

Borough Council of King's Lynn and West Norfolk

The Walpoles Neighbourhood Plan 2022 – 2036

Independent Examiner's Report

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28 August 2025

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Summary

I have been appointed by the Borough Council of Kings Lynn and West Norfolk to carry out the independent examination of the Walpoles Neighbourhood Plan.

The Parish consists of Walpole St Peter, Walpole St Andrew and Walpole Marsh. The villages lie about 10 miles southwest of King's Lynn and about six miles northeast of Wisbech. Each village has a distinctive settlement pattern. The villages are spread out and the area has many narrow roads with grass verges. There are different styles of housing and open views across the surrounding landscape which gives the area a strong character. Collectively, the villages have a range of facilities.

The Plan is well presented. It is based around a distinctive local vision and supporting objectives and its 10 policies cover a variety of topics including design, dark skies, replacement trees, green corridors and Local Green Spaces. The Plan has been careful not to duplicate policies at Borough Council level, but rather to add a layer of local detail. The Plan has been supported by robust evidence.

Although it has been necessary to recommend some modifications, these are generally of a relatively minor nature to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that the Walpoles Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
28 August 2025



1.0 Introduction

This is the report of the independent examiner into the Walpoles Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by the Borough Council of King's Lynn and West Norfolk (BCKLWN) with the agreement of the Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner and the examination process

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case BCKLWN.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

The plan then becomes part of the ‘development plan’ for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

Examination Process

It is useful to bear in mind that the examiner’s role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often representations suggest amendments to policies or additional policies or different approaches. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

When I began the examination in July 2025, I noted that the Local Plan had been adopted on 27 March 2025. In places the Plan and the Basic Conditions Statement refers to the Core Strategy and the Site Allocations and Development Management Policies Plan, the predecessors of the current Local Plan. The Core Strategy and the Site Allocations and Development Management Policies Plan have now been superseded.

As the development plan context for the examination has changed since the Plan was submitted to the local planning authority, I considered whether a period of consultation to allow interested parties to comment on this context was needed. I note that the submission period of consultation for the Plan begun on 24 March 2025, just three days before the new Local Plan was adopted. In addition, the submission period of consultation was longer than the necessary period. I consider that interested parties

⁶ Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

⁷ PPG para 055 ref id 41-055-20180222

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

did therefore have the opportunity to make any comments in relation to the newly adopted Local Plan.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council chose not to make any comments on the Regulation 16 stage representations.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Michael Burton at BCKLWN.

I made an unaccompanied site visit to familiarise myself with the Plan area on 24 July 2025.

The Government published a new NPPF on 12 December 2024. Transitional arrangements set out in the document¹¹ explain that the policies in the updated NPPF will only apply to those neighbourhood plans submitted from 12 March 2025 onwards. This Plan was submitted on 13 February 2025. As a result, this examination uses the NPPF updated in December 2023.

Modifications and how to read this report

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics*** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

¹¹ NPPF December 2024, para 239

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. There is a particularly helpful and comprehensive table¹² detailing the early engagement which took place and I commend this approach to others.

Work began on the Plan in 2022 when a Steering Group was established to lead the Plan preparation. A Community Survey was carried out in late 2022. To raise awareness and community participation, a presence was to be found at various local events. The Steering Group has reported regularly to the Parish Council. Information has been placed on village noticeboards. Updates have been given on community posters.

Pre-submission consultation held between 21 October – 2 December 2024. This period was publicised by a leaflet hand delivered to every property in the Parish. A drop-in event was also held. Both hard and online copies of the Plan and its supporting documents were available.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 24 March – 12 May 2025.

The Regulation 16 stage resulted in eight representations. I have considered all of the representations and taken them into account in preparing my report.

4.0 Compliance with matters other than the basic conditions

Qualifying body

Walpole Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. BCKLWN approved the designation of the area on 29 July 2022. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 6 of the Plan.

