

Marshland St. James Neighbourhood Development Plan 2022-2038

**A report to the Borough Council of King's Lynn and
West Norfolk on the Marshland St. James
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by the Borough Council of King's Lynn and West Norfolk in June 2025 to carry out the independent examination of the Marshland St. James Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 19 June 2025.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its rural and landscape character, delivering a housing mix to meet local needs, and safeguarding community facilities.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Marshland St. James Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
1 August 2025

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Marshland St. James Neighbourhood Development Plan 2022-2038 (the 'Plan').
- 1.2 The Plan has been submitted to the Borough Council of King's Lynn and West Norfolk (BCKLWN) by Marshland St. James Parish Council (MSJPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019 2021, 2023 and 2024. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine the extent to which the submitted Plan meets the basic conditions, the European Convention on Human Rights, and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises because of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It seeks to safeguard its rural and landscape character, deliver a housing mix to meet local needs, and safeguard community facilities.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider statutory development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by BCKLWN, with the consent of MSJPC, to conduct the examination of the Plan and to prepare this report. I am independent of both BCKLWN and MSJPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 42 years' experience in various local authorities at either Head of Planning or Service Director level, and more recently as an independent examiner. I have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all the points have been met.

3 Procedural Matters

3.1 In undertaking this examination, I have considered the following documents:

- the submitted Plan
- the Basic Conditions Statement;
- the Consultation Statement;
- the supporting documents;
- the Strategic Environmental Assessment and Habitats Regulations Assessment screening report;
- MSJPC's responses to the clarification note;
- the representations made to the Plan;
- the adopted King's Lynn and West Norfolk Local Plan 2021-2040;
- the National Planning Policy Framework (December 2023 and December 2024);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 19 June 2025. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in Section 5 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing.

The update of the NPPF in 2024

3.4 The NPPF was updated on 12 December 2024. Paragraph 239 of the NPPF 2024 sets out transitional arrangements for plan-making. It comments that the policies in the Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.

3.5 The Plan was submitted on 11 March 2025. On this basis, the examination of the Plan against the basic condition that it should have regard to national policies and advice contained in guidance issued by the Secretary of State is based on the 2023 version of the NPPF. Where NPPF paragraph numbers are used in this report, they refer to those in the December 2023 version.

3.6 Paragraph 6.2 of this report sets out the full extent of the basic conditions against which a neighbourhood plan is examined.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 MSJPC has prepared a Consultation Statement. The Statement is proportionate to the Plan and its policies. It includes an assessment of the consultation undertaken during the various stages of Plan production.
- 4.3 The Statement records the various activities that were held to engage the local community in the initial phase of work on the Plan. The table which sets out the sequence of events and activities is particularly informative.
- 4.4 The Statement also comments on the extensive consultation processes that took place on the pre-submission version of the Plan (November to December 2024).
- 4.5 The Statement also outlines the comments received on the pre-submission Plan, and advises about the way in which MSJPC refined the Plan because of the comments received at this stage. This analysis helps to describe how the Plan evolved and progressed to the submission stage.
- 4.6 From all the evidence provided to me as part of the examination I conclude that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process.

Representations Received

- 4.7 Consultation on the submitted Plan was undertaken by BCKLWN that ended on 12 May 2025. This exercise generated comments from the following organisations:
 - Environment Agency
 - Historic England
 - Integrated Care Systems
 - Natural England
 - Norfolk County Council
 - National Grid
 - Water Management Alliance
 - Kings Lynn Drainage Board
 - JCJ Planning
- 4.8 Where it is appropriate to do so, I make specific references to some representations in the detailed sections of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Marshland St. James. Marshland St James is a linear settlement, 11 miles southwest of King's Lynn, extending along Smeeth Road, the central part being south of its junction with Walton Road to the cemetery and north to the village hall. It was designated as a neighbourhood area in January 2020.
- 5.2 The village has limited range of community facilities (a primary and nursery school). Nevertheless, it does not have a shop, pub, or public transport service (other than a dial-a-bus).
- 5.3 The remainder of the neighbourhood area is flat, open countryside and in which most of the roads do not have hedgerows. This adds to its open, fenland character.

