

## **Norfolk County Council Comments on:**

### **Borough King's Lynn and West Norfolk Local Plan Review 2019**

**April 2019**

#### **1. Preface**

- 1.1. The officer-level comments below have been agreed with the Executive Director of Community and Environmental Services. The comments are made on a without prejudice basis and the County Council reserves the right to make further comments on the emerging Local Plan.

#### **2. Introductory Comments**

- 2.1. The County Council welcomes the opportunity to comment on the above Local Plan Review consultation document. The County Council has not commented on all sections of the document, but has instead concentrated on responding to the key strategic issues effecting the Authority in respect of its:

- Infrastructure delivery role (for example for transport, education and library provision);
- Minerals and Waste Authority responsibility - ensuring that County Council policies and projects are not compromised;
- Lead Local Flood Authority;
- Historic Environment; and
- Landowner - ensuring that the County Council's land is promoted for development where required to deliver growth.

#### **3. Housing**

- 3.1. LP01 Spatial Strategy Policy - The County Council supports the level of housing growth outlined in section 4.1 (555 pa), which sets out the level of flexibility factored into the calculations with 10% included across the Borough (excluding West Winch) and a further 5% at the West Winch growth area. The target of 555 dwellings per annum is also consistent with historical completion rates.
- 3.2. LP25 Housing - It is understood from the Borough Council Annual Monitoring report 2017/18 that the average level of affordable housing delivered was 9% of new builds and the County Council supports the target of 15% in the King's Lynn built up area and 20% across the rest of Borough, which will assist in the delivery of housing and enable appropriate developer-funded infrastructure.
- 3.3. Should you have any queries with the above comments please call or email Laura Waters (Senior Planner) on [REDACTED]

#### **4. Economy**

- 4.1. The County Council supports the economic vision and strategic objectives identified in document.

- 4.2. LP01 Spatial Strategy Policy – Strategic Growth Corridor – The Local Plan review aim of increasing emphasis upon the A10/Main Rail Line from King’s Lynn to Cambridge and London King’s Cross is broadly supported however, other areas of the Borough are considered capable of accommodating economic growth and should not be over-looked particularly the potential of the A47 transport corridor. Reference could be made to the A47 Alliance and the set of agreed priorities for the Roads Investment Strategy 2 (2020- 2025) including Tilney to East Winch Dualling.
- 4.3. LP37 Rural Areas Policy – The County Council supports the inclusion of a Policy for the rural areas and supports the objectives of the policy including:
- Promoting sustainable communities and sustainable patterns of development;
  - Supporting diversification;
  - Improving accessibility.
- 4.4. The County Council would support Local Plan policies which aim to protect the rural economy and services/facilities such as public houses, local shops and valued facilities.
- 4.5. LP06 The Economy Policy – the County Council generally welcomes the proposed plan to continue to allocate the existing sites from the Site Allocations and Development Management Policies and supports the priority to support the regeneration and expansion of town centres. This continues with a town centre first approach in line with the NPPF, for retail, leisure and cultural uses.
- 4.6. Should you have any queries with the above comments please call or email Laura Waters (Senior Planner) on [REDACTED]

## 5. **Transport**

- 5.1. **5.5 LP10 Strategic Road Network Policy** – reference should be made to the Major Road Network and Strategic Road Network.
- 5.2. **5.6 LP11 - Disused Railway Trackways Policy** – additional reference should be included to the County Council’s Greenways Work.
- 5.3. **Policy LP12 Transportation 1.** – The document refers to the New Anglia Local Transport Body - this should be amended to the New Anglia Transport Board; and reference should be made to other partners including: the Department for Transport; and the Government ..
- 5.4. **Policy LP12 Transportation 2.a.i** – May be worth noting the A47 Alliance and separating out the West Winch Housing Access Road.
- 5.5. **Policy LP12 Transportation 2.a.iv** – add London Liverpool Street line.
- 5.6. **Policy LP12 Transportation 2.c** – add the King’s Lynn Air Quality Management Area.
- 5.7. **Policy LP12 Transportation 5.** – remove this paragraph as it repeats section 2. b.

