

A REPORT TO KING'S LYNN & WEST NORFOLK BOROUGH COUNCIL

OF THE EXAMINATION OF

THE SYDERSTONE NIGHBOURHOOD PLAN 2022-2038

UNDERTAKEN BY

Dr LOUISE BROOKE-SMITH, OBE, FRICS, MRTPI

INDEPENDENT EXAMINER

AUGUST 2025

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Summary and Overall Recommendation

As the Independent Examiner into the Syderstone Neighbourhood Plan Review, I have been instructed by King's Lynn & West Norfolk Borough Council, in its capacity as the Local Planning Authority, to present my professional assessment of the amendments proposed to the previously 'made' Plan, in terms of compliance with the 'Basic Conditions' as set out in extant legislation, regulations and guidance.

I confirm that I am independent of the Qualifying Body, which comprises Syderstone Parish Council, and the Local Planning Authority. Furthermore, I do not have any interest in any land or property that may be affected by the Plan.

I hold relevant professional qualifications and have experience of the planning regime, gained over the past 35 years in both the public and private sectors, to enable an independent judgement of the documents before me. I am also a member of the National Panel of Independent Examiners Referral Service, endorsed at the time of convening by HMGov Department of Housing, Communities and Local Government.

I have undertaken a thorough examination of the Syderstone Neighbourhood Plan. This has comprised a review of all documents presented to me by the Local Planning Authority, a review of documents available for public review on the respective Parish website and documents relating to the Development Plan held on the Council's website plus national guidance, regulations and statute.

*It is my considered opinion that, only with modification, the said Plan meets the Basic Conditions and human rights requirement, as set out in the respective legislation and guidance. **I have highlighted where I consider modifications are required and indicated the nature of those changes. These have been set out in bold throughout my Report. Suggested modified text is presented in bold italics.***

Hence, with modifications, I consider that the Syderstone Neighbourhood Plan Review will: have regard to national policies and advice contained in current legislation and guidance; contribute to the achievement of sustainable development; be in general conformity with the strategic policies of the development plan for the area; not breach, but be compatible with European Union obligations and the European Convention of Human Rights; and not likely have a significant effect on a European Site or a European Offshore Marine Site either alone or in combination with other plans or projects.

I consider that the Neighbourhood Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as amended, and can proceed to a Referendum.

I have no concerns with the defined Plan area or the manner of its confirmation and consider that this area is appropriate as the extent of any Referendum. Finally, I refer to several

abbreviations throughout my Report and for the avoidance of any confusion these are set out in Appendix B.

Dr Louise Brooke-Smith, OBE, FRICS, MRTPI,

August 2025

1.0 INTRODUCTION

1.1 THE NEIGHBOURHOOD DEVELOPMENT PLAN REGIME

- 1.1.1 The Neighbourhood Development Planning regime provides local communities with the ability to establish specific land use planning policies which can influence how future development comes forward in their area and how land can be used. It not only provides the opportunity for local people to shape their locality, but it also provides guidance for developers and landowners when considering new proposals and for decision makers when determining planning applications.
- 1.1.2 Any Neighbourhood Development Plan should be clear, not only in its goals and ambitions, but also in how any policies are presented. The background behind how policies have emerged should be easy to understand and robust in terms of identifying specific policy and the evidence it relies upon.
- 1.1.3 This Report provides the findings of my Examination into the Syderstone Neighbourhood Plan, which is hereon referred to as the Plan or NP.

1.2 APPOINTMENT AND ROLE OF THE INDEPENDENT EXAMINER

- 1.2.1 I was formally appointed by King's Lynn & West Norfolk Borough Council, as the Examiner of the NP in June 2025. I was issued with the relevant documentation and formally began the examination later that month.
- 1.2.2 In examining any NP, I am required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, (TCPA) to establish whether:
- *The Neighbourhood Development Plan has been prepared and submitted for examination by a Qualifying Body.*
 - *The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the TCPA as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004 (PCPA).*
 - *The Neighbourhood Development Plan meets the requirements of Section 38B of the PCPA (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).*
 - *The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the PCPA.*

- 1.2.3 My role has also been to consider whether the Plan meets the 'Basic Conditions' and human rights requirements, as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Development Plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 1.2.4 In order to meet the Basic Conditions, the making of any Neighbourhood Development Plan, new or revised, 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 for the area; and*
 - *Not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations.*
- 1.2.5 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for Neighbourhood Development Plans, in addition to those set out in primary legislation and referred to in the paragraph above.
- *The making of the Neighbourhood Development Plan is not likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) either alone or in combination with other plans or projects.*
- 1.2.6 Having examined the Plan against the Basic Conditions, as set out above, and as the Independent Examiner, I am required to make one of the following recommendations:
- a) that the Plan should proceed to Referendum, on the basis that it meets all legal requirements.*
 - b) that the Plan should be subject to modification but will then meet all relevant legal requirements and should proceed to Referendum.*
 - c) that the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.*
- 1.2.7 If recommending that the Plan should go forward to Referendum, I am also required to consider whether, or not, the Referendum Area should extend beyond the defined Syderstone Neighbourhood Plan Area.
- 1.2.8 As noted above, the role of any Independent Examiner is to assess a Plan in terms of compliance with the Basic Conditions. While it is not to specifically comment on whether

the Plan is sound, where changes could be made that would result in removing ambiguity and make the document more user friendly for all parties, this should be considered. This reflects relevant paragraphs of the NPPG and the first basic condition.

- 1.2.9 It should also be noted that it is not the role of the Examiner to add policies, even if this is suggested by statutory consultees or stake holders during the Regulation 14 or 16 stages of the Plan's preparation. Where relevant, comments on Regulation 16 representations are noted later in this report.

