

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



**Borough Council of King's Lynn and West Norfolk's
Response to
the Issues and Questions raised by Inspector David
Hogger
in relation to the
King's Lynn and West Norfolk Local Plan:
Site Allocations and Development Management
Policies**

Issue 5: West Winch (E.2)

Examination
June 2015

Table of abbreviations used with the Council's Statements

Abbreviation	Full Wording
AONB	Area of Outstanding Natural Beauty
BCKLWN	Borough Council of King's Lynn and West Norfolk
BDC	Breckland District Council
CLG	Communities and Local Government
CITB	Construction Industry Training Board
CS	Core Strategy
DM	Development Management
DPD	Development Plan Document
EA	Environment Agency
FDC	Fenland District Council
FRA	Flood Risk Assessment
GI	Green Infrastructure
GTANA	Gypsy and Traveller Accommodation Needs Assessment
ha	Hectare
HELAA	Housing and Economic Land Availability Assessment
HLF	Heritage Lottery Fund
HRA	Habitats Regulation Assessment
HSEHA	Health and Safety Executive Hazard Areas
IDB	Internal Drainage Board
KRSC	Key Rural Service Centres
KLATS	King's Lynn Area Transportation Strategy
LDS	Local Development Scheme
LLFA	Lead Local Flood Authority
LPSO	Local Plan Sustainability Objectives
NCC	Norfolk County Council
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NORA	The Nar Ouse Regeneration Area
NWT	Norfolk Wildlife Trust
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RV	Rural Village
RAF	Royal Air Force
RLA	Residential Land Assessment
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADMPP	Site Allocation and Development Management Policies Plan
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SMP	Shoreline Management Plan
SPA	Special Protection Area
SSF	Site Sustainability Factors
SSSI	Site of Special Scientific Interest
SuD	Sustainable Drainage systems
SVAH	Smaller Villages and Hamlets
SWMP	Surface Water Management Plan
THI	Townscape Heritage Initiative
UPC	Un-attributable Population Change

Inspector issues /questions

5.1 Is there evidence that any elements of the proposed development in the West Winch Growth Area (E2.1) are not justified, sustainable, viable, available or deliverable?

If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council? Should there be a reference in the policy to public transport provision?

5.2 In terms of part B of policy E2.1, how and when will (a) be undertaken and expected; and when will (b) and (c) be expected?

5.3 What is the Council's attitude towards the potential silica sand deposits on the site? Have the implications of the Minerals Safeguarding Area been addressed by the Council?

5.4 Is there any evidence that the Council's approach to development within the existing built-up areas of West Winch is not sound (E2.2)?

1. Proposed development at West Winch / North Runcton (Q5.1)

1.1. Paragraphs E.2.5 and E.2.6 of the SADMP outline the strategic context for this large site south east of King's Lynn. The CS at policy at CS 02 and CS 03 mark out the strategic location for longer term growth. The wider site falls within both North Runcton and West Winch parishes. It is worth noting that this area has been under consideration since preparation started on the Core Strategy since 2008. It should also be noted that both the major landowners have been very positive in engaging the local population in discussions about the future of the area. Arising from this engagement the parish councils themselves are preparing a neighbourhood plan to make a positive contribution to the growth.