- 5.8. The following comments on proposed housing allocations should also be reflected in the Policies for each site.
- 5.9. **BM1 - Burnham Market - Land South of Joan Short's Lane and East of Creake Road**  
Sections of frontage footway should be provided on Creake Road linking to the existing footway provision on the western side via a suitable pedestrian crossing. Ideally the new footway should be 1.8 m in width. Further improvements will be required to the wider footway provision linking the site to/from the main residential parts of the village both to the north and the south. Access improvements would also need to be implemented.
- 5.10. **DOC1 - Docking - Land South of Pound Lane and West of Bradmere Lane**  
Subject to the off-site improvements approved by the adjacent development and possible improvements on Bradmere Lane
- 5.11. **RUD1 - East Rudham - Land North of Lynn Road**  
This would need to provide a minimum visibility splay of 2.4x 90m. There should be pedestrian access and a crossing of the A148 to provide links to the school. These requirements need to be referred to in the policy.
- 5.12. **GM1 - Great Massingham - Land East of Castle Acre Road**  
Subject to access as this may require land for the required visibility splay across the now unallocated section. If this site is an extension to the existing village and will provide some frontage development with a continuous footway; a visibility splay measuring 2.4 x 59m is likely to be acceptable. If this is not the case the visibility splay would probably be 2.4 or 4.5 x 90m, depending on the scale of development and speed of traffic. Highways would expect the site owner to provide evidence to show that this could be achieved.
- 5.13. **MAR1 - Marham - Land off School Lane**  
Mill Lane, School Lane and Church road are all sub-standard. As Highways are looking at a new plan we would not like to see the site come forward and we are now placing significant emphasis on the ability to achieve safe pedestrian access to school which this site cannot. Therefore, it is considered that roads are narrow with no footways and a safe access, particularly pedestrian access, cannot be provided between the site and The Street. This is not a preferred site.
- 5.14. **WAT1 - Watlington - Land to East of Downham Road and West of Mill Road**  
If this site came forward as one and provided the main access onto Downham Road with a link road through to Mill Road. There would also need to be improvements to Mill Road and improvements to the Mill Road/ Church Road Junction.
- 5.15. **SOU1 - Southery - Land to North of Lions Close**  
If this site is accessed through the new estate road that is under construction to the south onto Lions Close it would be acceptable.
- 5.16. **TSC1 - Terrington St Clement - Land South of Northgate Way and West of Benn's Lane**  
Subject to vehicle and pedestrian access onto Churchgate Way and providing a

through road. Vehicular access onto Churchgate Way is considered essential if possible to avoid impact on the sub-standard Bennis Lane.

- 5.17. **TSL1 - Tilney St Lawrence - Land adjacent to Tilney St Lawrence Primary School/West of School Road**  
Would need to provide at least a part time 20mph speed limit.
- 5.18. **TSL2 - Tilney St Lawrence - Land West of School Road**  
Would need to provide at least a part time 20mph speed limit.
- 5.19. **MSJ1 - Marshland St James - Land South of School Road**  
Would need to provide at least a part time 20mph speed limit.
- 5.20. **WSA1 - Walpole St Andrew - Land South of Wisbech Road**  
Not a preferred site as there are no continuous footways back to services.
- 5.21. **EM1 - Emneth - Land North of Church Road**  
Subject to footway improvements and a junction improvement at Bambers Lane. Footway improvements must provide a connection to the existing footway to the east of Gypsy Lane.
- 5.22. **MID1 - Land west of School Road, Middleton**  
Subject to footway improvements along site frontage.
- 5.23. Should you have any queries with the above comments please call or email Hannah Grimes on [REDACTED]

## 6. **Historic Environment**

- 6.1. **2.2.3 Environment** - The Sustainability Appraisal only acknowledges the presence of the designated heritage assets within the Borough. Non-designated heritage assets are not mentioned in this section.