1.3 THE EXAMINATION PROCESS

- 1.3.1 Examinations should preferably be conducted by written representations unless there is sufficient reason to hold a hearing to explore controversial or ambiguous matters. In this case, I have been able to consider the Plan by way of the key documents, relevant background information, the evidence base, and written representations. I have not felt it necessary to hold a hearing to complete my findings.

- 1.3.2 My examination findings have resulted from my assessment of the documents noted at Appendix A and the written submissions from interested parties at both the Regulation 14 and 16 stages of the NP revision process and are in addition to my reference to the following documents, which set out extant legislation, regulation and guidance.

- The National Planning Policy Framework (NPPF) has been revised at various times since its initial introduction in 2012. In December 2024 a significantly revised version of the NPPF was issued which, inter alia, updated policy on economic development, housing and environmental protection. Corresponding, updated Planning Practice Guidance was also issued. A further small clarification was issued in February 2025, but it is the December 2024 version that is accepted as being relevant to plan-making post March 2025.
- The NPPF 2024 implementation date for 'plan making purposes' was the 12th March 2025 and the advice issued by HMGov has been that while any plan examination before this date can refer to the extant national policy relevant at the time of that plan's submission, examinations after March 2025 should be in the context of the December 2024 version of the NPPF. However, if the NP had been submitted to the LPA at its Regulation 15 stage, prior to the 12th March 2025, then an examination can proceed in the context of the previous version of the NPPF.
- In this case, the NP was indeed submitted to the LPA at its Regulation 15 stage prior to the 12th March 2025, and the documents before me relate to the December 2023 version of the NPPF. While it is understood that the neighbourhood planning process

can be protracted, and it can be confusing when neighbourhood plans are being prepared as updated policy is issued, I accept that it can be difficult for any QB with limited resources to update its draft documents to reference this.

- For the avoidance of confusion, while I have had regard to the current December 2024 version of the NPPF, I accept that the submission version of the NP and supporting documents, including the Consultation Statement and the Basic Conditions Statement, refer to the 2023 version of the NPPF and I have undertaken my examination accordingly.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.

1.3.3 Finally, I confirm that I undertook an unaccompanied site visit to the Plan area in July 2025.

2.0 BACKGROUND TO THE SYDERSTONE NEIGHBOURHOOD PLAN

- 2.1 The parish of Syderstone lies to the north east of King's Lynn, within the borough of King's Lynn and West Norfolk. The area is rural in nature accommodating one settlement of Syderstone plus a number of disbursed farms. To the immediate southeast, lies the village of Wicken Green and beyond this, MOD Sculthorpe.
- 2.3 I note that Syderstone Parish Council is the Qualifying Body (QB). It made an appropriate application to pursue the NP to the Borough Council, and I am advised that all necessary protocols were followed under the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012.
- 2.4 The NP before me, has been prepared by the Syderstone Neighbourhood Plan Steering Group, on behalf of the Qualifying Body.
- 2.5 Following a Regulation 14 consultation in 2024, a draft NP was amended to take account of consultation comments. The ensuing version (Regulation 15 Submission) was submitted to the LPA in February 2025, for the Council to take the Plan forward to a Regulation 16

consultation which took place between March 24th and May 12th 2025. Representations received under Regulation 16 have been forwarded to me as the appointed Examiner, as has the evidence to support the NP. All key documents are available on the LPA and Parish websites.

3.0 COMPLIANCE WITH MATTERS OTHER THAN THE BASIC CONDITIONS AND HUMAN RIGHTS

3.1 Given the above, I now report on the procedural tests, as set out earlier in this Report, and find as follows;

- **The Qualifying Body (QB)**

3.2 From the documentation before me, I am advised that Syderstone Parish Council is a properly constituted body, i.e., a Qualifying Body for the purpose of pursuing a neighbourhood development plan. This is in accordance with the Localism Act (2011) and recognised in the National Planning Policy Framework (as amended) and accompanying Planning Practice Guidance. Accordingly, I find this addresses the necessary requirements.

- **The Plan Area**

3.3 The Plan area comprises the single parish of Syderstone, and I am advised that this area has not previously been the subject of a neighbourhood plan.

- **The Plan Period**

3.4 Any Neighbourhood Plan, must specify the period during which it is to have effect. I note that this is clearly indicated on the cover of, and within the text of the submission documents. It generally reflects the period covered by the very recently adopted (March 2025) revised Local Plan for the area. While I consider that a direct reflection of the timescale of the recently adopted Local Plan (2022-2040) would have been more appropriate, this matter is at the discretion of the QB. Being two years short of the Local Plan period does not make the NP non-compliant.

- **Excluded Development**

- 3.5 From my review of the documents before me, the proposed policies within the NP do not relate to any of the categories of excluded development, as defined by statute and extant regulations, or to matters outside the Neighbourhood Development Plan area. I find that in terms of excluded development; the Plan meets legal requirements.

- **Development and Use of Land**

- 3.6 Any neighbourhood plan's policies, in accordance with current regulations, should only contain policies relating to development and/or use of land. While supporting text can reflect the goals and ambitions of any community, unless directly relating to development or use of land, this should not be included within or be confused with specific policies.
- 3.7 I note that aspirations and 'community actions' have been included within the text of the NP and the rationale for this has been presented at paragraph 9. While I note the rationale, I explain later in my examination report how such aspirations and community actions need to be referenced, to avoid confusion.
- 3.8 Where I felt that any proposed policy, or part of that policy was ambiguous, unnecessarily duplicated other policies or statutory regulations, or concerned matters that do not relate to the development or use of land or property, I have recommended that it be modified.

