

Walpole Cross Keys Neighbourhood Plan Review 2022-2038

Consideration of Material Updates to the Walpole Cross Keys Neighbourhood Plan 2015-2026 (“made”, October 2017)

**Town & Country Planning Act 1990 (as amended) Section 31E (4)(b)
Neighbourhood Planning (General) Regulations 2012, Regulations 19 & 20**

BACKGROUND

The Walpole Cross Keys Neighbourhood Plan 2015-2026 passed its referendum on 28 September 2017 with an 81% vote in favour. The Plan was then adopted officially (“made”) on 4 October 2017. The Qualifying Body (Walpole Cross Keys Parish Council) has undertaken a review of the 2017 Neighbourhood Plan with support from residents to propose amendments or replacements to several existing policies and (where appropriate), to introduce new policies.

The Neighbourhood Plan Review (as submitted, 26 August 2025) states: *“The majority of the policies contained within this Plan are present within the adopted Walpole Cross Keys NDP (2015-2026). These have been updated to reflect local and national policy changes, to provide additional detail to help planning applicants and new information such as Design Codes. The policies will enable us to influence the design and type of any new homes being delivered in the Parish, as well as ensuring infrastructure improvements are delivered alongside growth to maximise community benefit.”* (paragraph 19). In other words, the Neighbourhood Plan Review consists of a mixture of policies being carried forward, amended or new policies.

WALPOLE CROSS KEYS NEIGHBOURHOOD PLAN REVIEW OBJECTIVES:

1. Ensure future housing development meets the needs of the local population and comprises a range of house sizes including smaller to medium sized dwellings providing opportunities for all age groups to stay in the village such as the elderly, younger adults looking for their first home and couples wishing to start or expand their families.
2. New housing will be sensitively designed in line with the Walpole Cross Keys Design Codes 2022 and will be appropriately located in existing built-up areas both north of the A17 and south of the A17.
3. Walpole Cross Keys will continue to be a small parish made up predominantly of a mixed variety of dwellings mainly built in ribbon development.
4. Protect and enhance Walpole Cross Keys natural environment including important local views.
5. Reduce the impact of flooding and ensure that surface water flood risk is not exacerbated by new development.
6. Any traffic impacts associated with new development will be acceptable and distributed more evenly throughout the built-up areas.

7. The next generation of this village's inhabitants will inherit a community that has its own integrity, and continues to offer facilities, and a strong sense of community spirit, all of which have been important vestiges found here in both the past and present.

PROPOSED MODIFICATIONS: SUMMARY OF POLICY CHANGES

The full modifications to the 2017 adopted Walpole Cross Keys NDP are set out in the Walpole Cross Keys NDP Statement of Modifications Document. This provides the full details about the proposed changes to individual Neighbourhood Plan policies and/or where new policies are to be introduced. The following policies from the current Neighbourhood Plan are to be amended:

Neighbourhood Plan Objectives	Changed to align with the order of the policies in the updated plan.
Policy 1 – New Residential Development in the Neighbourhood Plan Area	Revised slightly to reflect recent development changes in the parish within the development boundary.
Policy 2 – Extensions and Conversions to form Residential (including from commercial uses)	Revised to reference Design Code 4 specifically from the Walpole Cross Keys AECOM Design Codes and Guidance document 2022.
Policy 3 – Housing Mix	Revised so applications have to have due regard to the latest local housing need such as the Walpole Cross Keys Housing Needs Assessment 2023
Policy 4 – Rural Exceptions: Affordable Housing for Local People	Revised with a more specific break down of affordable housing models, taken from Walpole Cross Keys Housing Needs Assessment 2023.
Policy 5 – Development Design (all developments)	Revised with more detailed design criteria, taken from the Walpole Cross Keys AECOM Design Codes and Guidance document 2022.
Policy 6 – Managing and Reducing Flood Risk	Revised policy including further detail from AECOM Design Codes and Guidance document, so applicants have due regard to Design Code 10- Water Management (to become Policy 7: Flood Risk and Water Management)
Policy 7 – Employment Related or Agriculture and Horticulture Related Development	Minor Modifications only; scope and intention of the policy are unchanged (to become Policy 10)
Policy 8 – Site at Old Station	Minor Modifications only; scope and intention of the policy are unchanged (to become Policy 11 – Brownfield Sites)
Policy 9 – Protection of Community Facilities	Minor Modifications only; scope and intention of the policy are unchanged (to become Policy 12)
Policy 10 – Transport and Access	Further wording added to consider public rights of way and what is considered to be significant harm (to become Policy 13)

