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Borough Council of
**King's Lynn &
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Draft Walpole Cross Keys Neighbourhood Plan Review 2022-2038, submitted 31st January 2025: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

6 March 2025

FAO Caroline Boyden (Parish Clerk)

Dear Caroline

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 (Walpole Cross Keys Neighbourhood Plan Review 2022-2038), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Walpole Cross Keys 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 (31st January 2025). However, it should be noted that the Neighbourhood Plan will almost certainly be examined with reference to strategic policies in the replacement Local Plan 2021-2040, which is expected to be adopted on 27th March 2025.

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We still have a small number of outstanding concerns; e.g. some detailed policy wordings, to ensure these are workable as policies for managing development, affordable housing/ housing mix policies, and the status of the 2022 Walpole Cross Keys Design Guidelines and Codes (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 Basic Conditions Statement (BCS), which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. I note that the BCS 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, on behalf of BCKLWN I am pleased to confirm the following:

- 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 (below) 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 Walpole Cross Keys Neighbourhood Plan Review 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 Walpole Cross Keys 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 Walpole Cross Keys Neighbourhood Plan Review 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 – Walpole Cross Keys Neighbourhood Plan Review 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 Walpole Cross Keys Neighbourhood Plan Review 2022-2038 (submitted January 2025)		
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.
1-9	Introductory sections (Para 1-21)	<p>Contextual information provides a useful summary of Walpole Cross Keys parish. However, the plan includes several references to the current Local Plan (2011 Core Strategy/ 2016 Site Allocations and Development Management Policies Plan). These should be removed as the replacement Local Plan 2021-2040 is due to be adopted at the end of March 2025.</p> <p>Given that a published version of the replacement Local Plan is expected to be finalised by May/ June 2025 (including re-numbered policies and paragraphs), at this stage it is probably best to remove any specific Local Plan policy references at this stage, to "future-proof" the Plan:</p> <ul style="list-style-type: none"> • Para 10 – replace references to Core Strategy and Site Allocations and Development Management Policies (SADMP) Plan with generic Local Plan reference – probably best to simply replace second and third paragraphs with: "<i>The Local Plan sets housing requirements, based upon the Government's 'standard method'.</i>". • Para 13-14/ footnote 8 – replace Core Strategy and SADMP references with brief/ revised text, explaining that the Local Plan designates Walpole Cross Keys as a named rural settlement in the settlement hierarchy, but no allocations are proposed. • Para 16 – delete "emerging" and last (outdated) sentence • Para 22 – replace Core Strategy, SADMP and Local Plan Review references with reference to the Local Plan's ongoing emphasis on matters such as protecting the environment and greener homes design. • Para 25 – delete "emerging" • Para 53/ footnote 22 – replace Core Strategy reference with "Local Plan". <p>Similarly, it is probably best to remove specific NPPF paragraph references, as in recent years this has been subject to regular updates – paras 25, 32, 53, 54, 57, 59, 69 and 77, as well as specific quotes. This should also help to future-proof the Neighbourhood Plan.</p>

Borough Council of King's Lynn and West Norfolk comments on Walpole Cross Keys Neighbourhood Plan Review 2022-2038 (submitted January 2025)

Page No.	Item	Comment
18	Policy 1: New Residential Development in the Neighbourhood Development Plan Area	It is noted that previous BCKLWN Regulation 14 consultation feedback has been duly considered.
19	Policy 2: Extensions, Outbuildings and Conversions	It is noted that Policy 2 has been amended from 1 st draft (Regulation 14) version. However, questions remain about certain requirements; e.g. "immediate area" (criterion 1), "surrounding area" (criterion 2). The policy could benefit from clearer definitions for these measures.
24	Policy 3: 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. Concerns remain about the arithmetic practicalities of applying the 90% standard for schemes of less than 10 dwellings; i.e. does this effectively require 100% of dwellings to be 3 bedrooms or fewer for minor (<10 dwellings) schemes?</p> <p>Also, would Custom and Self-Build dwellings be exempt?</p>
28	Policy 4: Affordable Housing	<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 Strategic Housing team's Regulation 14 comments remain unresolved objections at this stage.</p> <p>BCKLWN will consult with the Strategic Housing team (strategic.housing@west-norfolk.gov.uk) at Regulation 16 stage, to ensure Policy 4, as submitted, complements/ accords with the Borough Council's housing allocation policies.</p>
34	Policy 5: 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. Where changes are not proposed, the Consultation Statement sets out the reasoning and justification.</p> <p>It would be useful at Policy 5 to explain the exact status of the Walpole Cross Keys Neighbourhood Plan Design Guidance and Codes document in relation to the Neighbourhood Plan itself (Policy 5 and Appendix B); e.g. is this effectively an appendix/ annex to the Plan?</p>
36	Policy 6: Residential Parking Standards	it is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.
39	Policy 7: Flood Risk and Water Management	BCKLWN's suggested change regarding native tree planting has not been taken on board. However, this was only a suggestion and does not relate to the basic conditions.

**Borough Council of King's Lynn and West Norfolk comments on Walpole Cross
Keys Neighbourhood Plan Review 2022-2038 (submitted January 2025)**

Page No.	Item	Comment
50	Policy 9: Dark Skies	it is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.
51	Policy 10: Employment Related or Agricultural and Horticultural Related Development	it is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly. Policy 10 defines how "suitable sites" should be defined for development management purposes.
53	Policy 11: Brownfield Sites	it is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback. The former onion processing site has been removed from the Plan, given that construction of housing is already underway. Given that the policy now only relates to the Old Station site, it is suggested that the Policy 11 title could be amended accordingly; e.g. "Policy 11: Old Station Site".
57	Policy 13: Transport and Access	it is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback. Where changes are not proposed, the Consultation Statement sets out the reasoning and justification.