¹² Consultation Statement, page 2

Plan period

The Plan period is 2022 – 2036. This is clearly stated in the Plan itself. The requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹³

In this case, two Community Actions are found throughout the Plan. They are clearly distinguishable from the planning policies and accompanied by a good explanation of their status.¹⁴ I therefore consider this approach to be acceptable for this Plan.

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹⁵

¹³ PPG para 004 ref id 41-004-20190509

¹⁴ The Plan, pages 29, 45 and 56

¹⁵ NPPF para 13

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁶ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁷

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁸ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁹

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.²⁰

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.²¹

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²² to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²³

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁴ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁵

Whilst this has formed part of my own assessment, the Basic Conditions Statement clearly sets out how the Plan's policies correspond to the NPPF and PPG.

¹⁶ NPPF para 28

¹⁷ Ibid

¹⁸ Ibid para 29

¹⁹ Ibid

²⁰ Ibid para 31

²¹ Ibid para 16

²² PPG para 041 ref id 41-041-20140306

²³ Ibid

²⁴ Ibid para 040 ref id 41-040-20160211

²⁵ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁶ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁷

The three overarching objectives are:²⁸

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how each Plan policy helps to generally achieve each of the objectives of sustainable development as outlined in the NPPF.

General conformity with the strategic policies in the development plan

The development plan consists of the King's Lynn and West Norfolk Local Plan 2021 - 2040 (LP) adopted on 27 March 2025. Norfolk County Council's Minerals and Waste Local Plan and other made neighbourhood plans also form part of the development plan, but are not directly relevant to this examination.

²⁶ NPPF para 7

²⁷ Ibid para 8

²⁸ Ibid

²⁹ Ibid para 9

As I have already mentioned, the Plan refers to the LP's predecessor documents; this is acceptable because the Plan was submitted before the LP was adopted. In addition the Basic Conditions Statement only refers in any detail to the Core Strategy and Site Allocations and Development Management Policies Document which have both been superseded. I considered whether to request further information from the qualifying body and the BCKLWN about how the Plan relates to the LP, but have decided to take a pragmatic approach so that the Plan is not delayed as this forms part of my own assessment and the BCKLWN has not drawn my attention to any issues.

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case BCKLWN, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is BCKLWN who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan

³⁰ PPG para 031 ref id 11-031-20150209

for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Report dated September 2024 has been prepared by BCKLWN. This in turn refers to a SEA Preliminary Screening Report dated May 2024 prepared by Collective Community Planning which concluded that the Plan was unlikely to have significant environmental effects.

Consultation with the statutory bodies was undertaken. Responses from Historic England and the Environment Agency were received and concurred with the conclusions of the SEA Screening Report. No response was received from Natural England.

I have treated the Screening Report and the Preliminary Screening Report together to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³¹

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

However, it will be important for the BCKLWN to reassess the SEA given that the LP has been adopted after the Screening Report was carried out to see if any implications arise from this.

Turning now to HRA, a Habitats Regulations Screening Report dated September 2024 has been prepared by BCKLWN. This in turn refers to a HRA Preliminary Screening Report of May 2024 prepared by Collective Community Planning.

A number of European sites lie within 20km of the Plan area. The Greater Wash and North Norfolk Coast Special Protection Area (SPA) and Special Area of Conservation (SAC) and Ramsar site is approximately 7km to the north of the Plan area. Other European sites within 20km are the Roydon Common and Dersingham Bog SPA, SAC and Ramsar site and the Ouse Washes SAP, SAC and Ramsar site.

The Preliminary Screening Report concludes that no likely significant effects are predicted, either alone or in combination with other plans and projects.

No consultation response was received from Natural England.

The Screening Report concludes that Appropriate Assessment (AA) is not required.

³¹ PPG para 028 ref id 11-028-20150209

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance from, the nature and characteristics of the European sites and the nature and contents of the Plan, I agree with the conclusion of the Screening Report and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

Conclusion on retained EU obligations

PPG establishes that the ultimate responsibility for determining whether a plan meets retained EU obligations lies with the local planning authority.³² BCKLWN does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights and equalities. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a good standard and contains 10 policies. There is a helpful contents page at the start of the Plan. The contents page should refer to documents in full.