Development Plan Context

- 5.4 The development plan covering the neighbourhood area is the King's Lynn and West Norfolk Local Plan 2021-2040. It was adopted in March 2025. Policy LP01 of the Plan provides a spatial strategy for the Borough. It seeks to distribute most of the growth within the most sustainable locations of Kings Lynn, Downham Market and Hunstanton and on the edge of Wisbech, to continue to support their roles as established large settlements.
- 5.5 Outside of these areas, the Plan acknowledges that the Borough's smaller communities vary in size, accessibility, facilities, character, constraints, and opportunities. The impact upon infrastructure capacity and the ability for rural settlements to expand to accommodate the needs generated by new development also varies. The spatial strategy recognises that settlements within the rural area should be allowed to grow appropriately to maintain rural vitality. Policy LP02 – Residential Development on Windfall Sites and Policies LP18-LP21 ensure that this growth is sensitive to place, ensuring that each rural community retains its identity and distinctiveness, built form and character, and is in keeping with each settlement's size, scale of services and infrastructure capacity.
- 5.6 In this context Marshland St. James (grouped with St John's Fen End and Tilney Fen End) is identified as one of a series of Tier 5 Rural Villages. Policy LP01 advises about the level of housing development which has been developed in the Plan period, other commitments, and any Local Plan allocations in each rural village.
- 5.7 Policy LP03 of the Plan comments about the importance of neighbourhood plans within the development plan in the Borough.
- 5.8 The Local Plan includes a series of more general policies. The following policies are particularly relevant to the submitted Plan:

LP07 The Economy

LP18 Design and Sustainable Development

- LP21 Environment, Design and Amenity
- LP28 Affordable Housing
- LP30 Adaptable and Accessible Homes
- LP39 Community Facilities

- 5.9 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the Borough. This is good practice and reflects key elements in Planning Practice Guidance on this matter. The submitted Plan seeks to add value to the Local Plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.

Unaccompanied Visit

- 5.10 I visited the neighbourhood area on 19 June 2025. I approached Marshland St. James from Wisbech to the west via Emneth. This gave me a good impression of its setting and character in general, and its location in relation to the wider countryside setting.
- 5.11 I spent time looking at the wider neighbourhood area and at specific features which relate to the policies in the Plan.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan in the area;
- not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in December 2023.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Marshland St. James Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan 2021 to 2040;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF

indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the local settlement hierarchy. It seeks to safeguard its rural and landscape character, deliver a housing mix to meet local needs, and safeguard community facilities. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes a policy for new services and facilities (Policy MSJ1). In the social role, it includes policies on community facilities (Policy MSJ2), and on housing mix and affordable housing (Policies MSJ3/4). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It includes a specific policy on design (Policy MSJ5). MSJPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the wider Borough in paragraphs 5.4 to 5.9 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the

development plan. Subject to the incorporation of the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BCKLWN undertook a screening exercise (September 2024) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is very thorough and well-constructed. It includes the responses received from the consultation bodies. As a result of this process, it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.

Habitats Regulations

- 6.16 The screening exercise also included a separate Habitats Regulations Assessment (HRA) of the Plan. It is similarly very thorough and well-constructed. It advises that there are no designated sites within the neighbourhood area. It also comments that it is situated to the west of the River Great Ouse and north-west of the New/ Old Bedford Rivers, is bisected by the Middle Level Main Drain, which flows south-west/ north-east through the parish, and is equidistant between the following Natura 2000 wildlife sites:
- The Wash and North Norfolk Coast Special Protection Area (SPA)/ Special Area of Conservation (SAC)/ Ramsar site – approximately 14km to the north; and
 - Ouse Washes (Old and New Bedford River) SPA/ SAC Ramsar site – approximately 14km to the south.
- 6.17 The HRA concludes that the Plan is not likely to have significant environmental effects on a European nature conservation site or undermine their conservation objectives alone or in combination taking account of the precautionary principle. As such it concludes that an Appropriate Assessment is not required.
- 6.18 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.
- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence

