard should be applied to all development.</p> <p>It is noted that Policy MSJ3 explicitly excludes individual Custom and Self-Build (C&SB) projects. However, it does not explain how the size of C&SB units on sites of more than 1 dwelling could be directed through policy given that (by definition) they are being built to individual specifications/ requirements. In practice, no C&SB proposals could be bound by housing mix policies that specify dwelling sizes/ bedroom numbers.</p>
24	MSJ4: Affordable Housing	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback. Some changes are proposed accordingly in the Consultation Statement, but it is not immediately obvious where these have been made to Policy MSJ4 and the supporting text (para 65).</p> <p>The Regulation 14 response suggests the policy could benefit from references to relevant housing allocations policies (e.g. First Homes guidance: https://www.gov.uk/guidance/first-homes). It would be helpful to include this reference, and the allocations criteria set out in the Consultation Statement for MSJ4 (Consultation Statement, p16), in the supporting text and/ or Appendix 1.</p>
30	MSJ5: Design	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and some changes have been made accordingly.</p> <p>It would be useful at Policy MSJ5 to explain the exact status of Marshland St James 2022 Design Guidance and Codes document in relation to the Neighbourhood Plan itself. It is emphasised that the Guidance document appears integral to the application of Policy MSJ5, for decision Making.</p>
33	MSJ6: Residential Parking Requirements	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and some changes have been made accordingly. The supporting text (para 82) correctly cross references Local Plan parking standards, which are being taken forward into the replacement Local Plan 2021-2040.</p>
35	MSJ7: Footway Improvements	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and some changes have been made accordingly (e.g. excluding householder developments from Policy MSJ7).</p> <p>However, questions remain as to how the policy could be applied through the planning system (e.g. expectation for delivering improved footway provision could go beyond the legal scope of the planning system, whereby developers/ housebuilders cannot be obliged to resolve existing problems/ issues).</p>