- **Change the entry for Appendix B on the Table of Contents page to “...AECOM Design *Guidance* and Codes document...”**

Introduction

The introduction sets out some interesting background information about the Parish.

³² PPG para 031 ref id 11-031-20150209

Neighbourhood Planning

This section sets out basic information about the Plan and how it has evolved. There is a clear diagram which shows the different stages of the neighbourhood planning process.

Some natural updating will be needed as a new Local Plan was adopted in March 2025. I do not repeat this modification elsewhere in the report, but have an expectation that the Parish Council will work with BCKLWN to agree suitable replacement text for the paragraphs I have identified in the modification.

The vision for the area is:

“The Walpoles retains its rural identity and ensures that any development coming forward in future years will strengthen the community by achieving a good balance of housing stock to meet local need, achieve high quality design whilst respecting our local character, strives to improve current local wildlife connectivity, will protect, and enhance our local environment including our natural, historical, and built assets such as trees, hedgerows, and community buildings.”

The vision is underpinned by five objectives. Both the vision and the objectives relate to the development and use of land and put sustainable development at the heart of the Plan.

In relation to objective A. rather than referring to “size of bedrooms”, it might be better to refer to “number of bedrooms”.

- **Update information about the Local Plan in paragraphs 14, 16 and 45 and Figure 1 as appropriate**
- **Amend objective A. on page 9 of the Plan [and any other references to it throughout the Plan] to read: “Ensure future housing development, including the tenure mix and *number of bedrooms*...”**

Housing

Policy 1: Housing Mix

The NPPF states that to help support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.³³ It continues that the overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.³⁴

³³ NPPF para 60

³⁴ Ibid

Within this context, it is clear that size, type and tenure of housing needed for different groups in the community should be assessed and reflected in policy.³⁵ These groups include affordable housing, families with children, older people and those with disabilities.³⁶

In rural areas, the NPPF explains that policies should be responsive to local circumstances and support housing developments that reflect local needs.³⁷

LP Policy LP01 sets out the spatial strategy and settlement hierarchy for the Borough. Walpole St Peter is identified as a Key Rural Service Centre. These are considered to be the most sustainable settlements within the rural areas and large enough to sustain a range of services and facilities to meet the day-to-day needs of residents. Together the Key Rural Service Centres will deliver most of the growth in the rural areas.

LP Policy LP01 confirms that there have been 17 completions in the period 2021 – 2024, with 18 commitments, six dwellings as LP allocations giving a total of 41 dwellings. LP Policy LP03 sets out a minimum housing requirement for the Walpoles of 13 dwellings where the neighbourhood plan seeks to plan for housing growth.

The LP allocates a site for at least nine dwellings at Walpole St Peter; Policy G109.1 Land south of Walnut Road. The site has planning permission according to the LP. I saw at my visit, the site was being built out.

This Plan does not plan for any housing growth and does not include any site allocations. I note that there is an opportunity for windfall development over the Plan period and that the respective plan periods differ. I therefore consider that the Plan can be said to be in general conformity with the LP in this respect.

The Plan does include two policies on housing mix and affordable housing.

According to the 2021 Census information contained in the Plan, there is a lower proportion of smaller houses and a higher proportion of four bed dwellings in the Parish compared to the District as a whole. Over 80% of dwellings have three or more bedrooms. Over half of properties are occupied by one or two people.

Policy 1 is based on a consideration of the population profile of the Parish, the type of dwelling, household composition and occupancy rates. It is underpinned by a Housing Needs Assessment (HNS) 2023 prepared by AECOM. The HNS recommended rebalancing the housing stock with 1 and 2 bedroomed dwellings with the majority, nearly 80%, to be 2 bedroom units. However, the Plan explains that it does not wish to be restrictive over larger homes and there is some evidence to support this stance in the Parish Survey. In addition, I note that the HNS itself indicates that the model used is a “fairly blunt indication of future needs”³⁸ which does not reflect the preferences of

³⁵ NPPF para 63

³⁶ Ibid

³⁷ Ibid para 82

³⁸ Housing Needs Assessment page 9

people to live in larger homes, the historic character and density of the villages and the role of the Parish in the wider housing market area.

