



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



Stoke Ferry Neighbourhood Plan – Response to Examiner’s follow-up enquiries (2 April 2023) on behalf of the Qualifying Body (Stoke Ferry Parish Council) and Local Planning Authority (Borough Council of King’s Lynn and West Norfolk), 18 April 2023

Dear XXXXXXX,

Further to the responses to my enquiries and my subsequent visit to the Neighbourhood Area I can confirm I will conclude the Examination on the basis of the written representations and I am commencing my Report. However, am inviting further comments on the following from the Qualifying Body and the Local Authority:

Stoke Ferry Design Codes 2022

I note that this is to be regarded as "a separate standalone document – in much the same way as District level Design Guides are rarely incorporated into Local Plans". However, as a Local Plan document a Design Code would normally be formally approved as a Supplementary Planning Document whereas the Stoke Ferry Design Codes will only have planning status in connection with the Neighbourhood Plan. I note that at least one of the Plans to which I am referred, addresses this issue by acknowledging a similar Code document within the Plan Policy wording as a Plan "annex" rather than as one of the "supporting documents". I suggest that this may be the appropriate way to go with the Stoke Ferry equivalent?

Stoke Ferry Parish Council (SFPC)/ Qualifying Response (QB) response:

The Design Codes document will be incorporated into the Neighbourhood Plan document as an annex. References to “supporting document” will be replaced by references to the Design Code as an “annex”, accordingly.

8. Housing, design and the historic environment

In relation to Policy SF6 and Figure 21, I noted during my visit that site 2, the Old Station Yard appears to be under current housing construction. And it seems that site 6, Land between Indigo Road and the Grain Store, presently provides a natural, green barrier on a piece of land that could not be separately developed? On the other sites I remain of the view that the nebulous policy wording does not provide what the NPPF (para 16(d)) says is required: "policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals". I am told that "the policy covers the eventuality that these permissions may lapse and therefore new or amended application will need to be submitted", but it does not because sites are treated collectively. .Almost any

proposal might be argued to amount to "appropriate redevelopment/ regeneration or renewal". The existing planning consents are site-specific and detailed, so it would seem that what is lacking is a cost-effective route to their implementation. A 'Community Action' might commit the Parish Council to work with the landowners to achieve short and long-term redevelopment of the sites?

SFPC/ QB response:

The Parish Council (QB) considers that these policies do have merit and are locally distinctive. They also represent an acknowledgement of the community interest in each of the sites which were repeatedly raised through consultation. The preference would be to retain reference to them in policy. However, if the Examiner is of the view that this cannot be accommodated then the inclusion of a relevant community action would be preferable to all reference to the sites being lost from the plan completely.

In relation to Policy SF8 I fear that my question has been misinterpreted. I was not suggesting that buildings outside of the Conservation Area are of any less significance, but my query was how has it been established that properties in those locations are of a comparable standard to the substantial number derived from the Conservation Area Appraisal.

SFPC/ QB response:

The Group undertook detailed character appraisal of the entire built-up area of settlement, which informed the Design Code work. As part of this work a number of potential NDHA were identified. Other buildings were identified by members of the public through the consultation events including the 2020 Household Survey. All suggested NDHA were assessed by the WG Members using the Historic England Criteria. Those candidate NDHA which were considered to meet a number of the criteria were included in the Neighbourhood Plan. The results were consulted on a R14 stage and also informally with BCKLWN at an early stage (pre-Regulation 14) in the plan-making process.