PROPOSED MODIFICATIONS: NEW POLICIES

The Neighbourhood Plan Review includes the addition of the following new policies:

- Policy 6: Residential Parking Standards – New policy for applicants to have regard to parking standards and specifically the detail set out in the AECOM Design Codes and Guidance document
- Policy 8: Protection of Important Local Views – New policy for applicants to have regard to the important local views which have been identified in the plan area
- Policy 9: Dark Skies – New policy for applicants to have regard to minimising light pollution in the area.

ANALYSIS OF PROPOSED MODIFICATIONS

As stated in the [Neighbourhood planning guidance \(Para 106\)](#), and listed below, there are three types of modification options which can be made to a neighbourhood plan:

1. Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
2. Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
3. Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

PARISH COUNCIL CONCLUSIONS

The Parish Council, through its submitted Modification Statement, considers that the material modifications taken as a whole, are not significant or substantial enough to change the nature of the plan. The Parish Council believes, overall, that this review would fall under modification 2.

LOCAL PLANNING AUTHORITY ASSESSMENT

The Borough Council has reviewed the Parish Council's Modifications, the analysis underpinning this and the conclusions. The Parish Council has identified the following factors underpinning its decision to review the 2017 Neighbourhood Plan:

- a) latest data available from the census 2021;
- b) current viewpoints from the community (Walpole Cross Keys Views Assessment 2024);
- c) take the opportunity to have more detailed policies with input from AECOM commissioned documents (Housing Needs Assessment; Design Guidance and Codes); and
- d) latest National Planning Policy Framework (NPPF) and Local Plan 2021- 2040.

Policy	Factor (a-d)	BCKLWN (local planning authority) analysis	BCKLWN conclusions (modification category 1-3)
Neighbourhood Plan Objectives	a, c, d	The NDP Review includes some changes to the Plan objectives, most of which the Parish Council (Qualifying Body) considers to be consequent changes in response to NDP policies. However, it acknowledges these are material, including (most significantly), a new objective (4) to protect and enhance the natural environment and protect local important views. The introduction of a new objective is clearly a substantive change. This places an increased emphasis upon both the natural environment and locally defined views, which are broadly absent from the 2017 NDP. However, the Plan Vision remains unchanged.	The introduction of a new objective is clearly a material change. This places an increased emphasis upon the natural environment and local landscapes, which is arguably could change the nature of the plan. Notwithstanding, the Plan Vision itself remains unchanged. It could be argued that new objective 4 does not move significantly from the 2017 NDP strategy, which already states <i>“The Plan reflects a healthy interest in the history of the village and in its natural environment which must be protected”</i> (p11). The exception is the second part of objective 4, to protect local important views. The 2017 NDP makes virtually no reference to these. The proposed changes to Plan objectives largely represent a clarification, rather than changing the nature of the Plan itself. The exception is the introduction of local important views, which arguably represents a material change to the nature of the Plan. (Category 3).
Policy 1: New Residential Development in the Neighbourhood Development Plan Area	c	The proposed changes to Policy 1 reflect the recently published AECOM evidence base documents (Housing Needs Assessment and Design Codes). The most significant changes relate to criterion c, which moves away from supporting	Although changes to Policy 1 clearly represent significant material changes (thereby requiring re-examination), further direction is provided by PPG para 106 as to what constitutes a material