The policy therefore requires any new housing to reflect local needs using the best available evidence. It encourages schemes to have at least 90% of three bed or fewer bed houses unless evidence shows otherwise. Lastly, the policy refers to the Design Guidance and Codes and seeks new homes to be built for all stages of life. The policy is flexibly worded recognising that these local housing needs may change over time.

The BCKLWN has raised some concern over the practical application of the at least 90% requirement. However, a common sense approach can be employed for smaller schemes. The policy also has inbuilt flexibility on this element.

There is also a minor accuracy correction to a figure number on page 10.

Therefore, on balance, I consider the policy meets the basic conditions by having regard to national policy and guidance, being in general conformity with the LP and will help to achieve sustainable development.

- **Update the reference to “...Figure 6...” in paragraph 28 on page 10**

Policy 2: Affordable Housing

LP Policy LP28 requires affordable housing to be 20% on sites of 0.165 hectare or five or more dwellings. In relation to tenure mix, LP Policy LP28 requires 70:30 rented to First Homes (25%) and shared ownership (5%) adjusted where necessary to balance housing need and make schemes viable.

Policy 2 sets out the ratio of affordable housing to be delivered; 60% affordable rented and 40% affordable home ownership. The policy takes its lead from the HNS. I recognise this is a different ratio to the LP. However, the HNS makes it clear that this suggested ratio is due to the acute levels of unaffordability in the Parish.³⁹ A modification to increase flexibility on this point is recommended.

The Plan refers to First Homes which have now changed, but do feature in the NPPF December 2023 which is the applicable NPPF for this Plan. For this reason, I consider the reference can be retained. However, I cannot find the reference the last element of the policy makes, but in any case, the policy can be made more widely applicable.

The supporting text at paragraph 45 (and its footnote) refers to the Local Plan which has now been superseded by the new LP. This then needs updating.

With this modification, the policy will meet the basic conditions by having regard to national policy, be a local expression of the LP and particularly LP Policy LP28 and help to achieve sustainable development.

³⁹ Housing Needs Assessment, page 7

- Amend the first element of the policy to read: “Affordable housing delivered within The Walpoles should *usually* comprise:
 - 60% Affordable Rented Housing
 - 40% Affordable Home Ownership

unless up to date local needs evidence suggests a different mix would help to redress the housing stock and tenures in the Parish.”

- Delete the last part of the policy that reads: “...as defined in Paragraph 47 for First Homes.”

Policy 3: Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴⁰ Being clear about design expectations is essential for achieving this.⁴¹

It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁴² It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.⁴³

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁴⁴

LP Policy LP06 refers to climate change recognising the importance of, and future proofing against, the challenges of climate change and to support the transition towards net zero. This includes encouraging green and blue infrastructure, incorporating energy efficient schemes and addressing flood risk.

LP18 refers to design and sustainable development requiring all development to be of high quality design. Amongst other things, the policy seeks high standards of sustainable design, requires new development to be responsive to the context and character of places, enhance community wellbeing, incorporate green space and biodiversity measures, include Sustainable Drainage Systems and address water efficiency.

⁴⁰ NPPF para 131

⁴¹ Ibid

⁴² Ibid para 132

⁴³ Ibid para 133

⁴⁴ Ibid para 135

LP Policy LP21 requires, amongst other things, development to respond sensitively and sympathetically to the local setting and pattern of streets.

The character of the area is described on pages 21 and 22 of the Plan and reflects the Design Guidance and Codes 2023 prepared by AECOM. This work underpins Policy 3.