- 1.2. Given this engagement over a significant number of years and the exploration in depth of issues affecting the site it is appropriate that a Statement of Common Ground has been prepared (between the Borough Council and the major landowners) supporting the overall growth area allocation (see Appendix 1).
- 1.3. Further evidence of the positive engagement of the landowners to the emerging proposals is shown by the submission of a planning application (13/01615/OM) by Hopkins Homes for 1100 houses to the north of the allocation. ATLAS has been involved in the allocation / application for approximately 18 months. Their engagement has resulted in draft Planning Performance Agreements being prepared and detailed dialogue across the issues around the sites. A previously agreed draft of the Part 1 PPA relating to the Local Plan elements is attached as Appendix 3.
- 1.4. Viability and deliverability of the site has always been a key consideration. On the basis of good practice elsewhere ATLAS suggested the preparation of an Infrastructure Delivery Plan which is now incorporated in the Policy E2.1. Early drafts of this (incorporating the wider list of infrastructure items) were prepared as far back as summer 2014 and were scheduled for draft final versions in October 2014. However this coincided with publication of the Pre – Submission version of the plan and some parties were giving consideration to the implications of the amended allocation and slower progress has been made since then.
- 1.5. The SDH Local Plan Viability Assessment (CIV 01) carried out a high level assessment of viability of the broad location (see sections 8, 9 and principally 10 of the document). Paragraph 10.59 concludes that the SADMP (including West Winch / North Runcton) is '*...generally deliverable...*'
- 1.6. Whilst it is acknowledged that these broad assessments are not detailed site appraisal calculations it has given the Borough Council the background to go a stage further and frame Policy 2.1 incorporating the Infrastructure Delivery Plan mechanism. This is considered to be an appropriate tool to balance the detail policy

requirements and the site viability issues in the context of phasing and particular constraints.

- 1.7. The SA Report (Document SA 01) did consider other adjacent locations which could have formed part of a development area. Pages 376 to 379 of the SA discuss reasonable alternatives, and the scoring of the broad areas. The SAR supports the sustainable choice of the 'growth area', and gives broad consideration and reasons commensurate with the scale of the alternative approaches to the areas not included.

2. Reference in the policy to public transport provision? (Q5.2)

- 2.1. Explicit reference is made to the integration of the allocation areas with the existing West Winch facilities; walking and cycle links locally and to King's Lynn; highway network improvements; but also to local improvements and management measures (Policy E2.1, Part A, 6 and 7). Additionally Policy E2.1, Part B, e.1, requires a 'comprehensive strategic transportation plan for the area. Whilst not explicitly referencing 'public transport' these elements of the policy should alert developers to the importance of non – car modes of travel. Notwithstanding this it would be appropriate to include suitable explicit references (within the paragraphs of the policy mentioned) to the provision of public transport to further enhance connectivity of the growth area to major nodes in and around the town. Proposed amendments will be brought forward. In broad terms:

1. Split Part A clause 6 into two parts adding new section a).

6. *Provision of:*

- a) *suitable arrangements for public transport to route through the wider site, and connectivity to main routes to encourage non car modes*
- b) *a network of cycle and pedestrian routes (including links to King's Lynn town centre) which would facilitate the level of growth both that planned to 2026 and potential further growth*

2. Add text to Part B, clause e) 1, to read:

The strategic transportation plan should expressly address the provision of and role in minimising car based traffic of public transport across the wider allocation.

3. In terms of part B of policy E2.1, how and when will (a) be undertaken and expected; and when will (b) and (c) be expected? (Q5.3)

3.1. **E2.1 a)** – The intention is that Part A of the policy encompasses the aspirations of what should be provided on the allocation (wider) site, and planning applications that come in pursuant to that should positively enable those provisions to be implemented. Part B of the policy is intended to outline how those applications should be presented or supported. With this in mind clause a) to Part B is the overarching requirement, relating the strategic outcomes through practical demonstrable actions to what will be provided on site.

3.2. Clause a) will be undertaken by those submitting planning applications, effectively as a checklist at the time of preparing the application.

3.3. **E2.1 b) and c)** – Clause a) is the broad linking statement in Part B of the policy, and b) and c) seek to stress the need for a comprehensive overview of how the allocation (both in this plan period and into the next) will physically occur. Clause b) (with the Infrastructure Delivery Plan (IDP)) also has the additional purpose of showing the viability and deliverability in detail for the whole site at the outset. Clearly a 1600 / 3000+ site will be developed over a long period and in order to ensure the strategic outcomes are not lost the (IDP) is to be a key document agreed with the planning application. Clause c) giving an outline of timing and phasing will be an integral part of the IDP. The Borough Council envisages that a draft IDP will be submitted and tested and agreed by the Council, the planning application will then be tied to it through a legal agreement. Preliminary work on testing and legal mechanisms started in summer 2014.