available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions and can be properly applied as part of the development plan.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and MSJPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-5)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes a very effective use of well-selected maps. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction and Section 2 provide a very effective context to the Plan. Figure 1 identifies the neighbourhood area and Figure 2 sets out the stages through which the Plan has progressed.
- 7.10 Section 3 comments about the local planning policy context within which the Plan has been prepared. It provides a very effective summary of the development plan. Given that the Local Plan has now been adopted, I recommend that this section is updated accordingly.

Replace paragraph 9 with: 'Marshland St James is in the Borough of King's Lynn and West Norfolk and so the Neighbourhood Plan sits within the context of the adopted King's Lynn and West Norfolk Local Plan 2021-2040. The Local Plan has replaced the 2011 Core Strategy and the 2016 Site Allocations and Development Management Policies.'

Replace the opening part of paragraph 14 with: 'The former King's Lynn and West Norfolk Local Plan, Sites and Allocations Development Management Plan 2016, had allocated two sites for development, G57.1 and G57.2, in Marshland St James for at least 25 dwellings, as shown in Figure 3 and 4 and both benefit from outline and reserved matters for all or part of the sites. G57.1 has now been developed. G57.2 has been carried forward as an allocation in the 2021-2040 Local Plan.'

- 7.11 Section 4 identifies key issues which the Plan has sought to address. They include recent housing growth, access to local services and traffic and transport.
- 7.12 Section 5 comments about the Plan's Vision and the four objectives. The Vision is as follows:

'In 2038 Marshland St. James will be a thriving community with high quality housing, improved transport links and more local services, which is valued by its residents and visitors alike. Any future development will look to support this vision with a suitable balance of housing and economic growth, whilst maintaining the essential rural character of the village.'

- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy MSJ1: New Services, Facilities and Employment Opportunities

- 7.14 The Plan advises that the policy welcomes further provision of community services, facilities, and employment opportunities, ideally where they would be well-located to the main settlement. This includes new commercial development such as business units, that would be operated under Use Class E, and offices, artist's studios, cafes, restaurants, shops and light industrial. The Plan also advises that some redundant farm buildings have already been repurposed to promote economic activity, and further growth in this area would be welcome. The policy also supports the conversion of rural farm buildings, including their enlargement, where this is for commercial, or community use identified as Use Class E.
- 7.15 In general terms this is a positive policy which has regard to Sections 6 and 8 of NPPF. I recommend that the various elements of the policy are recast so that they relate more closely to the development management process and use appropriate wording for a neighbourhood plan. This approach was agreed by MSJPC in its response to the clarification note.
- 7.16 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of each of the three dimensions of sustainable development.

Replace the policy with:

'Development proposals for new community services, facilities and employment opportunities in Marshland St. James including new commercial development (Use Class E) will be supported.'

Wherever practicable, development proposals should be well-connected to the main settlement area and facilitate sustainable travel opportunities. Development proposals outside the main settlement should be sensitively designed to reduce their impacts on the surrounding landscape.

Proposals for the enlargement of redundant farm buildings for commercial use will be supported where they do not detract from the character and appearance of their immediate surroundings, and are subordinate in scale to the parent building and respect its design and detailing.

Wherever practicable, development proposals should incorporate sustainable construction practices, including the use of local materials, renewable energy sources, and low-carbon technologies.'