Non-designated heritage assets (referred to in the Review as undesignated heritage assets) are only mentioned in Policy LP14 Coastal Areas and no specific provision is made for them elsewhere in the Review. This needs to be addressed. Non-designated heritage assets make up the bulk of the Borough's historic environment. They will include assets of demonstrably equivalent significant to designated heritage assets (NPPF footnote 63) and those which have never been assessed for designation, but which may be designated if considered for listing/scheduling.

- 6.2. **6.4 LP17 Environmental Assets – Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity Policy**
- 6.3. **6.4.1** This list should also acknowledge the presence of the large number of non-designated heritage assets that exist within the Borough. This is particularly important as there are no specific policies relating solely to the historic environment. It should be clear in the Review that both designated and non-designated heritage assets will be considered as required by NPPF paragraphs 193-197.

- 6.4. **Policy LP17 3.** The wording could be amended as follows to keep it in line with NPPF;

Development should seek to avoid, and where this is not possible justify, mitigate or compensate for, any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest.

It is unclear what is meant at the end of this paragraph by the 'creation' of new geodiversity and heritage interest. Sites of this type cannot necessarily be created in the same way that biodiversity habitat can. The wording here may need to be amended to reflect this.

- 6.5. **Policy LP17 6.** The wording of this paragraph largely duplicates that of paragraph LP17 3. The County Council's comments on LP17 3 also apply here.

6.6. **9.1 LP34 – King's Lynn Policy**

LP34 8. The wording could be amended as follows;

Within the historic and commercial cores of the town, new development will be required to demonstrate a high quality of design which, without stifling innovation, respects and enhances the wider historic surroundings (including archaeological interest) and reinforces a positive visitor experience to the town and consequently supports the local tourism, leisure and cultural economies.

6.7. **10.4.2 F2.2 Hunstanton – Land to the east of Cromer Road**

F2.2 6. "Submission of a Heritage Asset Statement that establishes that there will be no negative impact on Heritage Assets in the locality, accompanied by an Archaeological Field Evaluation of the site".

Whilst a heritage statement may still be required to address any setting issues, and archaeological field evaluation has been completed for this allocation site and no further archaeological work is required. Consequently, the wording of F2.2 6 can be amended removing the requirement for an archaeological field evaluation.

- 6.8. **12.9.1 G35.1 - Feltwell - Land to the rear of Chocolate Cottage, 24 Oak Street**  
G35.1 5 and 12.9.1.7 The reference to paragraph 128 of NPPF should be updated to paragraph 189.

- 6.9. **12.9.2 G35.2 - Feltwell - Land north of Munson's Lane**  
G35.2 5 and 12.9.2.9 The reference to paragraph 128 of NPPF should be updated to paragraph 189.

- 6.10. **12.9.2 G35.4 – Hockwold cum Wilton - Land south of South Street**  
G35.4 4 and 12.9.4.7 The reference to paragraph 128 of NPPF should be updated to paragraph 189

- 6.11. **12.9.2 G43.1 – Great Massingham - Land south of Walcups Lane**  
G43.1 3 The reference to paragraph 128 of NPPF should be updated to paragraph 189

- 6.12. In addition to F2.2, the Historic Environment team are aware of other allocated sites in the Local Plan Review for which the archaeological status has changed (where an archaeological evaluation has been carried out but where further archaeological fieldwork is required). It will take addition time to review all of these in detail, but we can provide comments to the Borough separately, so the policy wording can be revised where appropriate.

It should be noted that the absence of a specific policy or text description requiring an archaeological assessment or field evaluation at a particular allocated site, should not be taken as an indication that no archaeological assessment, field evaluation or other archaeological work is required, either prior or subsequent to the granting of planning permission.

