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Borough Council of
**King's Lynn &
West Norfolk**



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Draft Walpole Cross Keys Neighbourhood Plan Review 2022-2038, submitted 26 August 2025: Legal Check under Schedule 4B of the Town and Country Planning Act 1990

11 September 2025

FAO Caroline Boyden (Parish Clerk)

Dear Caroline

I write on behalf of the Borough Council of King's Lynn and West Norfolk (BCKLWN) to confirm our receipt of the submission version of your draft neighbourhood development plan (Walpole Cross Keys Neighbourhood Plan Review 2022-2038) and accompanying supporting documentation. Firstly, I would like to wholeheartedly congratulate Walpole Cross Keys Parish Council and the neighbourhood planning group on successfully reaching the submission stage (Regulation 15, The Neighbourhood Planning (General) Regulations 2012) of the neighbourhood planning process.

As you may be aware, under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 there is now a requirement for BCKLWN, as the local planning authority, to undertake a check of the compliance of the plan along with its process to date. The relevant legal tests are set out in the 1990 TCPA and relevant sections of the Planning and Compulsory Purchase Act (PCPA) 2004. It is then an obligation of the local planning authority to issue a written statement clarifying the compliance (or otherwise) of the plan.

The Walpole Cross Keys Neighbourhood Plan Review 2022-2038 was initially submitted in January 2025. This was followed by the Regulation 15 legal check (6 March 2025¹), consultation under Regulation 16 (March – May 2025) and appointment of an independent Examiner (John Slater) in June 2025. The Examiner raised procedural concerns as to how the first draft (Regulation 14) consultation was undertaken (given that this is a Neighbourhood Plan Review, rather than a first Plan. At the direction of the Examiner, the Parish Council withdrew the submitted plan proposal, re-run the Regulation 14 consultation and resubmitted the Plan accordingly, on 26 August 2025.

¹ https://www.west-norfolk.gov.uk/download/downloads/id/9356/walpole_xk_reg_15_legal_check_letter_march_2025.pdf

The resubmitted Walpole Cross Keys Neighbourhood Plan Review 2022-2038 and supporting documentation have been subject to a new legal check, under Regulation 15. This letter comprises the formal view of BCKLWN and recommends whether the Review should be submitted for independent examination.

At this stage it is not a duty of the local planning authority to consider the plan proposal (Review) against the 'basic conditions' tests set out under Paragraph 8(2) of the TCPA 1990 (this is the role of the independent examiner). Nevertheless, I can confirm that BCKLWN is of the opinion that the draft Neighbourhood Plan is in general conformity with most relevant national and local strategic policies in force at the time of submission (26 August 2025). That is, the National Planning Policy Framework (February 2025 version) and King's Lynn and West Norfolk Local Plan 2021-2040 (adopted March 2025).

We note that the resubmitted Plan Review is accompanied by an updated Consultation Statement, which includes details of the Regulation 14 re-run consultation (July-August 2025). We note most of our outstanding concerns set out in our previous (6 March 2025) legal check letter (e.g. some detailed policy wordings, to ensure these are workable as policies for managing development, affordable housing/ housing mix policies, and the status of the 2022 Walpole Cross Keys Design Guidelines and Codes; i.e. its relationship to the Neighbourhood Plan itself) have been systematically analysed and addressed. Therefore, we are satisfied that any outstanding issues that we may have regarding the Neighbourhood Plan Review can be addressed through independent examination.

I note that your submissions also include the Basic Conditions Statement (BCS), which provides your detailed consideration of the plan submission against the requirements of the TCPA 1990 and the PCPA 2004. I also note that the BCS explains that the Neighbourhood Plan Review has given consideration to the latest (December 2024/ February 2025) version of the NPPF and recently adopted Local Plan 2021-2040.

As a Neighbourhood Plan Review, I note that the submitted Plan is accompanied by a Statement of Modifications from the Parish Council (Qualifying Body), as required by the relevant Regulations. This provided a systematic, policy-by-policy analysis; the Qualifying Body concluded that that the material modifications taken as a whole are not significant or substantial enough to change the nature of the plan. We (as local planning authority) have prepared a similar Statement of Modifications, also a requirement of the legislation. Through our analysis, we have concluded (contrary to the Parish Council's findings), that proposed modifications to the Walpole Cross Keys Neighbourhood Plan 2015-2026 (made 2017) do reach the threshold for material modifications which do change the nature of the plan, thereby requiring a referendum. The resolution of this matter rests with the Examiner.

Notwithstanding, on behalf of BCKLWN I am pleased to confirm the following:

- The plan **DOES** accord with all relevant provisions of the PCPA 2004 in that it: specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area;
- The plan **DOES NOT** comprise a 'repeat proposal' as defined under Paragraph 5 of the TCPA 1990;
- The submission **DOES** comprise the relevant documentation required under Paragraph 1 of Schedule 4B of the TCPA 1990 and as prescribed by Regulation

15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations');

- The plan **DOES** comply with all other provisions under section 61E(2), 61J and 61L of the TCPA 1990.

As stated above, we are satisfied that the plan proposal (including supporting documents) meets the requirements of Regulation 15. Given that this is a Neighbourhood Plan Review, the regulations require the local planning authority to undertake the following, before the Plan can proceed to Regulation 16 consultation and independent examination:

- Consideration of Material Updates to the Walpole Cross Keys Neighbourhood Plan 2015-2026, "made", October 2017 (local planning authority Statement of Modifications); and
- Screening of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA)

The Borough Council's Statement of Modifications, and SEA and HRA screening report are appended to this letter.

The next stage in the process is consultation on the Walpole Cross Keys Neighbourhood Plan Review 2022-2038, with reference to the Basic Conditions. This statutory consultation will be undertaken for 6-weeks (September – November 2025) under Regulation 16 of the 2012 Neighbourhood Planning (General) Regulations, as amended.

Given that an independent Examiner (John Slater) has already been appointed, in accordance with his Introductory Notes ([26 June 2025](#)), he will continue his examination as soon as the Regulation 16 consultation concludes (November 2025). The Neighbourhood Plan Review, supporting submission documents and details of how to make representations to it will be published on BCKLWN's [Neighbourhood Planning](#) web page.

Finally, on behalf of BCKLWN this letter represents the Council's formal view that the draft Walpole Cross Keys Neighbourhood Plan Review 2022-2038, complies with all relevant statutory requirements. Please do not hesitate to contact me if you have any further queries regarding the neighbourhood planning process from hereon.

Yours sincerely

Stuart Ashworth

Stuart Ashworth
Assistant Director, Environment and Planning

Attachments (appended to this letter):

- Walpole Cross Keys Neighbourhood Plan Review 2022- 2038 Consideration of Material Updates to the Walpole Cross Keys Neighbourhood Plan 2015-2026 ("made", October 2017)
- Borough Council of King's Lynn & West Norfolk screening report of the requirements for a Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) for the draft Walpole Cross Keys Neighbourhood Plan Review 2022-2038 (September 2025)