Policy MSJ2: Protection of Community Facilities

- 7.17 The supporting text advises that residents were asked about the importance of existing local facilities as part of consultation activities. There is strong support for protecting key facilities, including the primary/nursery school, Marshland Hall, the playing field, the Methodist Chapel, and the dial-a-bus service.
- 7.18 The policy identifies a series of community facilities which the MSJPC wishes to safeguard throughout the Plan period. In doing so, it seeks to apply Local Plan policies to the identified facilities. I looked at the identified community facilities carefully during the visit. Their local importance was self-evident
- 7.19 I am also satisfied that the policy takes an appropriate approach and makes good use of existing development plan policies in identifying relevant facilities in the parish. In this context I recommend that the opening element of the policy is recast so that it explains more fully its intended purpose and draws specific attention to the relevant Local Plan policies.
- 7.20 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social dimension of sustainable development.

Revise the opening element of the policy to read: 'The Plan identifies the following community facilities and services which should be given protection for the application of Policy LP38 – Community and Culture and Policy LP39 – Community Facilities of Local Plan 2021-2040.'

Policy MSJ3: Housing Mix

- 7.21 The supporting text advises that taking account of the evidence in the Housing Needs Assessment (HNA) and feedback from residents together suggests a housing mix policy that aims to provide for more homes that are three bedrooms or less. It also comments that whilst the HNA recommends smaller homes should comprise 100% of new builds, it is not good practice to be so prescriptive.
- 7.22 The policy provides some flexibility, setting a requirement that 75% of new homes are smaller 1 to 3 bed homes, unless additional evidence can be provided setting out a different need or identifying that the requirement is unviable.

- 7.23 In general terms this is a good policy which is underpinned by the findings of the HNA. I recommend that both elements of the policy are recast to bring the clarity required by the NPPF and to enable BCKLWN to apply its details through the development management process. The direction of the policy remains unchanged.
- 7.24 In addition, I recommend that the commentary about the application of the second part is deleted from the policy. It is already satisfactorily addressed in the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social dimension of sustainable development.

Replace the policy with:

‘Housing proposals should respond positively to local housing need using the most recent evidence available. Development proposals should be based on the evidence in the Marshland St James Housing Need Assessment (2022) unless more up-to-date, robust evidence identifies a different local housing need.

Proposals for open market residential development should incorporate a housing mix whereby at least 75% of the homes delivered have three-bedrooms or fewer, unless evidence is provided showing either that there is no longer such a local need, or that such a housing mix would make the scheme unviable.’

Policy MSJ4 Affordable Housing

- 7.25 This policy continues the Plan’s approach towards developing policies to address housing needs in the parish based on the findings of the HNA. The supporting text comments that whilst it is unlikely that the number of dwellings delivered in the Plan period will meet the affordable housing need, an appropriate benchmark to take in the policy for tenure mix is ensuring affordable rented housing is a priority with a ratio of 70:30 (70% rented and 30% ownership going forward). This approach is captured in the first part of the policy. In this context, I recommend that the supporting text is expanded so that it identifies how development proposals which may depart from this statistical approach should be justified.
- 7.26 The second part of the policy comments about local eligibility requirements for First Homes. Whilst the approach taken is appropriate, I recommend that the opening element of the second part of the policy is recast so that it better expresses its intentions.
- 7.27 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social dimension of sustainable development.

Replace the opening element of the second part of the policy with: ‘In addition to national eligibility criteria, the development of First Homes should comply with at least one of the following local criteria:’

At the end of paragraph 65 add: ‘Development proposals which incorporate a different mix of affordable housing should provide appropriate evidence to justify such an approach.’

Policy MSJ5: Design

- 7.28 The supporting text advises that whilst there is already a considerable amount of general detail in existing policy on design the Plan aims to set more specific local design codes. In 2022 AECOM, with input from the local community, produced the Design Guidance and Codes. It provides a baseline assessment of existing local character, including design materials, boundary treatments, housing types and layout. This work identifies distinctive character areas (CA1-Smeeth Road, CA2-Countryside, and CA3-Edge of settlement).
- 7.29 This is an excellent policy which is underpinned by the Design Guidance and Codes. In the round, the approach taken is an excellent local interpretation of Section 12 of the NPPF. In this broader context I recommend that the opening element of the first part of the policy is modified so that it has the clarity required by the NPPF
- 7.30 The second part of the policy provides greater details which relate to the Design Codes. I recommend a modification to this part of the policy so that BCKLWN can apply its contents in a proportionate way. This will acknowledge that many of the design considerations included in this part of the policy would not apply to minor or domestic proposals
- 7.31 Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social and environmental dimensions of sustainable development.