Policy 3 is a relatively long policy covering varied criteria. It seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character taking account of the NPPF's stance on design. It is based on the Design Guidance and Codes document, but I am concerned that it appears to select from that document rather than taken it as a whole. To me, this undermines the whole purpose of the document. Modifications are therefore made to the policy to make it more comprehensive and more robust.

The policy also refers to Appendix B which sets out a checklist based on the Design Guidance and Codes document. Again, the appendix is selective over what it includes. For the reasons given above, modifications are made to the appendix to ensure it refers to the Design Guidance and Codes document accurately and fully.

Additionally, criterion g. of the policy refers to views identified in Policy 4. Policy 4 does not identify any views and so this part of Policy 3 is amended.

There is also a minor accuracy correction to a figure number on page 19.

With these modifications, the policy will meet the basic conditions by having regard to national policy, being in general conformity with the LP and especially LP Policies LP06, LP18 and LP21 and helping to achieve sustainable development.

▪ **Amend Policy 3 to read:**

“As appropriate to their scale, nature and location development proposals must take account of and should be consistent with The Walpoles Neighbourhood Plan Design Guidance and Codes Document 2023.

The 11 Design Codes and the Checklist set out in Appendix B will be used to help assess all planning applications to determine their acceptability.

To reflect and enhance local distinctiveness, it will be particularly important for any new development to comply with all of the following criteria:

- a. New development *should respect* the heights and rooflines of other buildings in the area and be no higher than two storeys. Roof features such as dormer windows with bargeboards and chimney stacks should be considered *as features of the Plan area and incorporated whenever appropriate.***
- b. Architectural detailing and colours should respect the local vernacular of other buildings in the *area*. The use of brightly coloured render and**

inappropriate replacement features such as timber sash windows with uPVC *will usually* be resisted.

c. Building materials should respect the local character of existing *buildings*. Roofing materials should consist of slate tiles or red clay pantiles.

d. Frontage boundaries should use features which allow for visual connection with the street and the maximum height should not *usually* exceed 1.2m. Materials proposed for new boundary features should be of a high quality, responding to the local character and *pay* strong attention to architectural detailing as set out in Design Code 5.

e. New development should provide sufficient green space appropriate to the location and size of the scheme including grass verges and gardens. Dwellings should stand on no more than 50% of the footprint as set out in Design Code 8.

f. All parking and utility arrangements onsite such as septic tanks, bins and bike storage should have regard to Design Code 6 and be sensitively designed and well screened.

g. New developments should integrate new trees and vegetation to improve biodiversity net gain and wildlife without blocking existing widespread open views and future *views*.

Buildings should be designed to front onto streets and ensure that streets or public spaces have good levels of natural surveillance from adjacent buildings.

All development proposals are strongly encouraged to use energy efficient measures in their design and consider incorporating principles from Design Code 10 in the Walpoles Design *Guidance and Codes* document.”

- Amend Appendix B by:
 - Correct the title of the Appendix to “...Design *Guidance* and Codes document...”
 - Deleting the last bullet point in the box on page 60 of the Plan and replacing it with “*Ensure that places are designed with sensitive lighting and safety in mind.*”
 - Change the second sentence of the penultimate paragraph on page 60 of the Plan to read: “It is recognised that there *are* a large number of questions *which have been taken form the AECOM Walpoles Design Guidance and Codes Document (2023).*”
 - Add a new question after question 39 from page 62 that reads: “*Can green space be used for natural flood prevention e.g. permeable landscaping, swales etc.?*”
- Update the reference to “...Figure 16...” in paragraph 50 on page 19

Natural Environment

The NPPF states that policies should contribute to and enhance the natural and local environment including through the protection of valued landscapes and sites of biodiversity value, recognising the intrinsic character and beauty of the countryside and, minimising impacts on, and providing net gains for, biodiversity.⁴⁵

To protect and enhance biodiversity, the NPPF encourages plans to identify and map and safeguard local wildlife rich habitats and ecological networks, wildlife corridors and promote priority habitats as well as pursuing net gains for biodiversity.⁴⁶