Policy	Factor (a-d)	BCKLWN (local planning authority) analysis	BCKLWN conclusions (modification category 1-3)
		“ribbon development close to the existing building line”, to “infill between existing dwellings”. These changes are substantive, insofar as these are more restrictive than the 2017 NDP. Notwithstanding, in accordance with the Planning Practice Guidance (PPG), para 106, such changes could be argued to represent the addition of a design code and/ or updated evidence base, building upon existing policy, although it should be accepted that the criterion c changes are significantly more restrictive.	modification changing the nature of the NDP. In the case of changes to criterion c (i.e. replacing “ribbon” with “infill” development), these are clearly significant. However, it could be argued that these build upon existing policy for managing development in/ around the built-up area, rather than a fundamental change in the direction of the Plan. Arguably therefore, these proposed changes may not be so substantial as to require a referendum (Category 2).
Policy 2 – Extensions, Outbuildings and Conversions (including residential and commercial uses)	c	The proposed changes to Policy 2 represent detailed wording changes, predominantly to strengthen policies (i.e. improve effectiveness) from the 2017 NDP. Although such changes are material modifications, they have arisen, as a result of the AECOM Design Guidance and Codes.	The PPG (para 106) explicitly explains that such changes update NDP policies, to align with the AECOM Design Codes. Therefore, these updates represent Category 2 modifications.
Policy 3: Housing Mix	a, c, d	Policy 3 has largely been updated to reflect the latest published evidence (AECOM Housing Needs Assessment). Changes also reflect legislative changes, notably regarding Custom and Self-Build Housing. The QB’s Modification Statement clearly explains how and why such changes have been made.	The proposed modifications to Policy 3 represent consequential material changes, arising from the latest evidence base. As such these are not considered to change the nature of the NDP (Category 2).
Policy 4: Affordable Housing	a, c, d	Policy 4 has largely been updated to reflect the latest published evidence (AECOM Housing Needs Assessment). The QB’s Modification Statement clearly explains how	The proposed modifications to Policy 4 represent consequential material changes, arising from the latest evidence base. As such these are not

Policy	Factor (a-d)	BCKLWN (local planning authority) analysis	BCKLWN conclusions (modification category 1-3)
		and why such changes have been made.	considered to change the nature of the NDP (Category 2).
Policy 5: Design	c	The proposed changes to Policy 5 have arisen from publication of the AECOM Design Codes. These changes, although material, are correctly identified by the QB as providing more detailed direction, in response to the latest available evidence. Other changes include addition of a cross reference to the checklist (Appendix B).	The proposed modifications to Policy 5 represent consequential material changes, arising from the latest evidence base. As such these are not considered to change the nature of the NDP (Category 2).
New Policy 6: Residential Parking Standards	c	New Policy 6 represents a new policy within the Plan. As such, as a starting point this would represent a material modification changing the nature of the plan. Notwithstanding, the new residential parking policy has arisen solely in response to the AECOM Design Codes. It is therefore considered to represent an example of policy criteria building upon design criteria within the 2017 NDP Policy 5, which refers to both residential amenity and road safety.	New Policy 6 has been assessed with reference to its contents and supporting evidence. The PPG provides specific examples of where substantive material modifications do not change the nature of a plan. This, notably, refers to design codes. Therefore, Policy 6 is considered to represent a development of current Policy 5, rather than an entirely new direction for the Plan (Category 2).
Policy 7: Flood Risk and Water Management	c	Policy 6 (2017 NDP – now Policy 7) has largely been updated to reflect the latest published evidence (AECOM Housing Needs Assessment) and flood risk guidance from key stakeholders (e.g. Anglian Water). The QB's Modification Statement clearly explains how and why such changes have been made.	The proposed modifications to Policy 6(7) represent consequential material changes, arising from the latest evidence base. As such these are not considered to change the nature of the NDP (Category 2).
New Policy 8: Protection of Important Local Views	b	New Policy 8 represents a new policy within the Plan. As such, as a starting point this would represent a material modification changing the nature of the plan.	The introduction of Local Views represents more restrictive approach than that proposed through 2017 NDP Policy 1, with reference to existing