Replace the opening element of the first part of the policy with:

‘Development proposals should incorporate high-quality design and be consistent with the Marshland St. James Neighbourhood Plan Design Guidance and Codes (2022) in general, and specifically as they apply to the following distinct character areas and their defined maps:’

Replace the first sentence of the second part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should respond positively to the Design Codes and the checklist set out in Appendix B.’

Policy MSJ6: Residential Parking

- 7.32 The supporting text advises that due to the layout of existing streets and buildings, off-street parking areas are a necessity for households in Marshland St James. The policy seeks adds further local detail to the existing requirements in the Local Plan, reflecting the Marshland St. James and the Design Guidance and Codes Document (2022). I saw the issues associated with car parking during the visit.
- 7.33 In general terms, the policy takes a positive approach to this important local issue. Nevertheless, I recommend that the policy is recast so that its focus is on the issues which development proposals should achieve rather than commenting about the type of parking which should not arise. In this context I recommend that the first part of the submitted policy is deleted and repositioned into the supporting text. Otherwise, the policy meets the basic conditions. It will contribute to the local delivery of the social and environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should incorporate on-plot front or side parking to meet the most up-to-date parking standards.

Parking areas and driveways should be constructed using sustainable materials, such as permeable paving, to reduce the impact of impermeable surfaces on drainage systems and improve the environmental quality of the development.

Wherever practicable, parking areas should be landscaped either specifically or within the overall design of the wider development, and ensure that green spaces and soft landscaping elements mitigate the impact of parking areas within the streetscape.’

At the end of paragraph 83 add: ‘In this context, on-street parking should be avoided in future development.’

Policy MSJ7: Footway Improvements

- 7.34 The supporting text advises that footway improvements to upgrade existing footpaths, and ensure new facilities are to highway standard and fully accessible is important for encouraging walking within the village. It also comments that MSJPC is already working with the Highway Authority to deliver improvements in this area, but future development also has a part to play. As such the policy requires development proposals to contribute towards improving footway provision.
- 7.35 I sought MSJ’s comments about the way in which the policy would bring any added value beyond the contents of national or local planning policies. In its response to the clarification note, MSJPC advised that the priority is around standard of footway provision, as it would like to see footways upgraded from roads and widened, so the policy helps to give a focus of the improvements that are delivered. In addition, BCKLWN comments that whilst this policy reflects local needs and aspirations, it would have more weight if the policy stated where policy seeks for such improvement (such as road/place/area and clarify what type/scale developments would be a trigger and require implementation of the policy).
- 7.36 I have considered this policy very carefully. On the balance of the evidence I am not satisfied that it brings any added value beyond the contents of national or local planning policies. It addresses issues which BCKLWN will naturally consider as part of the determination of planning applications. Furthermore, as BCKLWN comment, the policy does not identify specific parts of the parish to which it would apply or clarify what type/scale developments would be a trigger and require implementation of this policy.
- 7.37 In these circumstances I recommend the deletion of the policy and the supporting text. The deletion of the policy will not prevent BCKLWN from considering such matters as part of the determination of planning applications.

Delete the policy*Delete paragraph 94**Other Matters – General*

- 7.38 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. It will be appropriate for BCKLWN and MSJPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Marshland St James Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to the Borough Council of Kings Lynn and West Norfolk that subject to the incorporation of the modifications set out in this report that the Marshland St. James Neighbourhood Development Plan 2022 to 2038 should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council in January 2020.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
1 August 2025