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



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Draft Stoke Ferry Neighbourhood Plan 2022-2036, submitted August 2022: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

5 September 2022

FAO Helen Richardson (Parish Clerk)

Dear Helen

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 Stoke Ferry Neighbourhood Plan 2022-2036), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Stoke Ferry 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 whilst BCKLWN is of the opinion that the draft Neighbourhood Plan is in general conformity with relevant national and local strategic policy it could however raise some potential issues, as set out below in the Council's initial review of the submission.

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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.

To assist the process, we have prepared an Initial Submission Neighbourhood Plan check, highlighting instances where, in officers' professional opinion, there is a possibility that the draft Plan could be challenged with reference to the Basic Conditions (Annex, below). The next stage in the process is consultation on the Stoke Ferry Neighbourhood Plan 2022-2036, with reference to the Basic Conditions, 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 will take place over a 6-week period during autumn 2022 (exact dates yet to be determined). In due course, 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 Stoke Ferry Neighbourhood Plan. The appointed examiner will start the examination soon after the end of the Regulation 16 consultation in autumn 2022.

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft Stoke Ferry 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

Geoff Hall
Executive Director, Environment and Planning

Attachments:

- Annex: Initial Submission Neighbourhood Plan check

Annex – Stoke Ferry 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 Stoke Ferry Neighbourhood Plan 2022-2036 (submitted August 2022)		
Page No.	Item	Comment
5	Supporting Documents	Para 1.10 – It may be appropriate to clarify that the submission Plan consists of core submission documents (Plan itself, incorporating Neighbourhood Area map, Basic Conditions Statement and Consultation Statement) and supporting evidence base documents, including HRA/ SEA screening and Housing Needs Assessment. Other documents may be relevant; e.g. Local Plan evidence base (Local Plan Review evidence base documents Local Plan Review evidence base documents Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)).
30	Vision and Objectives	It would be appropriate to amend the Plan Vision to “Vision 2036”, to correspond with the end date for the Plan.
36-37	Policy SF1	Policy good and clear, but it may be helpful to specifically cross reference Figure 19 within the policy text.
39	Policy SF2	Useful reference to priority community infrastructure for Stoke Ferry, but it may be helpful to explicitly specify within policy that these are also CIL priorities (although this is implicit within the policy text).
48	Policy SF5	It would be appropriate to specifically append the Design Code as an Annex to the Neighbourhood Plan itself (i.e. directly subject to examination), rather than as part of the evidence base. This would enable additional weight to be given to the Design Code itself. Final paragraph typo: “...scale-, scale. materials, form, function and character...” – need to replace full stop with comma, after “scale”.
50	Policy SF6	It would be helpful to include cross reference to Figure 21, in the interests of clarity.
54	Policy SF8	It would be helpful to include cross reference to Figure 22, in the interests of clarity.
62-63	Policy SF9	What is the rationale for the proposed 25 dwellings threshold? Is there specific evidence to support this? Was the threshold based upon advice by the Highway Authority (Norfolk CC). If so, this should be specified. Otherwise, it is advised that the policy could be amended to “major developments” (i.e. 10 dwellings +) in the interests of clarity and consistency with national monitoring indicators. It would also be helpful to include cross reference to Figure 23, in the interests of clarity.
65	Policy SF10	Ditto Policy SF5 – again, it is suggested that the Design Code should be specified as being an Annex to the Neighbourhood Plan itself. Footnote 19 makes reference to the 2007 Parking Standards. The latest version incorporates 2020 changes to the Use Classes Order: Publications - Norfolk County Council .

**Borough Council of King's Lynn and West Norfolk comments on
Stoke Ferry Neighbourhood Plan 2022-2036 (submitted August 2022)**

Page No.	Item	Comment
66	Policy SF11	Proposed re-wording of policy, in the interests of clarity: <i>"Land adjacent to the Village Hall on Lynn Road (figure 24) is allocated as for the development of a new public car park."</i>
71	Policy SF12	1 st paragraph – may be helpful to specifically cross reference the development boundary as that being set by the current Local Plan; i.e. <i>"The development boundary, as defined by the current Local Plan, will be the focus for new small scale and infill..."</i>
78	Policy SF15	It may be helpful to cross reference Figure 28 within the policy text, as the latter is extracted from the Environment Agency's Flood Zone mapping data.
79	Figure 29	There are potential concerns that the illustrative map showing indicative flood event incidents could blight these areas, especially where situated outside the EA Flood Zones. Individual anecdotal incidents of flooding are not publicly recorded in the SFRA (Flood risk assessment - Level 1 Flood risk assessment - Level 1 Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)); therefore, the information in Figure 29 should be checked with the Lead Local Flood Authority. In this regard it is advised that the map (and Policy SF15) should probably be removed.
82	Figure 30	While this is included as background information it is not sure whether it is necessary, given that this is not referenced in Policy SF16.
84	Policy SF17	Reference to 10% net biodiversity gain – it is assumed that this is derived from the 2021 Environment Act. If so, it would be helpful to cross reference this in the Plan/ as a footnote: https://www.legislation.gov.uk/ukpga/2021/30/contents .
88	Paragraph 10.42	Plan end date – 2036. It would be useful to review the document and check that all references correctly specify 2036 as an end date (changed from 2037 in earlier drafts/ iterations of the Plan).
89	Policy SF19/ footnote 28	Within footnote 28 it would also be helpful to reference the relevant section of the 2021 Environment Act and/ or NPPF paragraph 153 as the main references for Net Zero.
95	Paragraph 13.1	Plan end date – 2036. It would be useful to review the document and check that all references correctly specify 2036 as an end date (changed from 2037 in earlier drafts/ iterations of the Plan).