The Historic Environment Record is constantly being updated - New discoveries are made and existing sites and buildings can be reinterpreted. The implementation of new national or local historic environment guidance and policy can lead to reassessment of the significance of individual or groups of heritage assets. Consequently, the baseline archaeological information against which the historic environment implications of an allocated site needs to be assessed will change throughout the lifetime of the Plan depending when it comes forward for development.

- 6.13. Should you have any queries with the above comments please call or email Dr James Albone on [REDACTED]

## 7. Minerals and Waste

- 7.1. The Mineral Planning Authority notes and welcomes the wording included in the policies for new allocations underlain by safeguarded mineral resources. It is important that any future applicant on these sites engages at an early stage with the Mineral Planning Authority in relation to the preparation and submission of any mineral resource assessment. Mineral resources which are of national importance occur with the boundaries of the Borough, and their scarcity and importance to downstream industries would need to be recognised within any future assessment.
- 7.2. The Borough Council may find it useful to highlight within the supporting text for such policies, that the Mineral Planning Authority has published standing advice on the preparation of Mineral Resource Assessments on its webpage. These can be found by following the link [www.norfolk.gov.uk/nmwdf](http://www.norfolk.gov.uk/nmwdf) and clicking on the 'Adopted Policy documents' button.
- 7.3. **Specific Policy comments**
- 7.4. **The allocation Policy E1.4** contains a requirement at point 1.d. for a 'Mineral Assessment'. A mineral assessment was submitted to the Mineral Planning Authority as part of the 16/02231/OM application. The intrusive site investigations that took place across the site were able to prove to the satisfaction of the Mineral Planning Authority that viable mineral did not occur on site, and that 'needless sterilisation' would not occur. It may be useful for the Borough Council to include this within the supporting text for the allocation to amend part of paragraph 9.6.1.12 and remove point 1. d.

7.5. The Mineral Planning Authority considers that similar wording to that included in the policies for the proposed new allocations, regarding mineral assessment, should be used in **Policy E2.1**, part B-point 8 to be replaced by:

8. Submission of an Environmental Statement that satisfies Norfolk County Council that: the applicant has carried out investigations to identify whether the resource (silica sand) is viable for mineral extraction; and if the mineral resource is viable, that: the applicant has considered whether it could be extracted economically prior to development taking place.

In paragraph 9.4.1.60, the last bullet point is inconsistent with the text contained in the second sentence of paragraph 9.4.1.62 and should be removed. In paragraph 9.4.1.60 the third and fourth bullet points are not supported by evidence and should either be removed, or evidence provided to justify their inclusion.

7.6. The Mineral Planning Authority considers that similar wording to that included in the policies for the proposed new allocations, regarding mineral assessment, should be used in Policy F1.3, point 1.f to be replaced by:

f. Submission of an Environmental Statement that satisfies Norfolk County Council that: the applicant has carried out investigations to identify whether the resource (silica sand, carstone) is viable for mineral extraction; and if the mineral resource is viable, that: the applicant has considered whether it could be extracted economically prior to development taking place; and if the mineral resource can be extracted economically, whether there are opportunities to use the onsite carstone resource during the construction phase of development.

7.7. The allocation Policy F1.4 contains a requirement at point a.e. for 'an assessment of the potential for extracting, either in advance of development or in the course of its development, any viable reserve of carstone or silica sand on the site.' A mineral assessment was submitted to the Mineral Planning Authority as part of the 16/01322/OM application. The intrusive site investigations that took place across the site were able to prove to the satisfaction of the Mineral Planning Authority that viable mineral did not occur on site, and that 'needless sterilisation' would not occur. It may be useful for the Borough Council to include this within the supporting text for the allocation, and remove point a.e.

