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Borough Council of
**King's Lynn &
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Draft Watlington Neighbourhood Plan 2019-2036, submitted 28th March 2023: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

2 May 2023

FAO Sara Porter (Parish Clerk)

Dear Sara

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 (Watlington Neighbourhood Plan 2019-2036), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Watlington 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. However, we still have a small number of

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outstanding concerns; e.g. the status of the 2022 Watlington Design Guidelines and Codes 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. 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.

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 Watlington Neighbourhood Plan 2019-2036, 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 Watlington 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 Watlington Neighbourhood Plan 2019-2036, 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 – Watlington Neighbourhood Plan 2019-2036: 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 Watlington Neighbourhood Plan 2019-2036 (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.
1-11	Para 1-31	Introductory sections (para 1-31) – 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.
3	Para 11	To avoid any ambiguity, it would be useful to explicitly state that the adopted local plan provides the strategic policy framework; i.e. <i>"...strategic policies contained in the adopted local plan..."</i>
14	Policy 1	Policy 1 clearly links to the Watlington Housing Needs Assessment, submitted with the Plan (supporting evidence base). Regarding local eligibility criteria, the Borough Council will consult with the Strategic Housing team (strategic.housing@west-norfolk.gov.uk) at Regulation 16 stage, to ensure the proposed local eligibility criteria complement/ accord with the Borough Council's housing allocation policies.
18	Policy 2	<p>Watlington Design Guidelines and Codes (2022) – it is noted this has been submitted as part of the supporting evidence base for the Neighbourhood Plan. This matter was considered through a recent Neighbourhood Plan examination (Stoke Ferry), where it was concluded that the Design Guide would carry more weight in decision making if included as an Annex/ Appendix to the Plan. This is particularly relevant where Neighbourhood Plan policies make direct reference (e.g. Policy 2).</p> <p>It is noted that Policy 2 has been significantly amended and shortened from the Regulation 14. Although the policy criteria are still detailed, it is acknowledged that the Neighbourhood Plan seeks to go far further than the Local Plan could in addressing Watlington's particular circumstances. However, the requirements, which apply to "all development" appear excessive for small scale/ minor applications (e.g. householder developments).</p>
20	Policy 3	It is noted that Policy 3 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).

**Borough Council of King's Lynn and West Norfolk comments on
Watlington Neighbourhood Plan 2019-2036 (submitted March 2023)**

Page No.	Item	Comment
22	Policy 4	Policy 4 has been mostly amended in accordance with previous officer recommendations. Regarding the matter of the loss of garages (as conversions for additional living accommodation), it is noted that the revised policy seeks to manage this through the withdrawal of permitted development rights for future developments.
27	Policy 5	<p>It is noted that the Borough Council's comments at the Regulation 14 consultation stage, have been duly noted and analysed accordingly.</p> <p>It was suggested that references to 10% Biodiversity Net Gain (BNG) and the 30-year requirement could be removed from the policy text and placed in the supporting text, to make it clear that these are statutory obligations, rather than matters for planning policies.</p>
33	Policy 6/ Figure 9	<p>Detailed advice was provided at the Regulation 14 stage, with reference to recent case law around 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.</p> <p>The Borough Council's objection regarding the cluster of sites (revised numbers 2, 3 and 8) remains, as these (together) may be argued to represent an extensive tract of land.</p>
40	Policy 7	<p>It is noted that Policy 7 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Changes such as cross-referencing the Design Guide allow Policy 7 to be more locally distinctive and focused, regarding surface water management.</p>
43	Policy 8	It is noted that Policy 8 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
44	Policy 9	<p>It is noted that Policy 9 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Paragraphs 89-90 include justification for the policy, highlighting current local demand for allotment plots.</p>
44	Policy 10	It is noted that Policy 10 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
48	Policy 11	<p>It is noted that Policy 10 has been broadly amended in accordance with previous officer recommendations (Regulation 14 consultation response).</p> <p>Clarification is still needed as to whether the policy covers all development, including householder schemes. It is assumed that this does (e.g. where householder developments include security lighting), but it would be useful to explicitly state this (if not in Policy 11 itself, then within the supporting text – paragraphs 97-101).</p>

**Borough Council of King's Lynn and West Norfolk comments on
Watlington Neighbourhood Plan 2019-2036 (submitted March 2023)**

Page No.	Item	Comment
53	Policy 12	It is noted that Policy 12 has been amended in accordance with previous officer recommendations (Regulation 14 consultation response).
57	Appendix B	It is noted that additional guidance and direction has been proposed, to rationalise the numbers of headings or questions that should be addressed for smaller scale (e.g. householder) developments. It is critical to ensure that any obligations for applicants (through the Borough Council's local requirements or Neighbourhood Plan policies) are reasonable and proportionate.