The NPPF defines green infrastructure (GI) as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

As part of its drive to promote healthy and safe communities, the NPPF recognises the provision of safe and accessible GI can enable and support healthy lifestyles.⁴⁷

The NPPF indicates that plans should take a proactive approach to mitigating and adapting to climate change, taking into account long-term implications and support appropriate measures to ensure that communities are resilient to climate change impacts.⁴⁸

As part of this drive, new development should be planned in ways that, amongst other things, utilise GI as appropriate adaptive measures.⁴⁹

In relation to meeting the challenge of climate change, flooding and coastal change, the NPPF states that the planning system should support the transition to a low carbon future.⁵⁰ The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁵¹

It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁵²

⁴⁵ NPPF para 180

⁴⁶ Ibid para 185

⁴⁷ Ibid para 96

⁴⁸ Ibid para 158

⁴⁹ Ibid para 159

⁵⁰ Ibid para 157

⁵¹ Ibid

⁵² Ibid para 158

LP Policy LP19 encourages the protection of landscape character, biodiversity and geodiversity and supports biodiversity net gain and an integrated network of green infrastructure.

Policy 4: Biodiversity and Green Corridors

Policy 4 generally seeks to protect and enhance wildlife including through the use of buffer zones around sensitive sites where appropriate. The Plan usefully includes information on priority habitats in Figure 12 and ecological networks in Figure 13 as well as referring to principles in Figure 15, but I do not consider it necessary that the policy specifically references these figures as the information may change and is widely available.

The Plan then specifically identifies a number of green corridors which are shown on Figure 14 on page 30 of the Plan. In relation to green corridors, Policy 4 sets out three criteria for any development within or adjacent to a green corridor. This includes ensuring that improvement takes place and suitable mitigation is achieved when and where necessary.

The policy meets the basic conditions by having regard to national policy and guidance, is in general conformity with the LP, especially LP Policies LP06, LP18 and LP19 and will help to achieve sustainable development. No modifications are therefore recommended.

Policy 5: Trees

Trees are an important feature of the Parish and highly valued by the local community. Policy 5 seeks to protect existing trees from new development, sets out a standard for replacement trees and supports the planting of new trees.

A modification to the wording of the policy is recommended as I consider there is a potential anomaly between two of the policy's elements.

I also note the BCKLWN's comments about clarity over the phrase "new net development" in the replacement trees element of the policy and recommend a modification to address this.

With these modifications, the policy will meet the basic conditions by having regard to national policy and guidance, being in general conformity with the LP, particularly LP Policies LP06, LP18 and LP19 and helping to achieve sustainable development.

- **Amend the second sentence of the second paragraph on existing trees in Policy 5 to read: "Where there is an unavoidable loss of trees on site, the *type* of replacement trees should be informed by the quality and size of the lost trees and the requirements in the next section of this policy."**

- **Amend the second paragraph of the Replacement Trees element of the policy to read: “*Development schemes leading to a net increase in dwelling numbers on any site should replace trees on a 2 to 1 ratio...*”**

Policy 6: Local Green Spaces

Policy 6 seeks to designate three areas of Local Green Space (LGS). They are shown and numbered on Figure 17 on page 38 of the Plan. This policy is supported by a Local Green Space Assessment.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵³ The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁵⁴ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁵⁵

The NPPF sets out three criteria for green spaces.⁵⁶ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

LGS1 – Swingfield south of Wisbech Road is a green area on the corner of three roads and is adjacent to LGS2. At the time of my visit, the area had a number of temporary tents on it as well as a number of impressive trees and benches for sitting. It is used for events and is valued for its recreational use.

LGS2 – Churchyard of St Andrew is a peaceful and tranquil area, largely the churchyard for this Grade I listed building. There are also two sculptures in the churchyard which, I understand, are also listed. The area is valued for the historic and spiritual connections and as a space for biodiversity and wildlife. The designation excludes the Church itself.