- **Public Consultation**

- 3.9 Planning legislation requires public consultation to take place during the production of Neighbourhood Plans or any period proposing amendments to a Plan. Any public consultation should be open and accessible, and any information presented should be easy to understand and to comment on. It should enable all sectors of the local community to comment on and hence shape the proposals which may have a bearing on where they live, work or spend their leisure time.
- 3.10 As a requirement of the salient regulations of the Neighbourhood Development Planning (General) Regulations 2012 as amended, a Consultation Statement has been prepared by consultants on behalf of the QB. It was duly submitted to the Council and made available via the LPA and Parish's websites.
- 3.11 It is a comprehensive document and explains the context and outcomes of the community engagement events. It helpfully includes a summary table on pages 4 to 7, which explains the process from the designation of the NP area in 2022, up to the SEA/HRA screening opinion exercise in October 2024. Inter alia, social platforms were used, and two surveys were undertaken to ascertain the stance of residents, employees and commercial operators

within the area. Particular attention and input were given to the work addressing design codes led by AECOM.

- 3.12 The Regulation 14 stage of proceedings was held between November and December 2024 after which changes were made to the draft NP. The changes took on board survey results, comments from the community plus relevant comments and submission made to the then emerging revised Local Plan. A summary of the comments and responses offered by the QB is helpfully set out in tables on pages 12 to 43 of the Consultation Statement.
- 3.13 I consider that comments on the draft version of the NP were appropriately assessed and addressed and then explained by the QB.
- 3.14 The Plan was subject to some changes as a result of the consultation process and the Regulation 14 submissions by third parties. A Submission Version of the Updated Plan was duly prepared and submitted to the LPA in 2025 and, as noted above, a further public consultation period was held, culminating in May 2025.
- 3.15 I have reviewed the representations to the Submission Version of the Plan, the Stage 16 representations, and stress that my role has not been to undertake a detailed analysis of the points presented but moreover review the general process and approach taken.
- 3.16 I have reviewed the documents presented by the QB to explain and indeed support the policies. I consider that the various consultation initiatives and the approach adopted by the QB were appropriate. I have specifically had regard to whether the evidence base was poor or ambiguous and whether this has affected the validity of some policies.
- 3.17 In summary, I conclude that an appropriate consultation exercise was undertaken and that stakeholders had the opportunity to input into the Plan's preparation. As such, Regulations 14 and 16 have been addressed.

4.0 THE BASIC CONDITIONS AND HUMAN RIGHTS

4.1 BASIC CONDITIONS STATEMENT

- 4.1.1 I have reviewed the undated Basic Conditions Statement (BCS) which appears to have been written as the draft version of the NP was proceeding and understandably it makes reference to the then extant strategic policies and the 2023 version of the NPPF.
- 4.1.2 As explained earlier, given the interim arrangements for the implementation of the December 2024 version of the NPPF, I accept that for this examination, reference to the 2023 version of the NPPF is acceptable. However, given the timetable for the potential making of this NP, **I suggest that the QB might wish to consider adding an addendum to the documents that explains that the Submitted NP has been prepared in the context**

of the previous Local Plan and the 2023 version of the Local Plan. Both of these were updated prior to the examination of the NP.

4.2 NATIONAL POLICY, ADVICE AND GUIDANCE

- 4.2.1 Both the current version of the NPPF (Dec 2024) and its immediate predecessor, explains that a presumption in favour of sustainable development means that Neighbourhood Plans should support the strategic development needs set out in the Development Plan and plan positively to support appropriate local development. Understandably, the preparation stages of the NP were prepared in the context of the 2023 version of the NPPF.
- 4.2.2 If the QB wishes to adopt my addendum proposal above then, in addition, I consider that Figure 2 in the BCS should be clearly annotated to explain that it is the 2023 version of the NPPF and associated PPG that is being referenced.
- 4.2.3 Fortuitously, while the extant 2024 NPPF made some text changes, the principles and overriding guidance has remained the same. Hence while specific references in Table 2 to the NPPF and the PPG are outdated, the explanation presented to support the proposed NP policies and cross reference to the outdated NPPF and PPG are understandable. I find this table helpful.
- 4.2.4 Given the guidance found both within the extant Planning Practice Guidance (PPG) which accompanies the extant NPPF and the 2023 version, I have considered the extent to which the NP policies meet the first basic condition in Section 5 below and, **subject to some modifications, I find the Plan compliant.**

4.3 THE DEVELOPMENT PLAN AND STRATEGIC POLICY

- 4.3.1 Neighbourhood Plans should be aligned with the strategic needs and priorities of the wider local area, i.e., they must be in general conformity with the strategic policies of the Development Plan. The NPPF advises that they should not promote less development than is set out in the Development Plan or undermine its strategic policies. Neighbourhood Plans should provide a practical framework within which decisions on planning applications can be made with predictability and efficiency.
- 4.3.2 The Development Plan pertinent to this examination as of July 2025 includes, the King's Lynn and West Norfolk Revised Local Plan which I am advised was adopted on 27th March 2025. This document has replaced the previous Local Plan Core Strategy of 2011 and the SADMP of 2016.
- 4.3.3 The previous Core Strategy contained clear spatial objectives and specific policies which have guided the NP, and I accept that Figure 3 of the BCS sets this out in a helpful manner.

Furthermore, having reviewed the now adopted Revised Local Plan and read the Core Strategy, I consider that most of the drafted NP policies remain appropriate and generally compliant. However, as noted later in this report, some need modification. The SBC only makes reference to previous versions of the Core Strategy and the SADMP. While Figure 3 helpfully sets out how the proposed NP policies reflect elements of those documents, I find it frustrating that given the timing of the Regulation 16 consultation and this formal examination, that little if any reference is given the emerging and now adopted Local Plan and associated strategic policies.