3.4. The draft Planning Performance Agreement (PPA) contains an explanation of the sequencing, and an extract given below. The Council has been working extensively with Hopkins Homes, ZAL (WWVP) and ATLAS on the production of a Planning Performance Agreement, split into two distinct parts; PPA Part1 covering the

development plan process and PPA Part 2 would cover the application process. The PPA mechanism was considered appropriate to encourage collaborative, linked-in working between parties given the scale of the allocation and resulting infrastructure/development. An extract from the latest agreed draft (PPA Part 1) dated October 2014 is contained in Appendix 3 and was signed by Hopkins Homes. Given issues surrounding the exclusion of Site F, ZAL (WWVP) did not consider it appropriate to sign the PPA Part 1 at that stage.

3.5. The draft Planning Performance Agreement (PPA) contains an explanation of the sequencing, and an extract is given below.

Purpose

To agree a delivery strategy for those themes and issues that requires comprehensive consideration across different land ownerships. The intended outputs will be a Framework Masterplan; Infrastructure Delivery Plan, a high-level viability appraisal and a Statement of Common Ground to support the EiP process for the Examination of the Detailed Policies and Sites Plan. The aim is to demonstrate that development proposed within the first five years of the Plan Period is 'deliverable' and that development proposed in years 6 plus is 'developable'. While the adoption of the plan is a desirable milestone this is not within the control of the signatories to the PPA.

This PPA is intended to be a working document whose programme and task list will be updated and reviewed regularly as the project progresses.

There may be other strategic design issues that need to be discussed but fall outside of the intended outputs and may be covered by a simple design code, statement or similar. These include:

- Character and nature of the proposed new link road*
- Treatment of the existing A10*
- Design and management criteria for proposed strategic open space.*

Project milestones

- 1. Completion of a draft Allocation-wide IDP identifying allocation-wide infrastructure requirements, costs and delivery plan agreed by all parties*
- 2. Completion of an Allocation-wide Strategic Concept Plan agreed by all parties*
- 3. Completion of a high-level Allocation-wide viability appraisal*
- 4. Statement of Common Ground for Plan EIP agreed by all parties.*

3.6. In the wider context of planning applications being submitted the sequence would be:

- During plan preparation aspects of strategic provision will be clarified and included in Local Plan
- Background studies will be undertaken to clarify infrastructure needs (e.g. Hardwick Interchange)
- A draft IDP is written into a PPA and prepared as part of work on individual planning applications.
- Once a draft IDP is prepared to the satisfaction of the landowners the Borough Council will test it independently, and seek endorsement of the Borough Council (possibly through the Planning Committee) that it can deliver the strategic outcomes in a viable way.
- Planning applications will be supported by this common IDP document showing any joint elements.
- Permission will be linked to the IDP

4. Silica sand at West Winch (Q5.3)

4.1 The position is discussed in the SADMP at section E.2.73 – 75.

4.2 The strategic direction of growth given in the Core Strategy at West Winch / North Runcton was confirmed in 2011 following Examination in the knowledge that it could be underlain by silica sand. SADMP paragraph E.2.73 explains the position that the

Borough Council has taken on the matter, and the reasons why it would be inappropriate to extract any minerals in such a location.

4.3 The County Council (NCC) has an adopted Minerals and Waste Core Strategy containing policy CS16 which seeks to safeguard mineral resources. (Document in Examination Library as X). However silica sand, the particular mineral resource in question at West Winch / North Runcton, is the subject of a single issue review which commenced in March 2015. In broad terms the material published in March outlines:

- NCC needs to find additional sites for silica sand to maintain a suitable supply
- They have also taken the opportunity to clarify a series of 'constraints' to avoid in a search for suitable sites.
- One of those areas to avoid was any land **allocated in local plans**. (An extract of the Single Issue Review document giving the question in regard to allocations and the Borough Council response to it is attached at Appendix 2).

The Borough Council viewed the suggestion with regard to allocated sites as very positive in respect of West Winch / North Runcton.