Policy	Factor (a-d)	BCKLWN (local planning authority) analysis	BCKLWN conclusions (modification category 1-3)
		The 2017 NDP makes a single reference to “one gap in frontage providing open views into countryside, on south-eastern side” (Station Road North, p16). However, the 2017 Plan does not include Local Views as a policy concept. These have been introduced through a new bespoke evidence base (2024 Views Assessment), which has proposed 8 Important Local Views around the village.	opportunities for infill development. Therefore, the introduction of 8 new Important Local Views (land-use designations) represents a significant restriction upon the current (2017) Plan strategy. This is therefore considered to represent a material modification which changes the nature of the Plan (Category 3).
New Policy 9: Dark Skies	c	New Policy 9 represents a new policy within the Plan. As such, as a starting point this would represent a material modification changing the nature of the plan. The new policy reflects the new Objective 4, to protect and enhance the natural environment. This concept is already referenced in the 2017 NDP strategy, at p11. Therefore, it arguably represents a scenario where the new Plan builds on existing design policies.	New Policy 9 has been assessed with reference to its contents, justification and supporting evidence. The PPG provides specific examples of where substantive material modifications do not change the nature of a plan. Notably, protection of the natural environment is referenced in the 2017 NDP. Therefore, Policy 9 is considered to represent a development of current Policy 5 (Design), rather than an entirely new direction for the Plan (Category 2).
Policy 10: Employment Related or Agriculture and Horticulture Related Development		Changes to Policy 7 (to become Policy 10) were considered by the QB through the Modifications Statement. These were considered minor/ non-material amendments, relating solely to presentation.	Analysis of the proposed modifications reveals these are solely presentational; i.e. minor/ non-material. Therefore, BCKLWN concurs with the QB's conclusions (Category 1).
Policy 11- Old Station Site		Changes to Policy 8 (to become Policy 11) were considered by the QB through the Modifications Statement. These (cross references) were considered minor/ non-material amendments, relating solely to presentation.	Analysis of the proposed modifications reveals these are presentational (cross-referencing); i.e. minor/ non-material. Therefore, BCKLWN concurs with the QB's conclusions (Category 1).

Policy	Factor (a-d)	BCKLWN (local planning authority) analysis	BCKLWN conclusions (modification category 1-3)
Policy 12 – Protection of Community Facilities	d	Changes to Policy 9 (to become Policy 12) were considered by the QB through the Modifications Statement. These (including cross references to now redundant/ defunct Local Plan policies) were considered minor/ non-material amendments, relating solely to presentation.	Analysis of the proposed modifications reveals these are presentational (cross-referencing, including outdated policy references); i.e. minor/ non-material. Therefore, BCKLWN concurs with the QB's conclusions (Category 1).
Policy 13 – Transport and Access	d	Proposed changes to Policy 10 (to become Policy 13) relate to the addition of explicit criteria for assessing the impact of development upon public rights of way, and the need to provide suitable mitigation. These additional criteria represent a tightening of the policy to improve its effectiveness. The 2017 NDP includes references to maintaining footpaths (Community Actions), but the updated Policy 10(13) recognises that development could directly impact these. It is important to mitigate any adverse impacts from development, and the amended policy seeks to address this.	The QB's analysis correctly identifies the additional policy criteria to represent material modifications. These are considered to provide additional clarification, highlighting the importance of public rights of way as transport infrastructure. The new criteria are substantive changes, but BCKLWN concurs with the QB that these are not considered to change the nature of the Plan itself (Category 2).

LOCAL PLANNING AUTHORITY CONCLUSIONS AND DECISION

The Borough Council (as local planning authority) has systematically reviewed the Parish Council's modifications to the Walpole Cross Keys' Neighbourhood Plan 2015-2026 (made 2017). In most cases, modifications are minor/ non-material (**Category 1**) or material modifications which do not change the nature of the plan (**Category 2**). The Borough Council broadly concurs with the Parish Council's (as statutory QB) analysis.

However, we (the Borough Council) consider that New Policy 8: Protection of Important Local Views reaches the threshold, for a material modification which does change the nature of the plan. The identification and introduction of 8 new Important Local Views (land-use designation) represents a significant tightening of the Neighbourhood Plan approach to managing windfall development in/ around the existing built-up areas.

Furthermore, the Plan Review includes an extensive and wide-ranging series of material changes to policies, with all but three of the 10 policies in the 2017 NDP identified as having material changes (in both the Parish and Borough Councils' assessment). The cumulative (in-combination) effect of these material changes to 70% of policies, plus the addition of 3 new policies) is considered to represent a change in the overall nature of the Plan (**Category 3**).

Overall therefore, it is concluded that the addition of New Policy 8 (Protection of Important Local View) and the cumulative effects of material changes to 70% of the existing 2017 NDP policies, reaches the threshold for material modifications which do change the nature of the plan, thereby requiring a referendum (**Category 3**).

FURTHER INFORMATION

For further information contact the Borough Council's Planning Policy Team on 01553 616200, or email planning.policy@west-norfolk.gov.uk.

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