4.3.4 **As above, I consider that either an addendum is added to the BCS which explains why the emerging and now adopted Local Plan was not referenced in the NP, or that the relevant section of the BCS is updated so the proposed NP policies can be seen in their proper context.**

4.3.5 With this clarification, I consider that the QB progressed matters appropriately and subject to some modifications as detailed below; the NP policies are in general conformity with the relevant adopted strategic policies of the Development Plan.

4.4 SUSTAINABLE DEVELOPMENT

4.4.1 Any Neighbourhood Plan should contribute to the achievement of sustainable development. Both the 2023 and the 2024 NPPF explain that there are three dimensions to sustainable development: economic, social and environmental. I consider that the approach taken and explained in the Basic Conditions Statement is robust.

4.4.2 Whilst there is no legal requirement for any Plan to be accompanied by a separate Sustainability Appraisal, it is helpful for it to acknowledge and explain how its policies have reflected sustainability matters in all forms, as expressed in the NPPF. I note that this has been reflected in Section 4 of the BCS.

4.5 EUROPEAN UNION (EU) OBLIGATIONS AND CONVENTIONS

4.5.1 Notwithstanding the decision by the UK to leave the European Union, any Neighbourhood Development Plan must still be compatible with certain obligations adopted through European statute, as they have been incorporated into UK law. The NP would not be compliant otherwise.

- Strategic Environment Assessment

4.5.2 Directive 2001/42/EC, often referred to as the Strategic Environment Assessment (SEA) Directive, relates to the assessment of the effects of certain plans and programmes on the

environment, and has relevance here. Similarly, Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (referred to as the Habitats and Wild Birds Directives respectively) aim to protect and improve Europe's most important habitats and species and can have a bearing on Neighbourhood Development Plans.

4.5.3 I note that an SEA and Habitats Regulation Assessment Preliminary screening was undertaken by consultants on behalf of the QB in June 2024. A SEA screening opinion request was then made to the LPA during the summer of 2024. A screening assessment was then undertaken in September, and a determination statement was issued by the LPA in October 2024. This advised that the proposed policies within the NP were not expected to have significant environmental effect and hence an SEA was not required.

4.5.4 **I concur with this and find that the Plan meets the legal requirements of the EU's SEA Directive and conclude that in respect of this EU obligation, the Plan is compliant.**

- **Habitat Regulations and Environmental Impact Assessment**

4.5.5 Similarly, further to a screening assessment, in its formal opinion in October 2024, the LPA did not consider that a Habitats Regulation Assessment (HRA) was required as the NP was unlikely to have a significant effect on any designated sites.

4.5.6 I concur and **find that the NP meets the legal requirements of the EU and HRA Regulations and conclude that, in this respect, the Plan is compliant.**

- **Human Rights and Equality Impact Assessment**

4.5.7 The Basic Conditions Statement makes reference to compliance with the European Charter on Human Rights (ECHR) or the Human Rights Act 1998 in Section 6.

4.5.8 I am unaware of any matters proposed in the NP that challenge issues of human rights, and I conclude that the Plan does not breach and is otherwise compatible with the ECHR. I am not aware of any other European Directives which apply to this particular Neighbourhood Development Plan and **hence am satisfied that the Plan is compatible with EU obligations, and those replicated in UK legislation.**

4.5.9 With regard to equality, The Equality Act (2010) places a duty on all authorities to have regard to the need to, inter alia, eliminate discrimination and advance equality. I have found no reference to action by the QB or the LPA on this matter but on review of the documents before me find that, subject to some modifications, the policies proposed would serve to reduce existing inequalities, provide a high-quality public realm with few if any negative impacts on any protected characteristics.

4.5.10 **I am content that the Equality Impact is acceptable and there are no negative impacts.**

5.0 ASSESSMENT OF THE SYDERSTONE NEIGHBOURHOOD PLAN POLICIES

5.1 GENERAL COMMENTS

5.1.1 I am aware that some consultees, during the preparation of the NP and at the Regulation 14 and 16 stages, suggested additional initiatives, inclusion of references and amended policies and text. Some changes were included in the Reg 15 version of the NP, but some were not. This was at the discretion of the QB. I should stress that it is not the role of the Examiner to add further detail or policies that may have been considered by the QB through the Plan preparation, but not included in the Submission Version, unless it is considered that their omission makes the NP non-compliant.

5.1.2 In terms of considering the NP against the Basic Conditions, I find that the Plan is compliant with Basic Conditions 4 and 5 and the following sections of this Report assess its compliance with:

- Basic Condition 1 (Compliance with National Policy reflected in the 2024 NPPF);
- Basic Condition 2 (Delivery of Sustainable Development); and
- Basic Condition 3 (General Conformity with the extant Development Plan – adopted Revised Local Plan 2025).

5.1.3 I wish to stress that my examination has comprised a review of the proposed policies and supporting evidence. It has not comprised a forensic review of the rationale behind the policies but where I have found that the evidence base for the proposed amendments is unacceptably weak or erroneously interpreted, or in conflict with adopted core strategic policies, I have suggested appropriate modifications.

5.2 THE OVERALL PRESENTATION AND FORM OF THE PLAN

5.2.1 Before I set out my specific findings on each of the policies within the NP, it is important to note that the NPPF and the PPG advise that plans should provide a practical basis on which decisions on planning applications can be made with a high degree of predictability and efficiency. I consider that this can be interpreted as 'having a clear document'.

5.2.3 The form of the Plan comprises;

- An introductory section setting out the context for the Plan, its vision, objectives and an overview of the consultations undertaken.
- Heritage and design section

- Housing section
- Natural environment section
- Community services and facilities section
- Transport and access section
- A final section addresses monitoring, review and implementation
- The appendices contain details of the design guidelines and a glossary.
- The Submission NP is served by a high number of figures, plans and illustrations.