7.8. The allocation Policy F2.4 contains a requirement at point 14 for 'Submission of an Environmental Statement that satisfies Norfolk County Council that: the applicant has carried out investigations to identify whether the resource (sand, gravel, carstone) is viable for mineral extraction; and if the mineral resource is viable, that: the applicant has considered whether it could be extracted economically prior to development taking place; and if the mineral resource can be extracted economically, whether (or not): there are opportunities to use the onsite resource during the construction phase of development.' A mineral assessment was submitted to the Mineral Planning Authority as part of the application. Intrusive site investigations that took place across the site were able to prove to the satisfaction of the Mineral Planning Authority that viable mineral did not occur on site, and that 'needless sterilisation' would not occur. It may be useful for the Borough Council to include this within the supporting text for the allocation and remove point 14.

7.9. For your information, the Mineral Planning Authority would object to any future change of wording to the new allocations which sought to remove the requirement to

satisfy the Mineral Planning Authority regarding mineral resource assessment and subsequent action to prevent 'needless sterilisation' of mineral resources.

- 7.10. Should you have any queries with the above comments please call/email Richard Drake on [REDACTED]

## 8. **Implementation**

- 8.1. **LP05 Infrastructure Provision and Funding** – The County Council welcomes this policy and the recognised importance of delivering infrastructure in a timely manner. The policy clearly sets out that the Borough Council operates the Community Infrastructure Levy (CIL) and in addition Section 106 obligations will be sought for specific on-site infrastructure.

Whilst the type of funding has been identified in the Local Plan, the Borough Council should provide more details on the process for spending their CIL. It would be helpful to understand what mechanisms are, either in place or proposed, to allow bidding for such funds in line with the Boroughs CIL Regulation 123 list.

It is recommended that the Borough Council engage with key service providers (for example, Norfolk Fire and Rescue Services; Library Services, Children's Services and Highways) ahead of taking the plan forward.

- 8.2. The sustainable travel references should be framed within the context of a Travel Plan as the means to delivery. This would be in line with what we would expect to see with regard S106 Planning Obligations.

## 9. **Lead Local Flood Authority**

- 9.1 **For Brownfield development** the LLFA would recommend the inclusion of:

Betterment of surface water runoff from an existing brownfield runoff must be considered. Brownfield surface water runoff rates and volumes should be attenuated as close to greenfield rates as possible. There is no historic right of connection if a development has been demolished.

Building over existing surface water drainage infrastructure should be avoided. The LLFA recommend that any existing drainage scheme is diverted rather than built over as this can lead to internal property flooding if not adequately designed.

- 9.2 **Critical Drainage Catchments** are mentioned but there is no real specific measures for them. Below is an example from Norwich City Council:

Within the identified critical drainage catchments and in other areas where the best available evidence indicates that a serious and exceptional risk of surface water flooding exists, all development proposals involving new buildings, extensions and additional areas of hard surfacing should ensure that adequate and appropriate consideration has been given to mitigating surface water flood risk.

Developers will be required to show that the proposed development:

- a) would not increase the vulnerability of the site, or the wider catchment, to flooding from surface water run-off from existing or predicted water flows; and
- b) would, wherever practicable, have a positive impact on the risk of surface water



flooding in the wider area.

Development must, as appropriate, incorporate mitigation measures to reduce surface water runoff, manage surface water flood risk to the development itself and to others, maximise the use of permeable materials to increase infiltration capacity, incorporate on-site water storage and make use of green roofs and walls wherever reasonably practicable.

The use of permeable materials, on-site rainwater storage, green roofs and walls will be required unless the developer can provide justification to demonstrate that this would not be practicable or feasible within the constraints or configuration of the site or would compromise wider regeneration objectives.

- 9.3 **For strategic / multi-phased development** The LLFA would recommend the inclusion of:

A multiphase strategic Masterplan Outline planning permission should include a Drainage Strategy with enough detail to enable reserved matters and discharge of condition applications to come forward without having to provide in principal evidence. This includes, general infiltration testing, pre and post development runoff rates / volumes based on the type of development, how permeable open spaces will drain if not included within the drainage scheme, how SuDS will be implemented in each Phase and a phasing plan of how development will take place including temporary measures considering the general long timescales to completion of the works.

