

Walpole Cross Keys Neighbourhood Plan Review 2022-2038

Introductory Notes

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI.

John Slater Planning Ltd

26th June 2025

1. I am delighted to have been appointed as the examiner to the review of the Walpole Cross Keys Neighbourhood Plan, and I look forward to working with Borough Council's officers and the Walpole Cross Keys Parish Council team.
2. Upon receipt of the documentation, I needed to check the documentation that was submitted and in particular I was pleased to note that the submission was accompanied by the required Modification Statement. This is required as the proposed plan is a modification proposal – as it seeks to amend or modify a made neighbourhood plan. However, I had not received the Borough Council's Modification Statement.
3. I asked the Borough Council whether that statement had been prepared, and I was advised that it had not been drafted. I also asked for a copy of the Modification Statement that was prepared by the Parish Council at the Pre Submission, Regulation 14 consultation stage.
4. That prompted a discussion with the Parish Council's consultant and the Borough Council planner, that revealed that a Modification Statement had been prepared at the Regulation 14 stage, which had been available at the public consultation sessions, but there is no record that the document had been made available for consultees who had been directly consulted or who were viewing the draft plan on line. The Parish Council concede that it may have been missed. The Parish Council has therefore decided, as the publication of the modification statement alongside the draft plan, is a mandatory legal requirement, to re – run the Regulation 14 consultation.
5. That raises the question as to what version of the plan should be subject to the new consultation. The purpose of this pre – submission consultation is to let the Parish Council publicise the plan and seek and receive the views of the public and stakeholders on its draft plan.
6. That had been achieved with the first consultation and the neighbourhood plan was amended, upon submission, to reflect comments made. It therefore seems to me to be appropriate for this submitted version of the plan to be the version that should be reconsulted upon and that document should be accompanied by the version of the Modification Statement that was actually submitted to the Borough Council in February 2025, as that has not been the subject of consultation with the community and the statutory and non-statutory consultees. That is analogous to the situation where a Parish Council decides to carry out a second Regulation 14 consultation.
7. It is appropriate for the Parish Council to stress in its publicity and correspondence that the neighbourhood plan being reconsulted upon, is the plan which was amended in the lights of the comments made at the pre submission consultation that took place at the end of last year, rather than the original Regulation 14 version.
8. **I have come to conclusion that the correct approach in line with the legislation and regulations would be for the Parish Council to withdraw**

the current version of the neighbourhood plan, and I would welcome confirmation that is what it will do.

9. Once the new pre submission consultation has taken place which should again be a 6-week consultation, it will be necessary for the Parish Council to review any new comments and decide whether it needs to make further revisions to the documents to reflect the views that may or may not emerge. Similarly, that may necessitate changes to the Modification Statement and if necessary to the Basic Conditions Statement and will certainly require an update to the Consultation Statement.
10. In conducting this new round of consultation, it needs to be made clear that the version of the plan being consulted on, is the previously submitted version (if that is the version the Parish Council wishes to proceed with) but point out that this time it is accompanied by a Modification Statement. The Statement is important because the arrangements for a modification proposal's approval is different to the original plan. Specifically, if the changes do not change the nature of the plan, then a referendum will not be necessary. It is important that parties can make representations as to whether they agree with the Parish Council and subsequently the Borough Council's opinion as to whether the changes are such as to require, or not, a referendum.
11. Once the Parish Council decides how it proposes to proceed in the light of the comments made, it should submit the plan again to the Borough Council under Regulation 15. I do not think that it is appropriate at this stage, to state that the plan will not be changed as that would undermine the consultation process by appearing to prejudge the outcome of that consultation. I also believe that the new plan needs to formally be screened under the SEA and HRA Regs.
12. The Borough Council will then need to carry out a fresh Regulation 16 consultation, based on the newly submitted plan and accompanying documents. It then needs to prepare its own Modification Statement which should be sent to me as examiner along with the submission documents and Reg 16 responses.
13. I will take this opportunity to set out how I will conduct the examination once the new documents are sent to me. My first task, once I have read the documentation, is to make a visit to the parish, which will be unaccompanied.
14. On my return, I will prepare what I describe as the Initial Comments document. In most cases, I can confirm at that stage whether I will need to call a public hearing. In relatively few cases, I do have to delay that decision until I have received the responses to my questions raised in this Initial Comments document. Most examinations proceed based on the written material only. I normally allow each party three weeks to respond to my questions.

15. My default position is always to ask that any documents issued, whether prepared by myself as examiner or as a response, should be placed on the relevant neighbourhood plan websites. This will allow interested parties and the public to be able to follow the progress of the examination. There may be some e-mail exchanges, which I initiate, where I am merely seeking to clarify matters or make logistical arrangements, which are not necessary to be placed in the public domain.
16. It is important that any examination proceeds in an open, transparent and even-handed way. My normal practise is to copy in both the Borough Council and the Parish Council into any correspondence. Similarly, I will ask that in responding to me, each party copies in the other, so that everyone knows what has been submitted. The only areas where I will not be copying in the Parish Council, relates to the contractual matters regarding my appointment which will be directly between myself and the Borough Council.
17. At that stage I will offer the Parish Council the opportunity to comment on these Regulation 16 submissions, when I issue my Initial Comments document.
18. In the event, that I do decide to call for a public hearing, I will contact Michael Burton at Kings Lynn and West Norfolk Borough Council by telephone and will ask him to liaise with the Parish Clerk, to find a suitable date and venue, hopefully in the parish. If a hearing is required, I will set out the arrangements and the matters to be discussed in a Notice of Public Hearing document.
19. Once I will receive responses to the Initial Comments, I will proceed to prepare my report, but if I find that I need to seek further clarification or an elaboration on specific responses, I will set that out in an Additional Comments note.
20. Upon completion of my draft report, I will send it to both the Parish Council and Kings Lynn and West Norfolk Borough Council for fact checking. A fact check is not an opportunity for either party to challenge my recommendations or conclusions but to point out any factual errors. It also helps to identify "typos". I normally allow a week for fact checking and I will then issue my final report which is sent to both parties although it is formally submitted to the Borough Council as local planning authority.

John Slater BA (Hons), DMS, MRTPI.

John Slater Planning Ltd

Independent Examiner to the Walpole Cross Keys Neighbourhood Plan Review