LGS3 – Walpole St Peter Community Centre Recreational Field is the largest of the three proposed areas. At the time of my visit, the area was well used and clearly popular. It is used for community events as well as being valued for its recreational purposes. The proposed designation currently excludes the Community Centre building, but an area of car parking does seem to be included and should be removed from the proposed designation.

Based on the information in the Assessment and my site visit, in my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily subject to the revised

⁵³ NPPF para 105

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid para 106

boundaries for LGS3 to remove the area of car parking. No representations have been made that lead me to a different conclusion.

The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

Turning now to the wording of the policy, it designates the LGSs and states that development in the LGSs will be consistent with national policy for Green Belts. This has regard to the NPPF which is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁵⁷

There is also an item, the “Centre point” on Figure 17 which formed part of the LGS assessment process. It does not seem to me to serve any defined purpose at this stage and it is not referred to in the supporting text or policy; it should therefore be removed.

A further small amendment is made to Figure 17.

With these modifications to the extent of LGS2 and LGS3, the policy will meet the basic conditions.

- **Remove the area of car parking from LGS3, Walpole St Peter Community Centre Recreational Field**
- **Consequential amendments to the maps and so on will be needed**
- **Delete “LGS Centre point” from Figure 17 and its key and correct “LG2” on the key to “LGS2”**

Policy 7: Dark Skies

The NPPF indicates that policies should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.⁵⁸ In so doing, the NPPF refers to limiting the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.⁵⁹ This policy seeks to ensure that this aim of the NPPF is realised.

The policy therefore meets the basic conditions by particularly having regard to the NPPF, being in general conformity with the LP and helping to achieve sustainable development.

⁵⁷ NPPF para 107

⁵⁸ Ibid para 191

⁵⁹ Ibid

Policy 8: Water Management (SuDs)

Policy 8 sets out a requirement for all new development to ensure that surface water drainage and water resources are managed appropriately and encourages the appropriate use of sustainable drainage systems (SuDs). This is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁶⁰ It refers to the Design Guidance and Codes document. Lastly, the policy refers to dykes and ditches.

The supporting text sets out the issues well and there is particular local concern about surface water management. The Plan area is also located predominately within Flood Zone 3.

LP Policy LP25 refers to sites in areas of flood risk and includes support for SuDs.

The supporting text refers to Policy 9 and this should be corrected to Policy 8. With the modification, the policy will meet the basic conditions by having regard to the NPPF, being in general conformity with the LP and especially LP Policies LP06, LP18 and LP25 and helping to achieve sustainable development.

- **Amend the reference in the policy to “...the Walpoles Design *Guidance and Codes...*”**
- **Correct the reference to “...Policy 9...” in paragraph 91 on page 44 of the Plan to “...Policy 8...”**

Community Services and Facilities

Policy 9: Protection of Community Facilities

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.⁶¹ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities, particularly where this would reduce the community’s ability to meet day-to-day needs.⁶²

The NPPF cites open space and sports venues as part of the local services and community facilities which planning policies should retain and enable.⁶³ In addition, the NPPF recognises that planning policies should help to achieve healthy, inclusive and safe places which enable and support healthy lifestyles.⁶⁴ It recognises that access to a

⁶⁰ NPPF paras 173, 175

⁶¹ Ibid para 88

⁶² Ibid para 97

⁶³ Ibid para 88

⁶⁴ Ibid para 97

network of high quality open spaces and opportunities for sport and physical activity is important for health and wellbeing and can also deliver wider benefits for nature and support efforts to address climate change.⁶⁵ It states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless surplus to requirements or replacement by equivalent or better provision in terms of quantity and quality in a suitable location.⁶⁶

LP Policy LP39 protects existing facilities and the provision of new facilities. The loss of such a facility will not be permitted unless there is a suitable alternative or it is no longer viable or feasible.

The Plan explains that the Parish has a good range of services and facilities including a primary school and various local employment uses. However, there is also a lack of core facilities such as a supermarket and medical/health services.