4.4 In summary:

- The Borough Council clearly recognises the Mineral Safeguarding Areas (MSAs) and the need to act in accordance with Core strategy CS16.
- The Borough Council is the final arbiter in respect of proposals affected by CS16.
- Having balanced through our Core Strategy to need for a strategic growth area at West Winch with potential mineral resources SADMP para graph E.2.73 sets out the Borough Council position.
- However the single issue review introduces a practical way to address the situation.

5. Is there any evidence that the Council's approach to development within the existing built-up areas of West Winch is not sound (E2.2)? (Q 5.4)

5.1 The Policy supports the potential for infill within the existing main built up parts of West Winch (consistent with the treatment of similar settlements elsewhere in the Borough) but includes particular considerations in respect of access onto the A10, and the visual impact of the development along the fen edge on the west of the area.

5.2 It is considered that a number of the issues raised would be addressed, and the effectiveness of the policy improved, if the policy was clarified, and the strategic diagram shown on a non-OS base to avoid confusion with the specific boundaries identified on the Policies map inset E2.

Proposed amended policy parts 1(a) and 2

1. Along the existing A10:

a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered;

b. [as existing];

2 Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West;

3 [as existing]

5.3 Proposed amended Strategic Concept (Indicative) Diagram – same proposals reproduced on non-Ordnance Survey base.

5.4 BCKLWN considers the policy otherwise sound.

Appendices contents list

- 1. Statement of Common Ground**
- 2. Borough Council response to NCC Silica Sand Review – Issues and Options**
- 3. Project timetable extract from the Part 1 – (Local Plan) Planning Performance Agreement in respect of the wider West Winch / North Runcton area**

Statement of Common Ground

Examination of:

King's Lynn and West Norfolk

Site Allocations and Development Management Policies Document

Statement of Common Ground – **Policy E2.1 West Winch Growth Area** **Strategic Policy**

Between

- The Borough Council of King's Lynn and West Norfolk (the Council), and
- Turley on behalf of Hopkins Homes (Hopkins)
- Maddox Associates on behalf of Northern Trust & Zurich Assurance Ltd. (ZAL)

1 Introduction

1.1 This statement of common ground is provided to aid the Inspector examining this plan in understanding the extent of agreement, and the single matter of dispute, between the key parties in respect of the plan proposals and policy for the West Winch Growth.

2 Background

2.1 ZAL, Hopkins, and the Council have been working together for some years to bring forward a development to form the south-east King's Lynn strategic urban extension.

2.2 ZAL and Hopkins each have an interest in significant parcels of land in the development area. Together their land holdings form a substantial portion of land suitable for housing development within the development area boundary identified by Policy E2.1, as shown on Map A.

2.3 This urban extension was identified by the Core Strategy adopted in 2011 as accommodating 1,600 new dwellings in the period up to 2026, and forming a direction for potential further growth beyond the plan period. Hopkins Homes and ZAL appeared at the Core Strategy examination to promote the proposals for this urban extension and their site forming part of it.

2.4 Hopkins has an interest in a substantial site at the northern end of the area, adjacent to the A47, and ZAL has an interest in various parcels of land in the central, western and southern part of the area. Map A below shows the Hopkins and ZAL land in relation to the growth area boundary proposed in Policy E2.1.

2.5 The parties to this agreement have worked with a wide range of other organisations to develop and coordinate proposals for the growth area development and associated infrastructure, including ATLAS, West Winch and North Runcton Parish Councils, the Highways Agency (now Highways England), Norfolk County Council (the local highway authority and education authority, and also owner of a significant piece of land within the development area), etc. The proposed Policy E2.1 has evolved from and reflects many of the fruits of this endeavour.

2.6 The current focus of work is in refining and agreeing an infrastructure delivery plan, involving input from Hopkins and ZAL, the Council, Highways England and the local highway and education authority, with the benefit of advice from ATLAS.

