

Your ref:
Our ref: MB/GRCNP
Please ask for: Michael Burton
Direct dial: (01553) 616573
E-mail: planning.policy@west-norfolk.gov.uk

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



Geoff Hall
Executive Director

Stuart Ashworth
Assistant Director Environment and
Planning

Email: Grimston Parish Clerk: grimstonpc@btinternet.com
Cc: Roydon Parish Clerk: roydonpc@hotmail.co.uk
Congham Parish Clerk: congham.clerk@btinternet.com
Neighbourhood planning consultant: hello@collectivecommunityplanning.co.uk

Draft Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036, submitted 31st March 2023: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

2 May 2023

FAO Philippa Sewell (Grimston Parish Clerk)

Dear Philippa

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 the draft Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036, along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Grimston Parish Council, your partner Parish Councils 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

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
Tel: (01553) 616200
DX 57825 KING'S LYNN

Chief Executive – Lorraine Gore

is the role of the independent examiner). However, 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. Nevertheless, we still have a small number of outstanding concerns; e.g. the status of the four Character Assessment documents for decision making purposes and whether certain proposed Local Green Spaces would fulfil national policy requirements (NPPF paragraphs 101-103). 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, which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. I also note that the in the application for Neighbourhood Area Designation, received on 14 August 2017 and confirmed on 5 October 2017, Grimston Parish Council applied (as statutory Qualifying Body) on behalf of Grimston, Roydon and Congham Parish Councils.

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 designated neighbourhood area covering the three parish areas forming a single entity;
- 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 Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036, 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 anticipated to take place over a 6-week period during May/ June 2023. 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 Grimston Neighbourhood Plan. The appointed examiner will start the examination soon after the end of the Regulation 16 consultation in spring 2023.

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036, 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

Annex 1 – Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036: 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 Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036 (submitted March 2023)		
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.
1-5	Para 1-21	<p>Introductory sections (para 1-21) – The commentary regarding the emerging replacement Local Plan is generally accurate and correct for the time of Neighbourhood Plan submission. The Local Plan was submitted in March 2022. The contents of that Plan may change further as the Local Plan examination continues.</p> <p>It is correctly observed that the Neighbourhood Plan has been prepared in accordance with the current adopted Local Plan, which consists of the 2011 Core Strategy and 2016 Site Allocations and Development Management Policies (SADMP) Plan.</p>
12	Paragraph 38	It is noted that Character Assessments were submitted, one for each settlement. These provide useful supporting evidence, but it would be useful to acknowledge their exact relationship to the main Neighbourhood Plan document; i.e. are these only supporting evidence base (as referenced in Policy 15), or do they function as appendices/ annexes to the Plan?
14	Policy 1	<p>It is noted that Policy 1 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Given the physical proximity of the four settlements' built-up areas within the neighbourhood area, it is accepted that there is a special case. It is understood that the decision to prepare a joint Neighbourhood Plan for the three parish areas was (at least partially) due to the proximity of the settlements' built form.</p>

**Borough Council of King's Lynn and West Norfolk comments on
Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036 (submitted March 2023)**

Page No.	Item	Comment
15	Policy 2	<p>The Consultation Statement considered the Borough Council's earlier comments regarding the draft (Regulation 14), including the need to define "FTTP". It was proposed that this should be defined within Policy 2 and/ or the Glossary, but this change does not appear to have been made (we assume this is an oversight or editorial error).</p> <p>It is accepted that Policy 2 is useful in setting out priority local infrastructure, although the reference to phasing would (in most cases) only be relevant for major applications/ schemes.</p>
21	Policy 3	<p>It is noted that Policy 3 has been reviewed in accordance with previous officer recommendations (Regulation 14 consultation response). The supporting text references the most up-to-date published evidence, including references to the 2021 census.</p>
23	Policy 4	<p>It is noted that Policy 4 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>The policy emphasises local distinctiveness and is supported by necessary explanatory text; e.g. clearly defining "active frontages" as a concept in development management.</p>
24	Policy 5	<p>It is noted that the positioning of content within policies 4 and 5 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Policy 5 is prescriptive, but this was deemed necessary to ensure local distinctiveness and deliver appropriate development densities. It may be challenging to defend the proposed standards at examination, but as drafted these are clear and workable for decision making (development management).</p>
24	Policy 6	<p>It is noted that Policy 6 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p>
28	Policy 7	<p>It is noted that Policy 7 has been reviewed in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Policy 7 is very locally distinctive, setting differing standards for the four settlements. It also recognises the different character for each built-up area and the status of individual settlements within the Local Plan hierarchy:</p> <ul style="list-style-type: none"> • Key Rural Service Centres – Grimston and Pott Row; and • Smaller Villages and Hamlets – Roydon and Congham. <p>The final paragraph raises some outstanding questions. If this intended to cover Rural Exceptions schemes, it should be noted that schemes of 4 dwellings would be extremely challenging to deliver, in viability terms.</p>