5.2.4 I wish to briefly comment on the format of the NP and the text in the initial section, which sets the context in advance of specific policies. **I offer the comments for consideration by the LPA and QB. In themselves they do not make the plan non-compliant with the Basic Conditions, but should they be addressed, I consider a clearer and more user-friendly document would be created.**

- The introductory section of the NP is reasonably well set out and contains an appropriate amount of factual information, explanations about the neighbourhood plan process and the specific work undertaken on behalf of the QB. In some places there is reference to West Norfolk Borough Council, such as at para 1, while in others the reference is to King's Lynn and West Norfolk Borough Council. **I suggest that consistency is adopted throughout the NP.**
- Para 6 refers to the imminent adoption of the Revised Local Plan. Given the timing of this examination and the adoption of the LP in March 2025. **I reflect my previous comments with regard to the Basic Conditions Statement and suggest that para 6 is updated to confirm the LP adoption but that few if any revised LP strategic policies change the context of the proposed NP policies.**
- I find the paragraphs setting out the vision and objectives of the NP clear and helpful. The summary of the community consultations undertaken is helpful. While repetitive of the Consultation Statement, the table on pages 7 and 8, is helpful in explaining the nature of the subsequent proposed policies.
- The factual information in the Heritage and Design section is useful and well presented in terms of scene setting. Annotation of the photographs at the top of page 9 would be helpful and would ensure consistency. **I suggest these are referenced as Figure 3a with a description of the properties shown, and that extant Figure 3 is renumbered as Figure 3b with the contents page amended accordingly.**

- **Para 26 refers to the commissioning of AECOM to provide design support to the Parish. I understand that the commission was made by the Parish Council and as such this should be explicit in the text.**

5.3 ASSESSMENT OF POLICIES

- 5.3.1 I now turn to the specific policies, having reviewed the evidence base, and the approach taken by the QB in preparing the policies, in light of the guidance and advice found in the extant NPPF and PPG and the recently adopted Local Plan.
- 5.3.2 The supporting text accompanying all policies makes reference to the principles of the 2023 NPPF and the previous local development framework. **As mentioned previously, while the reference to the 2023 NPPF is understandable, given the preparation time for the NP, an addendum should be considered by the QB for inclusion in the introductory section of the NP. This could explain that time has moved on and that an updated version of the NPPF was issued in December 2024, and a revised LP was adopted in March 2025. However, the nature of the changes to the NPPF and the Development Plan do not change the context for the NP policies.**

HERITAGE AND DESIGN

- 5.3.3 This section of the NP reflects the work undertaken by AECOM and the publication of design guidance for the village, namely the Syderstone Neighbourhood Plan Design Guidance and Codes 2024. I am advised that the AECOM document is for information purposes and is not deemed to be supplementary planning guidance. As such it is entirely understandable that elements of the AECOM work have been represented as specific policies within the NP.
- 5.3.4 I have reviewed the AECOM document and the survey work associated with the community's stance on design. I find that the summary of the consultation responses is repetitive of the information included within the stand-alone Consultation Statement but helps present emphasis for the subsequent policy.

POLICY 1: SYDERSTONE'S GENERAL DESIGN CODES

- 5.3.5 Overall, the text accompanying Policy 1 is helpful. **However, reference to Figure 5, at the end of paragraph 29, is erroneous. I believe that it should refer to Figure 8. This typographical error should be addressed.**
- 5.3.6 The text of the first paragraph of the policy makes clear reference to the Design Guidance and Codes document but then refers to 'Appendix B'. **I consider that the words '...of this Neighbourhood Plan document' are added after 'Appendix B'.**

- 5.3.7 While I fully appreciate that the Syderstone Design Guidelines and Codes Document 2024 is a stand-alone document, **I consider it would be helpful to any user of the NP that Appendix B also includes a table of the Design Codes. While this is set out on page 23 of the AECOM document, it should either be included in Appendix B or set out as part of the supporting text for this section of the NP.**
- 5.3.8 (a) of the policy refers to the 'Syderstone Design Guide Document'. **To avoid any confusion, I consider that consistency is adopted when this document – presumed to be the AECOM document – is mentioned. I consider that the title of the AECOM document would suffice, namely the '*Syderstone Design Codes and Guidance*.'**
- 5.3.9 To avoid confusion on the part of any user of the NP, I consider that '***of this document***' is added after 'Examples in Figure 11' at the end of the third to last paragraph of Policy 1.
- 5.3.10 I note that the general wording of Policy 1 had been amended further to the Regulations 14 comments and the previous 'must' approach has been appropriately replaced phrasing that encourages application of the policy and requests evidence to show that developers have taken the design guidance into account when submitting proposals. I support this.
- 5.3.11 **I find that with the amendments noted above in bold; POLICY 1 is compliant without further modification.**

POLICY 2; DESIGN (CHARACTER AREA 1 – HISTORIC CORE)

- 5.3.12 I note that the AECOM commission found that there were three distinct character areas within Syderstone. These are helpfully illustrated in Figure 12. I note therefore that the reference to Figure 9 is a typographic error in paragraph 37 and hence should be rectified.
- 5.3.13 **Policy 2 is straightforward and clear, and I find it compliant without modification.**

POLICY 3: DESIGN (CHARACTER AREA 2 – POST WAR DEVELOPMENT)

- 5.3.14 The post war development of the village has been addressed in Policy 3 and again find the accompanying text appropriate and the phrasing of the policy acceptable.
- 5.3.15 **Hence, I find Policy 3 compliant without modification.**

HOUSING

- 5.3.16 This section of the NP is supported by clear text which sets the context for the single policy addressing new residential development. I have already commented on the references to

the 2023 NPPF and consider that the Dec 2024 version of the NPPF introduces few if any changes to the principles explained in the NP.