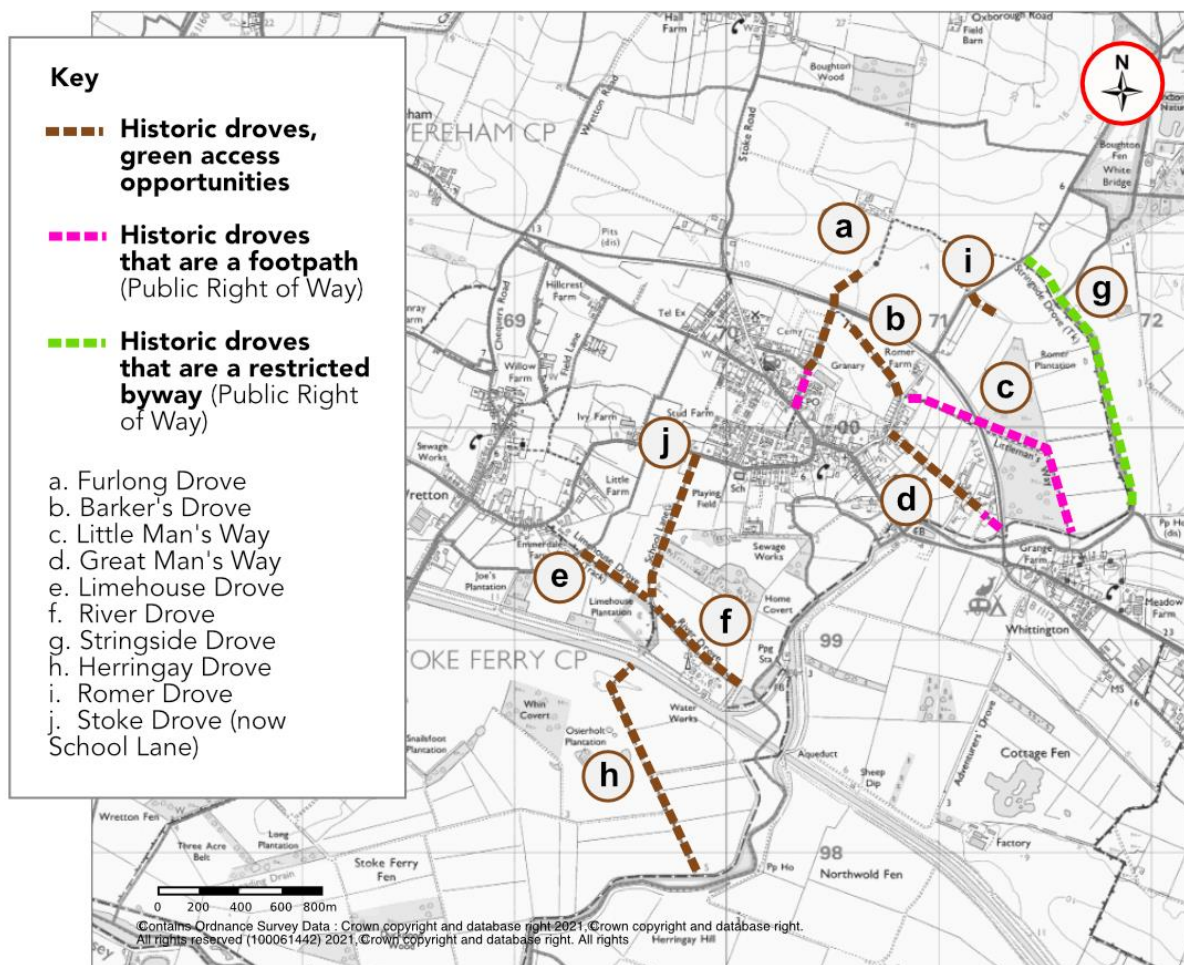
It is also noted that those NDHAs within the Conservation Area enjoy statutory protection against demolition (1990 Planning (Listed Buildings and Conservation Areas Act). Those outside the Conservation Area are more vulnerable.

9. Transport and Access

I would like to see the proposed revised Figure 23 so that I can understand the balance between existing rights of way and new "green access opportunities" that may be very far from settlements, and therefore from any likelihood of being impacted by development.

SFPC/ QB response:

A revised version of Figure 23 has been produced, to distinguish between public rights of way and other historic droves that present "green access opportunities:



In relation to Policy SF11, Planning Practice Guidance specifically says that "Neighbourhood plans should not re-allocate sites that are already allocated through these strategic plans" (Paragraph: 044 Reference ID: 41-044-20190509); whilst the context in the Guidance is housing, the principle applies to all land uses. Therefore I would re-iterate that a Community Action would probably be the route to take here.

SFPC/ QB and Borough Council of King's Lynn and West Norfolk (BCKLWN) response:

The car park is yet to come forward and is tied to a site for housing where pp has been implemented but not completed and work has been ceased for some time due financial constraints affecting the developer/landowner who is believed to have gone bust. For the site to come forward it is likely to require new applications to be submitted. The car park is allocated in the Site Allocations DPD which runs to 2026 (site allocation G88.3). There is still a desire locally for that site to come forward as a car park and therefore It is therefore allocated in the NP to ensure that the opportunity for car parking is not lost.