2.7 Hopkins has submitted an outline planning application (Ref. No. 13/01615/OM) for the development of its site as shown on Map A. The application includes 1,100 dwellings, of which 750 would be completed within the plan period to 2026, and the remaining 350 beyond that date. The application remains under active consideration, but is as yet undetermined. The Council considers it is unable to make a positive determination of the application in advance of completion of the infrastructure delivery plan, in order to ensure a deliverable programme for the whole growth area and its associated infrastructure, an equitable distribution of the costs and benefits of this, and the facilities and qualities set out in the proposed policy.

3 Representations on the Plan.

3.1 ZAL and Hopkins have each submitted representations on the Council's proposed plan. These representations inform this statement of common ground.

3.2 For reference, the ID numbers of these representations (in the Council's online consultation portal) are as follows:

- ZAL ID no. 465
- Hopkins ID no.1258

4 Summary of Agreed Matters

4.1 **All the parties agree**, for the purposes of the plan examination, the following:

- A. **Strategic consistency and capacity**: The area is capable of development, within the plan period, to meet the Core Strategy Policy CS09 requirements of 'at least 1,600 new homes south east of the town [King's Lynn] [that] will contribute both to current needs and also establish a direction of future growth to meet anticipated need beyond the plan period'.
- B. Subject to
 - i. the exception identified at Section 5 (below) as a matter of dispute,
 - ii. the amendments set out in 'C' below
 - iii. details of infrastructure specification and its phasing to be resolved through the infrastructure delivery plan currently in preparation, and
 - iv. minor matters of application and interpretation to be addressed, as usual, at the planning application stage,
 - a. **Appropriateness of proposed policy**: Policy E2.1 forms a sound basis for coordinating and delivering a sustainable development which meets the Core Strategy requirements, and
 - b. **Deliverability**: development to meet proposed Policy E2.1 is viable and deliverable.
- C. **Amendments to Policy**: The following changes should be made to Policy E2.1 to overcome the concerns expressed in Hopkins' representation (ID No.1258):

- a. **Part A, 5** 'Early and continuing delivery of various traffic calming measures and environmental enhancements on the existing A10 corridor in and around West Winch, for the benefit of existing local residents, with ~~the first measures~~ preliminary improvements commencing within 12 months of the start of development.'
- b. **Part A, 6:** 'Provision of a network of cycle and pedestrian routes (including links to King's Lynn town centre) which would facilitate the level of growth ~~both that~~ planned to 2026 and provide routes which potential further growth areas can conveniently link to.'
- c. **Part A, 12:** '[Significant green infrastructure including. . .] Any measures required, by a habitats regulations assessment of the development in question, to mitigate any potential adverse recreational impacts on the integrity of internationally designated nature conservation sites (SPAs, PACs, Ramsar) outside the growth area.'

5 Matter in Dispute

5.1 ZAL disagrees with the Council proposals regarding **Land off Gravel Hill Lane (also known as Site F), as identified on Map B.** ZAL considers that the exclusion of this site from the growth area (as delineated on proposed Policies Map Inset E2) is unjustified and threatens the viability and delivery of the wider scheme, as detailed in its representation (ID no. 465).

6 Declaration

6.1 The content of this document is agreed by the parties below for the purposes of the examination of the King's Lynn and West Norfolk Site Allocations and Development Management Policies Document

Name.....

For and on behalf of.....

Signed.....

Date.....

Name.....

For and on behalf of.....

Signed.....

Date.....

