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Borough Council of
**King's Lynn &
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**The Walpoles Neighbourhood Plan 2022-2036, draft submitted 13th February 2025:
Legal Check under Schedule 4B of the Town and Country Planning Act 1990**

7 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 (The Walpoles Neighbourhood Plan 2022-2036), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Walpole 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 (13th February 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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Chief Executive – **Kate Blakemore**

We still have a small number of outstanding concerns; e.g. affordable housing standards that differ from the Borough Council's strategic policies, how the biodiversity and trees policies (4 and 5) relate to the emerging Norfolk Local Nature Recovery Strategy, and the status of The Walpoles Design Guidance and Codes, Draft report February 2023 (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 The Walpoles Neighbourhood Plan 2022-2036, 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 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 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 The Walpoles Neighbourhood Plan 2022-2036, 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

Stuart Ashworth
Assistant Director, Environment and Planning

Annex 1 – The Walpoles Neighbourhood Plan 2022-2036: 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 The Walpoles Neighbourhood Plan 2022-2036 (submitted February 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 parish. However, the plan includes a small number of references to the current Local Plan (2011 Core Strategy/ 2016 Site Allocations and Development Management Policies Plan), at paragraph 14 and Figure 1. 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. It is noted, from the Consultation Statement, that these amendments have been made.</p> <p>However, at paragraph 14 it is suggested that the 3rd and 4th sentences are deleted, to remove all references to the Core Strategy and Site Allocations and Development Management Policies Plan. Similarly, Figure 1 should be deleted (as this will shortly become obsolete).</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 27, 45, 46, 49, 51, 62, 70, 80, 89, 96, 100, 101. It may be ok to retain the Appendix D 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>
4	Paragraph 16	The Neighbourhood Plan includes reference to The Walpoles' Local Plan designation as a Rural Village. The Walpoles (three settlements) are proposed to be re-designated as a Key Rural Service Centre in the new Local Plan 2021-2040, so this should be reflected in the supporting text.

Borough Council of King's Lynn and West Norfolk comments on The Walpoles Neighbourhood Plan 2022-2036 (submitted February 2025)

Page No.	Item	Comment
13	Policy 1: 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>It is accepted that there is no need to reference Custom and Self-Build (C&SB) housing directly within the policy (given that the new Local Plan 2021-2040 will cover this). However, the 90% standard does raise a question; i.e. would Custom and Self-Build dwellings be exempt?</p>
17	Policy 2: 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, regarding the previous references to "practicable" and "local people" (both removed from revised Policy 2). However, the Strategic Housing team's Regulation 14 comments, regarding affordable housing mix, 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 2, as submitted, will complement/ accord with the Borough Council's housing allocation policies.</p>
22	Policy 3: 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 3 to explain the exact status of The Walpoles 2023 Design Guidance and Codes document in relation to the Neighbourhood Plan itself. It is noted that the Consultation Statement explains that the Design Guidance document is evidence. However, it appears integral to the application of Policy 3 in decision Making.</p>
29	Policy 4: Biodiversity and Green Corridors	<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. Figures 12-15 show both Priority Habitats and Green Corridors, to which the policy relates, although it only specifically references Figure 14. All four maps should be cross referenced within the policy, for clarity and the avoidance of doubt.</p> <p>Furthermore, Policy 4 potentially provides a useful reference as to how the Local Nature Recovery Strategy (LNRS) may be implemented, in practice. It would be useful to acknowledge this wider strategic document within Policy 4 and/ or the supporting text (potentially include references to both the Norfolk and Lincolnshire LNRSs).</p>

Borough Council of King's Lynn and West Norfolk comments on The Walpoles Neighbourhood Plan 2022-2036 (submitted February 2025)

Page No.	Item	Comment
33	Policy 5: Trees	<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>Replacement Trees (2nd paragraph) – reference to “new net development” – it is presumed that this means “new-build development leading to a net increase in dwelling Nos”, in which case this should be more clearly stated in the policy.</p>
37	Policy 6: Local Green Spaces	<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. Editing corrections have been duly made.</p>
40	Policy 7: Dark Skies	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.</p>
45	Policy 8: Water Management (SuDS)	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.</p>
48	Policy 9: Protection of Community Facilities	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.</p>
54	Policy 10: Renewable Energy, Low Carbon Technologies, and Associated Infrastructure	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly.</p> <p>However, the preamble/ 1st paragraph still includes insufficiently robust wording; e.g. “...is encouraged...”. Suggested revision: <i>“Proposals for renewable energy or associated infrastructure such as battery energy storage, solar or wind farm developments or substations will be supported where they fulfil all of the following criteria.”</i></p>
60	Appendix B: Design Checklist	<p>It is noted that due consideration has been given to BCKLWN's previous Regulation 14 consultation feedback and changes have been made accordingly. A Word and/ or downloadable version of the Checklist could be provided to accompany the Neighbourhood Plan, when made.</p>