**Borough Council of King's Lynn and West Norfolk comments on
Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036 (submitted March 2023)**

Page No.	Item	Comment
30-31	Paragraph 93	The reference to the levy of £185.93 per dwelling was correct at the time of submission. This is anticipated to rise to £210.84 for the 2023-24 financial year and thereafter annually in line with inflation. It may be appropriate to reference this within the supporting text as a factual update.
36	Policy 8	It is noted that Policy 8 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response). In the interests of clarity, both Figures 10 and 11 ought to be cross referenced within the policy text.
37	Policy 9/ paragraphs 101-102	It is noted that Policy 9 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response). Overall, the policy appears positively worded, setting out how 10% biodiversity net gain (BNG) could be achieved. References to this requirement in the supporting text (paragraphs 101-102), should make it clear this is a statutory obligation under the 2021 Environment Act, rather than a negotiable planning policy requirement.
39	Policy 10	No comments at Regulation 14 or Regulation 15 stages.
43	Policy 11	Advice was provided at the Regulation 14 stage, with reference to policy wording for Local Green Space policies within Neighbourhood Plans. It is important that these remain sufficiently aligned to national policy regarding Local Green Spaces and the Green Belt. Notwithstanding, it is noted that the previous officer Regulation 14 comments have been duly analysed and considered in the Consultation Statement. Therefore, detailed policy wordings will be subject to assessment through the examination. Appendix A provides a useful justification and explanation for the approach applied for Local Green Spaces. It is also noted that two allotments (LGS3 and LGS5) are designated as Local Green Spaces. Allotments are not generally appropriate for designation as LGS, due to the character and operation of these sites. Allotments, by their nature, tend to be unkempt/ untidy in appearance, so it is unlikely that these could be “demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife” (NPPF paragraph 102b). Instead, allotments are better protected as community facilities, through a separate policy. This allows for allotments to be relocated if the land in question is being proposed for an alternative use. Notwithstanding, allotments (as other facilities) would also be protected under Policy DM 9 in the current Local Plan (2016 Site Allocations and Development Management Policies Plan).

**Borough Council of King's Lynn and West Norfolk comments on
Grimston, Pott Row, Roydon and Congham Neighbourhood Plan 2017-2036 (submitted March 2023)**

Page No.	Item	Comment
58	Policy 12	It is noted that Policy 12 has been reviewed and amended in accordance with previous officer recommendations (Regulation 14 consultation response). The policy has been simplified in accordance with previous officer advice, to ensure it is clear and can be easily applied in decision making.
60	Policy 13	It is noted that Policy 13 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
66	Policy 14	No comments at Regulation 14 or Regulation 15 stages.
69	Policy 15	It is noted that Policy 15 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
70	Policy 16	It is noted that the previous Policy 16 (regarding NCC parking standards) has been deleted, to reflect NCC standards setting minimum rather than maximum standards. It is noted that Policy 16 (formerly 17) has been reviewed, to relate solely to major residential development. It is assumed that this relates to schemes of 10 or more dwellings/ 1000m ² or more floorspace. It may be helpful to specify this definition; e.g. as a footnote.