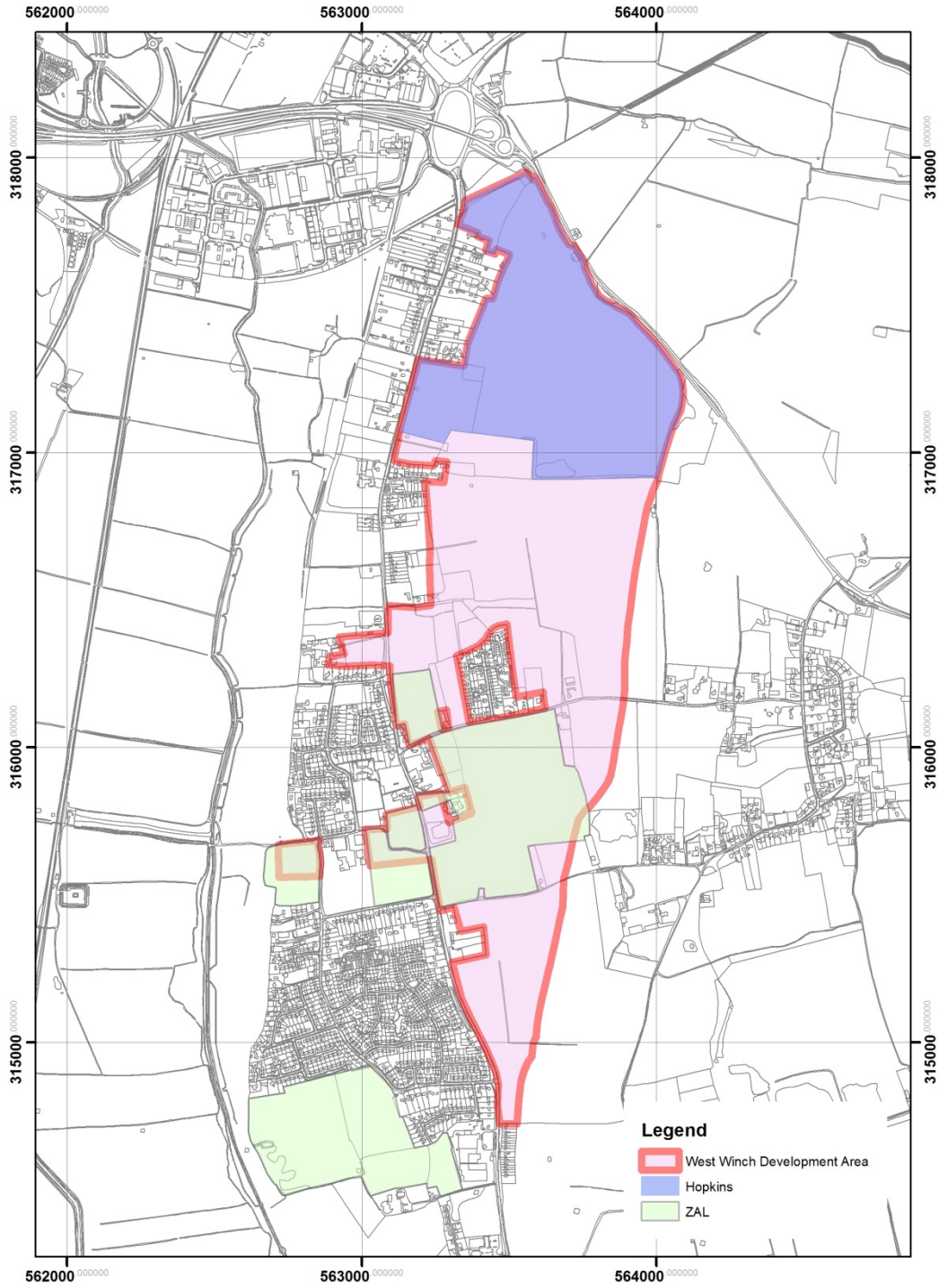
Name.....

For and on behalf of.....

Signed.....

Date:

The King's Lynn & West Norfolk Borough Council's response to the Issues and Questions paper from Inspector David Hogger

