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



Geoff Hall
Executive Director

Environment and Planning

Clare Cobley
Programme Officer
c/o BCKLWN
King's Court
Chapel Street
King's Lynn
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PE30 1EX

29 July 2015

Dear Mr Hogger,

King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan – Adjournment of Examination Hearings

Following the adjournment on 7 July, your note dated 9 July set out your concerns and the matters which you felt needed to be addressed and the particular further evidence to be provided. You also asked for an indication of the approach the Borough Council intended to take, and a potential timetable for the work.

Having considered the position this letter sets out the approach that the Borough Council wishes to pursue, and outlines the timings involved and a potential timeframe for re-convened hearings.

Using your questions as a framework our approach in outline covers:

Habitats Regulations Assessment issues

- The preparation of a comprehensive Mitigation and Monitoring Strategy to address the actions required from the Habitats Regulations Assessment (HRA). This will include:
 - A restatement of the HRA findings.
 - Detail on how each of these requirements are intended to be, and can be, met in respect of the allocated sites.
 - The inclusion of a levy on all development in the Borough, responding to the potential cumulative impacts that could occur from such growth that may not be adequately addressed through measures on allocated development sites.

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Chief Executive – Ray Harding

- More detailed consideration of pressures currently arising on the European site locations.
- A mechanism for considering and responding to monitoring information, including the recommendation for spending from the levy fund (primarily aimed at spending at the sensitive European site locations).
- An addendum to the HRA reflecting the above.
- Ongoing discussions are taking place with interested parties (including RSPB; NWT; and Natural England) about the above
- Those elements requiring Borough Council approval will be considered by Cabinet on 6 September with a view to a levy being in place in the autumn, and a mitigation group operating at the same time.
- The Borough Council is additionally pursuing a Community Infrastructure Levy and anticipates a Cabinet report in October to confirm a Draft Charging Schedule.
- The Borough Council intends to demonstrate the commitment to fulfilling requirements under the Habitats Regulations Assessment and providing reasonable certainty to deliver suitable mitigation measures.

Issues of viability

- The Borough Council is conscious of potential impacts on viability from the plan proposals and will demonstrate through additional work in connection with on-going research for CIL, that there is minimal detrimental impact.

Consideration of a 'fall – back' position in respect of planned housing delivery relating to HRA and flooding issues

- As can be seen above the Borough Council is seeking to provide certainty about the delivery of mitigation measures in respect of HRA and thus avoid the situation where there is non – delivery of allocations.
- Equally the Borough Council will demonstrate that it has an agreed position with the Environment Agency (as the overall body responsible for avoiding dangerously located development) to accept development in flood risk areas, but which can be suitably mitigated for by proportionate on – site measures.
- We will cover the roles of other organisations such as the Middle Level Commissioners and internal drainage boards.
- Notwithstanding the above the Borough Council will outline its approach to how the housing delivery can be assured at the level required.
- In summary we will consider the contributions made by:
 - 'Windfall' development - which will continue to form part of the housing completions in the Borough; this should be acknowledged as such. It does not currently form part of the housing calculation in the plan
 - The potential of some of our allocations to accommodate additional units beyond the number specified.
 - Re- considering allocations deleted between Preferred Options and Pre – Submission stage.

- In the light of a court judgement showing the lack of a five year housing supply the Borough Council will (separately to the Local Plan) embark on a programme of bringing forward sustainable sites, beyond the planned allocations to bolster supply.
- The Borough Council has already referred to an early review of the Plan, but this will be reinforced.
- The Cabinet will receive a report on 6 September in the light of recommendations made by the LDF Task Group so that we can show that the Borough Council is 'minded to make' the relevant modifications to the Plan.

Processes to agree relevant changes or endorse approaches.


- The Borough Council is programming reports for the relevant meetings in line with comments above.
- Relevant assessments will be completed in respect of proposed changes to the Plan (sustainability appraisal, habitats etc)
- Anticipating that there will be modifications that need to be advertised we would prefer that these are published for comment at the end of the Hearings.

Preliminary timetable for the work

- The Borough Council in considering the request to provide further evidence has already undertaken additional work and held internal discussions with Members.
- In order for us to properly present the material summarised above we would suggest that Hearings could re-commence at the end of September.

In your note you asked for an indication of the approach the Borough Council intends to take. This is outlined above. We hope we have been able to provide a pragmatic approach and display sufficient flexibility in response to your questions. Whilst the above is an outline we would welcome an indication that such an approach could address the shortcomings you identified.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alan Gomm', with a horizontal line underneath it.

Alan Gomm
LDF Manager