The Borough Council is currently reviewing sites in the 2016 Site Allocations DPD to assess their deliverability, and whether these should be retained in the emerging replacement Local Plan, going forward. There is no certainty that G88.3 will be retained, so Policy SF11 effectively functions as a contingency to ensure delivery of the car-parking element of the allocated site in the event this site is deallocated.

10. Natural Environment

Development boundary and strategic gap

Having now visited the area it is evident to me that any prospective merging between Stoke Ferry and Wretton is significantly beyond the Neighbourhood Area boundary. The development boundary establishes that countryside policies apply between the settlement and the Neighbourhood Area boundary so that, of itself, establishes that any merger is inappropriate.

SFPC/ QB response:

Noted. It is accepted that the proposed strategic gap is unnecessary, with the Local Plan development boundaries for Stoke Ferry and Wretton providing sufficient protection.

Local Green Spaces

*From my visit I not convinced that the NPPF criteria for Local Green Spaces have been interpreted correctly. The criteria at NPPF para 102 says the "designation should only be used where the green space is**demonstrably special** to a local community **and** holds a **particular local significance**" [my added emphases]. The following questions therefore arise from my visit:*

LGS1: How has the boundary been defined? The "Common" or common land, would appear to be to the east of the land identified; the land within the selected boundary appeared barely identifiable from other open land to the south and north. Arguably the land is significantly better related to Wretton than Stoke Ferry; the NPPF para 102 expects "reasonably close proximity to the community it serves". Planning Practice Guidance says "if public access is a key factor, then the site would normally be within easy walking distance of the community served" (Paragraph: 014 Reference ID: 37-014-20140306).

SFPC/ QB response:

Agree that the land is some distance from the Stoke Ferry community. Furthermore, its status as 'common land' enjoys legal protection (equivalent to public rights of way) from development in any event. It is therefore accepted that the site does not meet all 3 LGS criteria.

LGS3: The cemetery extension area is, at present neither demonstrably special or of a particular local significance

SFPC/ QB response:

Agree that the cemetery extension is yet to be placed in formal cemetery use and therefore its demonstrable significance to the Local Community is yet to be achieved, which would affect its compliance with the NPPF criteria.

LGS5: A great deal of the particular local significance appears to relate to activities requiring public access - or in relation to the Remembrance activities the adjacent land is more significant. It is unclear from your response to the objection raised within a representation

whether that public access continues. Whilst public access is not a requirement for designation, in its absence are the criteria still met? Certainly the footprint of the Church building would need to be removed from any designated area.

SFPC/ QB response:

Agree to suggestion to remove church building footprint from the LGS notation as this does not form part of the green space. However the remainder of the identified space is considered to meet the NPPF criteria in that the area holds an historic community significance.

LGS6: This piece of land appeared indistinguishable from others in its vicinity; sheds and vehicles were more evident than any historical connection and any "oasis of peace".

SFPC/ QB response:

Noted that the presence of sheds and vehicles weakens the compliance with the NPPF criteria.

LGS7: At present this piece of land appeared indistinguishable from others in its vicinity, although perhaps this is a candidate for future designation.

SFPC/ QB response:

Agree that the site, in its current form, is not wholly compliant with the NPPF criteria although it may be a candidate for future designation.

LGS8 & 9: These spaces exhibited the characteristics of incidental amenity spaces, sometimes used as unofficial parking areas, without any particular evidence of being either demonstrably special or of a particular local significance. A separate Policy might recognise incidental open space?

SFPC/ QB and BCKLWN response:

It is accepted that these sites are not wholly compliant with the NPPF criteria. Accordingly, it is agreed that these spaces may be better covered by a separate secondary "protected public spaces" policy for incidental or community open space, along the lines suggested.

LGS10: This land would appear primarily to be a public right of way and the Planning Practice Guidance says: "There is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation (Paragraph: 018 Reference ID: 37-018-20140306).

SFPC/ QB and BCKLWN response:

Agreed. This site, as a public right of way enjoys legal protection from development in any event. It is therefore accepted that the site does not meet all 3 LGS criteria.

13. Implementation

I note the additional table proposed.

Kind regards

Andrew

*Andrew Matheson MRTPI
Independent Examiner*