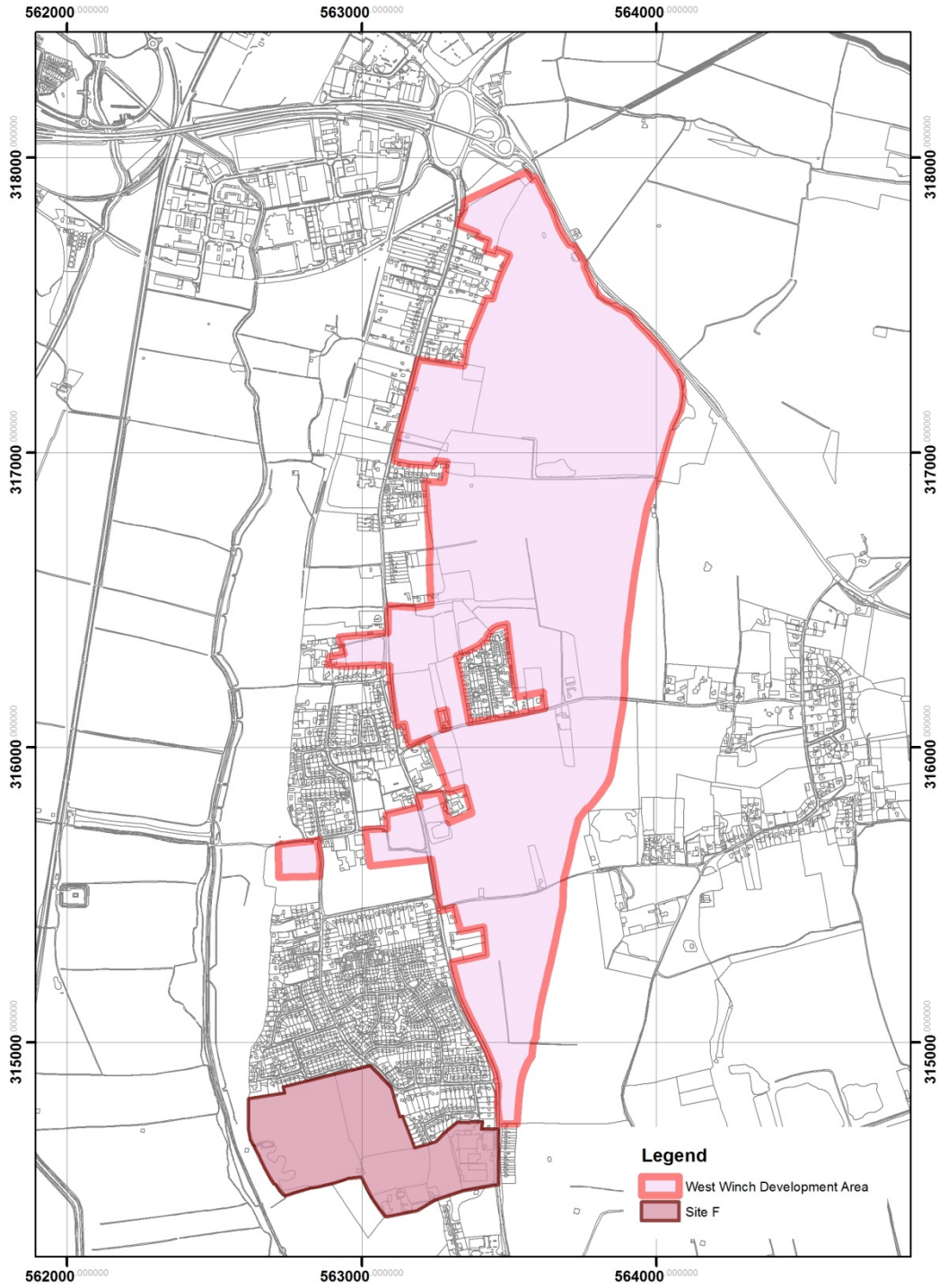


MAP A

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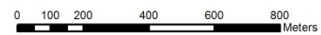
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The King's Lynn & West Norfolk Borough Council's response to the Issues and Questions paper from Inspector David Hogger



MAP B

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Appendix 2

Borough Council response to NCC Silica Sand Review – Issues and Options (April 2015)

Question 10 of the Minerals Site Specific Allocations Plan – Single Issue Silica Sand Review, Initial Consultation feedback Report:

Should allocated sites and sites with planning permission for non-mineral uses that are located in or adjacent to the silica sand resource be excluded from Preferred Areas or Areas of Search, or should a different approach be taken? In your answer please provide information/evidence to support your view.