- 5.3.17 I note the helpful references to the consultation and survey work undertaken by the QB and the discussions of existing housing stock within the NP area. I have reviewed the evidence base for this section of the NP, the community's support for specific types of housing size and tenure, and the Syderstone Housing Needs Assessment 2024 also prepared by AECOM on behalf of the QB.
- 5.3.18 I note that one site, allocated in the previous Local Plan for new housing in the village, was completed some time ago. The recently adopted Local Plan retains the classification of Syderstone as a 'Rural Village' but makes no specific allocation of additional residential units in or adjacent to the village.
- 5.3.19 While the community indicated during the consultation stages of the NP preparation that some additional housing was needed, there was no attempt to identify a specific site for such housing. Instead, a more general approach is taken in Policy 4 to windfall development that might emerge during the plan period.

POLICY 4; HOUSING

- 5.3.20 The policy appropriately advises that any proposals should reflect local housing needs evidence and references the Housing Needs Assessment published in 2024. It rightly then accepts that more up to date evidence might become available in due course.
- 5.3.21 I note that Policy 4 makes references to the size and tenure of new housing proposals and their classification as 'affordable'. I consider that appropriate evidence has been collated and reviewed by the QB to justify the policy as presented.
- 5.3.22 **My only proposed modification is that the phrase '*until more up to date evidence becomes available*' is added to the end of the last sentence of the policy.**
- 5.3.23 **With this small modification, I find Policy 4 compliant.**

NATURAL ENVIRONMENT

- 5.3.24 The Natural Environment section of the NP is supported by an extensive amount of text which presents context for the subsequent policy. This reflects the evidence base which I have reviewed. The supporting text again makes reference to the 2023 NPPF but again I find that while specific paragraph numbers have changed, the principles highlighted have not and hence the approach taken in this section of the NP is compliant.

POLICY 5; BIODIVERSITY AND GREEN ECOLOGICAL CORRIDORS

- 5.3.25 The cross references and use of footnotes is helpful, and I consider there is a good reflection in the supporting text to the evidence base. **However, a Regulation 16 submission has raised an issue with footnote 19 and that the link does not work. This should be rectified.** A minor modification is required in paragraph 73 which, as written, is confusing. I advise that the first sentence reads as follows;
- 'The Green Ecological Corridors illustrated in Figure 20 of this NP document and shown on the Policies Map in Appendix A, have been identified after gathering evidence which has been as set out in the Syderstone Green Ecological Corridors Paper. This is further illustrated in Figure 21 of this NP document and includes the following;.....'***
- 5.3.26 I advise that consistency is adopted when referring to Green Ecological Corridors and the use of capital letters.
- 5.3.27 I consider that the last bullet point of the policy, under the heading Green Ecological Corridors, should read;
- 'Demonstrate how dark corridors will be retained and protected during all stages of development and through an appropriate lighting scheme that reflects up to date ecological guidance.'***
- 5.3.28 I note that this policy also presents Community Action relating to the improvement and encouragement of local habitats. However, as set out, this could be easily confused by some users as being part of the formal policy. I consider this should be addressed and while I do not wish to detract from the strength of feeling and indeed the evidence collated by the QB on this matter, the community action is not a compliant element for the purposes of a neighbourhood plan. Instead, it reflects an aspiration and proposed action by the Parish Council.
- 5.3.29 While entirely laudable, this should be very clearly set out in a completely separate section of the NP and not presented at the same time as formal policies. **Hence, I advise that the text and reference to Community Action 1 should be removed from the box presenting Policy 5.**
- 5.3.30 I note that reference is made in the Monitoring section of the NP to 'community actions' and I comment below on the need to modify the text in that section, to explain that 'community actions' are presented for information purposes only.
- 5.3.30 **Only with the modifications highlighted above, do I find Policy 5 compliant.**

POLICY 6; TREES AND HEDGEROWS

- 5.3.31 The text accompanying this policy again is clear and helpful, with good reference to the evidence base.
- 5.3.32 There are minor typographical errors in paragraphs 77 and 78. In para 77 the last sentence should read **'In total there are thirteen TPOs in Syderstone.....'**. In para 78 the first sentence should read **'In the initial community survey (March 2024) residents stated that the best things about Syderstone were the**
- 5.3.33 Turning to the text of the policy, I consider that the reference to 'loss of value' in the first paragraph is subjective and hence would be difficult to determine by a user of the NP without specific guidance as to the meaning of 'value'.
- 5.3.34 **Given the supporting text at paragraph 75, I consider that the first sentence should therefore be redrafted as follows;**
- 'Existing trees and hedgerows on development sites should be considered throughout the design process. Wherever possible existing trees and hedges should be protected, particularly those which demonstrate arboricultural and/or biodiversity value in terms of contributing to the character of quality of the environment and/or helping mitigate and adapt to climate change.'***
- 5.3.35 The second paragraph is difficult to follow. The word 'irreplaceable' is superfluous and the sentence **should be redrafted as follows;**
- The loss of veteran trees should be avoided, especially where they provide potential habitats for protected species such as bats.***
- 5.3.36 I accept that such matters are covered by extant statute and hence are not necessarily required in a NP. However, I note the strength of community feeling and survey responses and consider that inclusion in Policy 6 is warranted.
- 5.3.37 The third paragraph under the subtitle 'Replacement Trees and Hedgerows' refers to a tree replacement ratio which has not been supported by clear evidence. The wording is again confusing and potentially ultra vires. Hence, I consider it should be redrafted as follows;
- Developers are encouraged to replace any trees lost, to development proposals, on a 2 to 1 ratio. Preference is for replacement trees to be positioned on site. If this is not possible, they should be positioned in the public realm, wherever feasible and with the agreement of the landowner.***
- 5.3.38 **Only with the modification as presented above do I find Policy 6 compliant.**