- 9.4 Should you have any queries with the above comments please call/email Mark Ogden on [REDACTED]

## 10. **Other Issues**

- 10.1. **NPS Comments** – NPS Property Consultants will be putting forward potential land for development on behalf of Norfolk County Council as land owner for consideration by Borough of King's Lynn and West Norfolk (BKLWN).

### 10.2. NPS Comments on the Local Plan Review

- **Policy LP02** – Settlement Hierarchy; NPS would support as it provides a range of settlement types for development to occur at an appropriate scale.
- **Policy LP04** – Development Boundaries; NPS support the revised policy which includes boundaries for small villages and hamlets which will allow small scale development to support communities in maintaining and enhancing facilities. The policy also provides an exception policy for affordable housing and entry level exception sites (for first time buyers) outside development boundaries which is welcomed.
- **Policy LP26** – Residential Development adjacent to Existing Settlements; we support this policy as it provides opportunities for infilling of land adjacent to settlement boundaries.

- 10.3. With regard to where development should be located, NPS would make the following comments;

- **South Wootton E3.1**- NPS support the proposed allocation. NPS Property Consultants, as agent for Norfolk County Council who own part of the land will continue to work with other landowners and stakeholders to deliver development on this site.
- **West Winch E.2.1** - NPS support the proposed growth area which includes land owned by Norfolk County Council. NPS Property Consultants, as agent for Norfolk County Council who own part of the land will continue to work with other landowners and stakeholders to deliver development on this site

10.4. Other comments; NPS would also like to take this opportunity to continue to highlight that there are inconsistencies with regards to the manner in which proposed development boundaries have been drawn around existing school sites etc.

Set out below are the specific parishes where proposed development boundaries around school sites should be reviewed further: -

**Emneth** – The school site is enclosed on three sides by existing development. To allow for possible future school expansion, it would be logical for the proposed development boundary to be extended in line with the boundary of the housing development (The Lovells) to the north or Hollycroft Close to the south.

**Castle Acre** – The new primary school site off Back Lane is enclosed by established residential development to the east and south. As an operational school site, the proposed development boundary should be amended to reflect this, and to allow for possible future expansion.

**Denver** – The proposed development boundary as presently drawn cuts through the middle of the existing school site/buildings and does not therefore reflect existing on-site features. The boundary should be revised to include all the existing school buildings/hardstanding and allow for possible future expansion.

**Dersingham** – The proposed development boundary should be amended to include the existing buildings/hardstanding areas and to allow for possible future expansion.

**Hilgay** – The proposed development boundary is drawn too tightly around the existing school site and does not therefore allow for any possible future expansion. The boundary should therefore be amended to reflect this.

**Marshland St James** – The school adjoins existing development and has a proposed housing allocation to the south east although is defined as being outside the proposed development boundary. The boundary should be amended to include the whole of the site to recognise its established use and possible future expansion.

**Shouldham** – The boundary as proposed is illogical in that it includes the access but excludes the existing school site and the majority of its hardstanding. The boundary should therefore be amended to recognise its established use and allow for possible future expansion.

**Tilney All Saints** - The school adjoins existing development to the west and east

although is defined as being outside the proposed development boundary. The boundary should be amended to include the whole of the site to recognise its established use and possible future expansion.

**Walpole St Andrew** - The development boundary as proposed does not reflect existing on-site features. The boundary should be revised to include all the existing school buildings/hardstanding and playing fields to allow for possible future expansion.

**West Walton** - The development boundary as proposed cuts through the middle of the existing school site/buildings and does not therefore reflect existing on-site features. The boundary should be revised to include all the existing school buildings/hardstanding and allow for possible future expansion.

**Wiggenhall St Mary Magdalen** - The development boundary as proposed cuts through the middle of the existing school site/buildings and does not therefore reflect existing on-site features. The boundary should be revised to include all the existing school buildings/hardstanding and allow for possible future expansion.

- 10.5. Should you have any queries with the above NPS comments please contact Richard Smith (Senior Planning Consultant) or 