Policy 9 identifies five community facilities. These are shown on Figure 22 on page 48 of the Plan. The facilities have been appropriately identified. The policy relies on the LP for their protection.

The policy meets the basic conditions by having regard to national policy, being in general conformity with the LP and particularly LP Policy LP39 and helping to achieve sustainable development.

Renewable Energy, Low Carbon Technologies and Associated Infrastructure

Policy 10: Renewable Energy, Low Carbon Technologies and Associated Infrastructure

In relation to meeting the challenge of climate change, flooding and coastal change, the NPPF states that the planning system should support the transition to a low carbon future.⁶⁷ The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁶⁸

It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁶⁹ Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.⁷⁰

⁶⁵ NPPF para 102

⁶⁶ Ibid para 103

⁶⁷ Ibid para 157

⁶⁸ Ibid

⁶⁹ Ibid para 158

⁷⁰ Ibid

LP Policy LP18 includes a specific element on renewable energy; the policy supports schemes unless there are unacceptable locational or other impacts which would not be outweighed by wider benefits.

LP Policy LP24 supports renewable energy including where such schemes are supported through a neighbourhood plan.

Policy 10 supports renewable energy and associated projects subject to three criteria on landscaping and parking. It also encourages developments to incorporate low carbon technologies into scheme layouts subject to those technologies having an acceptable impact on local character.

The Plan explains, and I saw at my visit, that the area has had many projects over the last few years and is an important location for national infrastructure scheme upgrades.

The BCKLWN in their legal check letter consider the policy could be made more robust and I agree. A modification is therefore made.

With this modification, the policy will meet the basic conditions by having regard to national policy and guidance, being in general conformity with the strategic policies and especially LP Policies LP06, LP18 and LP24 and helping to achieve sustainable development.

- **Amend the first sentence of the policy to read:**

“Proposals for renewable energy or associated infrastructure such as battery energy storage, solar or wind farm developments or substations will be supported where they fulfil all of the following criteria:”

Monitoring, Review and Implementation

This section indicates that the Plan will be reviewed regularly and I welcome this even though monitoring and review of neighbourhood plans is not currently mandatory.

The section also has a table which shows the two Community Actions and how these might be achieved.

Appendices

There are four appendices. Appendix A is a Policies Map and Inset. Appendix B is the Design Checklist associated with Policy 3. I have, in my discussion of that policy, recommended some modifications to Appendix B. Appendix C is a table showing information about renewable energy applications in the Parish and referred to in the supporting text of Policy 10. This information has been useful, but consideration should be given to the need to retain this in the made version of the Plan given it will become out of date very quickly. Appendix D is a helpful glossary.

7.0 Conclusions and recommendations

I am satisfied that the Walpoles Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to the Borough Council of King's Lynn and West Norfolk that, subject to the modifications proposed in this report, the Walpoles Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Walpoles Neighbourhood Development Plan should proceed to a referendum based on the Walpoles Neighbourhood Plan area as approved by the Borough Council of King's Lynn and West Norfolk on 29 July 2022.

Ann Skippers MRTPI

Ann Skippers Planning
28 August 2025

Appendix 1 List of key documents specific to this examination

The Walpoles Neighbourhood Plan 2022 – 2036 Regulation 15 Version

Statement of Basic Conditions (undated) (Collective Community Planning)

Consultation Statement (undated) (Collective Community Planning)

Strategic Environmental Assessment and Habitats Regulation Assessment Screening Report September 2024 (BCKLWN)

Strategic Environmental Assessment and Habitats Regulation Assessment Preliminary Screening Report May 2024 (Collective Community Planning)

Design Guidance and Codes Draft Report February 2023 (AECOM)

Housing Needs Assessment March 2023 (AECOM)

Local Green Space Assessment 2025

Evidence Base June 2023

Legal Check letter 7 March 2025 (BCKLWN)

King's Lynn and West Norfolk Local Plan 2021 – 2040 adopted 27 March 2025

List ends