POLICY 7; LOCAL GREEN SPACES

- 5.3.39 This policy presents a number of areas within the NP area as Local Green Spaces and the supporting text helpfully reiterates the guidance found within the 2023 and 2024 NPPF. I note that paragraph 83 sets out how the QB determined the specific areas in question. This included an assessment of suggested sites and contact with respective landowners. Six sites are proposed under Policy 7 and illustrations are helpfully included after paragraph 85.
- 5.3.40 I have reviewed the Syderstone LGS Assessment document and find that most are acceptable allocations in that they are sites that are close to the general community; hold a particular local significance and could be deemed 'special' *inter alia* in terms of wildlife or historic value, and are not large tracts of land. Classification of LGSs should not, however, duplicate other classifications that would otherwise offer protection from inappropriate development.
- 5.3.41 My concern lies with LGS3 Womack Wood. This is a larger tract of land extending to over 5ha, somewhat removed from the main settlement and already identified as a Scheduled Monument as it accommodates a group of 'four bowl barrows'.
- 5.2.42 While LGS sites LGS1, LGS2, LGS4, LGS5 and LGS6 comply with national guidance, and a clear evidence base exists, I consider that LGS3 fails. **As such it should be removed from Policy 8.**
- 5.3.43 **Only with the above modification do I find Policy 8 compliant.**

POLICY 8; PROTECTION OF IMPORTANT LOCAL VIEWS

- 5.3.44 This policy is accompanied by clear supporting text and an evidence base that includes a Views Assessment. I have reviewed this document and find it helpful and clear.
- 5.3.45 **The policy itself is clear and unambiguous and hence I find it compliant without modification.**

POLICY 9: DARK SKIES

- 5.3.46 As with many rural locations, the local population within this NP values the character of the area which is not subject to the light pollution generally associated with larger and busier urban areas. Hence, the inclusion of a policy protecting the existing dark skies is understandable. The supporting text sets out the context well and makes good cross reference to the evidence base and a number of relevant technical guidance documents.
- 5.3.47 **However, the setting out of text and illustrations over pages 54 and 55 is poor and the title 'Figure 26 - External lighting mitigation options.....' should sit directly below the relevant drawing, as opposed to being on the following page.**

- 5.3.48 The policy itself is clearly presented. **However, I suggest that the reference to 'public footways' in the third to last paragraph is replaced with 'public rights of way'.** I also have concerns over the approach taken in the last paragraph relating to internal lighting. **The control of internal lighting sources is not normally an element that can be successfully conditioned and hence I advise that the paragraph be redrafted to read as follows;**

Where the internal lighting of new development has the potential to cause harm to the landscape or disturbance and/or risk to wildlife, appropriate mitigation will be encouraged.

- 5.3.49 **Only with these modifications do I find Policy 9 compliant.**

POLICY 10: COMMUNITY FACILITIES AND EMPLOYMENT SERVICES

- 5.3.50 As is common in many rural locations, the protection of existing community facilities and the encouragement of new facilities and employment opportunities is strong. While there are no medical services or extensive retail outlets within the NP area, other than the post office in Syderstone offering very restricted opening hours, GP surgeries, retail outlets and other community facilities exist in nearby towns and larger settlements. The local public house has now closed and while there is clear local support to see it reopened, this is beyond the remit of a NP.
- 5.3.51 Hence it is entirely understandable that this policy encourages the expansion and creation of new community facilities and employment opportunities. The combination of these two elements under one policy is somewhat odd, but this does not make the policy non-compliant.
- 5.3.52 **Reflecting comments presented earlier in this report, the reference to 'Community Action 2: Improving Community Facilities and Services within the Parish' should be removed to avoid confusion. It can be referenced in a separate part of the NP, if clearly annotated as being for information purposes only.**
- 5.3.53 **Only further to the above modification do I find Policy 10 compliant.**

POLICY 11; WALKING AND ACCESS

- 5.3.54 As a rural area, I note that public transport is not extensive across the NP area. While there is a public bus service, access to a railway station is some distance away. There are no dedicated cycle paths. The policy accepts that the improvement of these services is beyond the remit of a NP and hence emphasis is placed on walking using public paths and footways. The survey responses indicated a need for more public paths and improved footpath

signage. This is however a matter that falls under the direction and control of the County Highway Department and is not normally a compliant matter for a NP.

- 5.3.55 Even with that said, I find the phrasing of Policy 11 difficult to follow and poorly drafted. Any new development that creates additional floor space (as opposed to being permitted or minor works still requiring planning consent) would need to comply with extant statute and guidance. Hence, I consider that it would be designed to include suitable access for all.
- 5.3.56 If the policy is intended to require new development, proposed to be close to the extant footpath network, as illustrated in Figure 34, to provide improved links to that network then this is poorly explained at best, tenuous and potentially ultra vires.
- 5.3.57 **On balance, I find the first paragraph of Policy 11 unnecessary and should be omitted.**
- 5.3.58 The second paragraph references 'active travel routes'. It is unclear what this means, and no clarification is provided in the accompanying text. The requirement for non-slip surfaces is onerous and no evidence has been presented that explains or supports this request. Again, without a clearer explanation, and reference to an evidence base, **I consider this paragraph confusing and unhelpful. It too should be omitted.**
- 5.3.59 As indicated earlier in this report, reference to community actions need to be repositioned in a separate section of the NP. **Hence Community Action 3 should be removed.**
- 5.3.60 **I find that Policy 11 is confusing, duplicates extant statute and is not supported by an evidence base. Modification would not assist in this case and hence I advise Policy 11 be deleted.**