BC Response to question 10:

The Borough Council would support the approach to exclude allocations made in the Borough Council plan documents from areas of search. The role of the Borough Council of King's Lynn & West Norfolk is seen as in part to seek a reasonable balance between the requirements of the Norfolk Minerals and Waste Core Strategy Policy CS16, to safeguard the mineral resources, whilst not preventing other non-minerals development from proceeding where it is in accordance with the Borough's adopted Core Strategy policies. Given that silica sand is a nationally important but scarce resource, Norfolk's silica sand resources does need to be safeguarded from inappropriate development proposals.

The Borough Council of King's Lynn & West Norfolk's preferred options in the Site Specific Allocations and Policies Development Plan (Submission version) document suggest that an urban extension use will be far more appropriate use of the land in question at Knight's Hill, West Winch and Downham Market than mineral use (using as a starting point the BGS extents) given its location and nature. The areas have been indicated through the Core Strategy, and as detailed specific areas have been through extensive consultation.

According to the Chapter 10 on Amenities in the Single Issue Silica Sand Review document, allocated sites and sites with planning permission for non-mineral uses

that are located in or adjacent to the silica sand resource will be excluded from Preferred Areas and Areas of Search. This approach from the County Council will enable future growth in the Borough planned in the areas set out in the Site Allocations and Development Management Policies. The Borough Council of King's Lynn & West Norfolk agree with this proposal from Norfolk County Council.

Conclusion:

The Borough Council of King's Lynn & West Norfolk considers that the proposals set out in the Minerals Site Specific Allocations Plan-Single Issue Silica Sand Review which do not prevent non-minerals development from proceeding where it is in accordance with the Borough's adopted Core Strategy policies should be welcomed.

For clarification the maps on pages 53 and 54 from the Single Issue silica Sand Review - Initial Consultation document, illustrate how the areas of Knight's Hill, West Winch and Downham Market are located in areas of silica sand resource proposed to be excluded from Preferred Area/ AoS process and as a result enable site allocations from the Borough Council of King's Lynn and West Norfolk to proceed.

Appendix 3

Project timetable extract from the Part 1 – (Local Plan) Planning Performance Agreement in respect of the wider West Winch / North Runcton area

APPENDIX 2 - West Winch – Overall Timeline Template & Tasks

		2014												2015											
		F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
1	Detailed Policies & Sites Plan (DPSP)																								
a	Policy development																								
b	Evidence base development (borough wide Infrastructure Study)																								
c	Submission Version to Cabinet and Full Council including Strategic Concept Plan																								
d	Revisions between Cabinet and Full Council																								
e	Pre-Submission Consultation (including representations from individual parties)																								
f	Submission																								
g	SoCG (KLWNBC/HHL/WWVP)																								
h	Examination																								
i	Adoption																								
2	Collaborative Working (Plan-making & Development Management)																								
a	LSIP bid (Capacity funding)																								
	(i) Submitted application																								
	(ii) Further work required by DCLG																								
	(iii) Advise Partners of outcome																								
b	PPA Part 1																								
	(i) Circulate revised Draft PPA																								
	(ii) Agree with Partners																								
c	Allocation-wide IDP and viability appraisal																								
	(i) HH & WWVP to provide 1 st Draft																								
	(ii) KLWNBC to appoint professional advisors (legal/viability)																								
	(iii) HH & WWVP agree to contribute to cost of (ii)																								
	(iv) Independent Review of 1 st Draft																								
	(v) Feedback/amendments/briefing with Chairman/Vice-Chairman and share with NP Group																								
	(vi) Endorsement by Planning Committee																								

		2014												2015											
		F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
3	West Winch + North Runcton N Plan (for context)																								
	NP Group/HH/ZAL/KLWNBC Meeting																								
	Draft Policy Text																								
	Pre-submission Publicity + Consultation (tbc)																								
	Submission to KLWNBC (tbc)																								
	Examination (tbc)																								
	Referendum/adoption (tbc)																								