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**King's Lynn &
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Draft North Wootton Neighbourhood Development Plan 2022-2036, submitted 13th September 2023: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

19 September 2023

FAO Rachel Curtis (Parish Clerk)

Dear Rachel

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 (North Wootton Neighbourhood Development Plan 2022-2036), along with accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate North Wootton 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 North Wootton Design Guidelines and Codes for decision making purposes and certain cross references to the emerging Borough Local Plan, which may be outdated. 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 North Wootton Neighbourhood Development 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 anticipated to take place over a 6-week period during October/ November 2023. The Neighbourhood Plan, supporting submission documents and details of how to make representations to it will be published in due course 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 North Wootton Neighbourhood Plan. The appointed examiner will start the examination soon after the end of the Regulation 16 consultation (late-autumn 2023).

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft North Wootton Neighbourhood Development 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

Geoff Hall
Executive Director, Environment and Planning

Annex 1 – North Wootton Neighbourhood Development 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 North Wootton Neighbourhood Development Plan 2022-2036 (submitted September 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 and systematically 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.
2	Paras 7-9	<p>Para 7 – final sentence includes reference to the emerging Local Plan LP02. In the interests of clarity, it is probably better to remove the specific policy reference (as this is likely to change), instead explaining that the status of North Wootton in the Local Plan settlement hierarchy is expected to remain unchanged in the emerging replacement Local Plan.</p> <p>Paras 8-9 – as per para 7, reference to Local Plan Policy LP02 should be removed, to reflect anticipated changes to policy numbering in the Local Plan. Similarly, the emerging Local Plan period (as amended) is proposed to be 2021-2039, so it is also best to remove this reference.</p>
8	Para 17	Ditto paras 8-9 – reference to the emerging Local Plan date should be corrected to 2021-2039, or better deleted altogether.
11	Para 27	Reference to emerging Local Plan Policy LP31 should be removed. This is likely to change as a result of the ongoing Local Plan Examination (see F47 - Topic Paper Spatial Strategy and Settlement Hierarchy (including Neighbourhood Housing requirements)). It is probably better to explain that most of the countryside beyond the built-up area (as defined by the development boundary) is AONB, which limits the scope for further expansion at North Wootton.
17	Policy 1: Housing Mix	Policy 1 clearly explains its scope; i.e. that it relates to new-build residential development only. Reference to the North Wootton Housing Need Assessment (2022) within the policy text risks rendering this prematurely out-of-date. It may be better to move this into the supporting text, to future-proof the Plan.
20	Policy 2: Affordable Housing	It is noted that Policy 2 and supporting text include explanation and justification for the proposed local eligibility criteria, in response to the Borough Council's previous feedback (Regulation 14).

**Borough Council of King's Lynn and West Norfolk comments on
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25	Policy 3: Design	<p>Previous comments regarding the detailed Policy 3 criteria wordings were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>The submission Plan criteria are clear and locally distinctive. It may be argued that certain criteria are prescriptive (particularly e and g), but these should be assessed in terms of whether they contribute to the achievement of sustainable development.</p>
27	Policy 4: Residential parking standards	<p>Previous comments regarding the detailed Policy 4 requirements were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>Policy 4 is clearly aligned to the 2021 Design Guidance and Codes document. However, it remains unclear how the Design Guidance and Codes relates to policies within the Plan. In the interests of clarity this ought to form an Appendix (Appendix C) to the Neighbourhood Plan and be examined accordingly. This would ultimately give the Design Guidance and Codes maximum weight in decision making.</p>
35	Policy 5: North Wootton Norfolk Coast AONB Policy	<p>Previous comments regarding the presentation of Policy 5 criteria were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>Criteria are restrictive (reflecting the AONB status of most of the Plan area), but it is noted that criterion 1 relates to development adjacent to the AONB (i.e. at the periphery of much of the built-up area). This requirement should be considered with reference to NPPF paragraph 176.</p>
38	Policy 6: Dark Skies	<p>Previous comments regarding the effectiveness/ workability of Policy 6 as a development management policy were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments. Policy 6 has been amended in accordance with the Borough Council's Regulation 14 feedback.</p>
42	Policy 7: Biodiversity improvements	<p>Previous comments regarding the presentation of Policy 5 criteria were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>As at submission the 10% Biodiversity Net Gain requirement had not, at the time, been implemented. It is anticipated this would take place in late-2023, therefore retention of the requirement is appropriate (at least when the Plan was submitted).</p>
45	Policy 8: Protection of important local views	<p>The supporting text provides a clear explanation/ justification for identifying important views. This policy should complement the AONB policy (Policy 5).</p>

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50	Policy 9: Surface Water Flood Risk and Management	It is noted that Policy 9 has been amended from the Regulation 14 version, to ensure compliance with the NPPF re surface water flooding.
55	Policy 10: Protection of community facilities	<p>Previous comments regarding Policy 10 requirements were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>Policy 10 makes it clear that this relates to all facilities within North Wootton that have a potential community function, thereby ensuring this appropriately contributes to sustainable development.</p>
57	Policy 11: Local Community Infrastructure Priorities	Policy 11 identifies local priorities for facilities that are considered desirable to serve the community. It is challenging to see how these aspirations could be delivered through the planning system, although Policy 11 could function as an enabling policy, giving increased weight to proposals for the uses cited.
61	Policy 12: Implementing walking and cycling routes	The aspirations of Policy 12 are supported. Detailed wording changes are proposed in accordance with best practice in policy writing; i.e. " Planning applications coming forward to create Proposals including the creation of new pathways...".
64	Policy 13: Provision of Public Car Parking Facilities	<p>Previous comments regarding Policy 13 requirements were duly considered, the Consultation Statement explaining changes to the policy that were made to criteria, in response to the Borough Council's comments.</p> <p>Policy 13 clearly differentiates between site-specific proposals for improvements to car parking arrangements at the Primary School site, while recognising the wider needs of the community.</p>
69	Policy 14: Non-Designated Heritage Assets	Policy 14 has regard to NPPF direction regarding non-designated heritage assets. Sites are clearly identified within Policy 14, although the notation of sites should be made clearer/ more readable in Figure 32.
73	Appendices	As stated, the 2021 Design Guidance and Codes could be incorporated into the Plan Proposal, for examination, to allow it to be given increased weight/ gravitas in decision making.