6.0 PLAN MONITORING AND REVIEW

- 6.1 The section explaining the actions of the Parish Council monitoring the effectiveness of the NP and reviewing it, when necessary, is clear and helpful. Given the very recent adoption of the revised Local Plan, the implementation of the December 2024 version of the NPPF and associated PPG plus the progression of the Planning and Infrastructure Bill through Parliament, I suggest that a review would be appropriate within 12 months.
- 6.2 Given the quality of the NP presented to me and the nature of the work undertaken to date, I have no reason to doubt the ability of, or the commitment by the QB to ensure that monitoring and reviewing the NP will be of a high standard.
- 6.3 I find the approach taken by the QB and the commitment to future reviews of the NP to be in accordance with current guidance and endorsed.

- 6.4 Turning to 'Community Actions' I accept that the QB has been keen to include these within the NP. **However, for the reasons cited earlier in this report and for the avoidance of confusion on the part of any user, I consider that a separate section of the NP should be created after paragraph 107. This could be titled 'Community Action' but additional text would need to be inserted to clarify the nature of the actions detailed in the table on pages 66 to 68.** As the LPA and the QB will be aware, the actions are an intent of activity but are beyond the remit of the NP. I accept that they are, however, of importance to the community and can be included but **I recommend that the following additional text is added;**

A number of community actions are set out below. These have been identified as being of importance to the local community but are not subject to any formal NP policy. They are highlighted in this section of the NP for information purposes only.

7.0 REFERENDUM

- 7.1 Further to my comments and the proposed modifications above, I recommend to King's Lynn and West Norfolk Borough Council that the Syderstone Neighbourhood Plan should proceed to a Referendum. I am required, however, to consider whether the Referendum Area should reflect the approved Neighbourhood Area or whether it should extend beyond this, in any way.
- 7.2 As noted earlier, the Neighbourhood Area reflects the parish of Syderstone without any additions and deletions and hence **I am content that this defined NP area should also reflect the area for any forthcoming Referendum.**

8.0 SUMMARY AND RECOMMENDATION

- 8.1 I find that the Syderstone Neighbourhood Plan is a well-written document, albeit requiring some minor modifications to proposed policies and accompanying explanatory text.
- 8.2 Some minor additional annotation is required to assist some of the illustrations included within the NP and some attention to formatting is required.
- 8.3 The Plan has been the subject of effective consultation, and the resulting vision, objectives and ensuing policies reflect the findings of those consultations. Drafts of the NP have been the subject of appropriate amendments, which have taken on board relevant comments from statutory consultees and key stakeholders.
- 8.4 In one place (Policy 11) I find the text and approach confusing and duplicates statute and hence should be deleted. Generally, however, I find that the key issues of importance to the local community have been reflected in the vision and objectives of the NP and that the

subsequent policies are appropriate and compliant. They have been prepared and presented well and supported by the evidence base.

- 8.5 I have reviewed the recently adopted Local Plan and associated strategic policies and the more recently published NPPF. While I accept that the NP has been prepared under the auspices of the 2023 NPPF and the previous Core Strategy, I am happy to confirm that the more recent documents do not introduce any element that would otherwise make the proposed policies in this NP non-compliant.
- 8.6 I repeat my comments from the start of my report and confirm that I have reviewed the comments raised during the Regulation 14 and 16 stages of the NP preparation but do not feel that the issues raised present sufficient weight to require deletion or further modification of policies, over and above those suggested within this report.
- 8.7 In summary, the Plan complies with the legal requirements set out in Paragraph 8(1) and 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and the relevant regulations relating to the preparation of a Neighbourhood Development Plan. I do not have any concerns over the defined Plan Area nor with that area forming the basis for any Referendum.
- 8.8 **Hence, I recommend that further to the proposed modifications, the Syderstone Neighbourhood Plan should proceed to a Referendum forthwith.**

Louise Brooke-Smith, OBE, FRICS, MRTPI.

August 2025

Appendix A - Documents reviewed by the Examiner.

- National Planning Policy Framework (The Framework) (2024) and previous versions used by the QB.
- Planning Practice Guidance (Paragraphs: 001 Reference ID: 41-001-20190509 (and onwards relating to Neighbourhood Plans) – and as revised.
- Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Neighbourhood Development Planning (General) Regulations (2012) and additions
- The Neighbourhood Planning Act 2017 and associated guidance and regulations.
- Draft Version of the Syderstone Neighbourhood Plan
- Syderstone Neighbourhood Plan (Submission Draft 2025) and all associated supporting documents and evidence base
- Documents identified in the Syderstone Neighbourhood Plan pages of the LPA and respective Parish Council Websites – including Regulation 14 and Regulation 16 submissions and responses and supporting evidence.
- King's Lynn & West Norfolk Borough Council Core Strategy 2011 and Site Allocations and Development Management Development Plan Document 2016.
- King's Lynn & West Norfolk Borough Council Revised Local Plan 2025 and associated documents, including the Inspector's Report

Appendix B – Examiner's use of Abbreviations

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|---------------------------------------|------------------|
| • Syderstone Neighbourhood Plan; | SNP |
| • Plan / The Neighbourhood Plan; | NP |
| • Qualifying Body; | QB |
| • King's Lynn and West Norfolk BC; | KLWNBC / Council |
| • Local Planning Authority; | LPA |
| • National Planning Policy Framework; | NPPF |
| • Planning Practice Guidance; | PPG |
| • Basic Conditions Statement; | BCS |