

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 2:  
The Development Management Policies  
(DM.1 to DM.22)**

Examination  
June 2015

Table of abbreviations used with the Council's Statements

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

<b>Abbreviation</b>	<b>Full Wording</b>
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
SADMP	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

**Response to Questions:**

**2.1**

**Will the policies in the SADMP satisfactorily contribute towards the sustainable growth of the Borough (DM 1)?**

1. The DM policies are intended to guide prospective developers and planning application decision makers to help deliver sustainable growth for the Borough, as defined in the adopted CS and the NPPF.
2. The spread and coverage of the DM policies has developed from local experience of implementing the CS and delivering development through the DM process, and the strengths and weaknesses of the (now largely superseded) 1998 Local Plan. They also reflect key aspirations of local people, in accordance with the localism agenda and to seek to ensure that continuing growth will be accepted in the longer term.
3. The SA Report shows that each of the DM policies was assessed against an alternative (variously, no policy, and/or a different policy or policies such as those canvassed at Issues and Options or Preferred Options consultation stages). The policies were then assessed in combination, showing an overall very positive result. Therefore there can be confidence that this set of policies will contribute towards sustainable growth.
4. Policy DM1 is a nationally drafted policy emphasising the focus on sustainable development and which seeks to give development plan weight to elements of the NPPF relating to Decision Taking.

**2.2**

**Is the Council's approach towards the definition of settlement boundaries justified and consistent (policy DM 2)?**

**How has the Council taken into account the boundary of schools and their playing fields?**

1. The SADMP development boundaries generally follow quite closely those defined in the 1998 Local Plan (saved Policy 4/21), as these have overall stood the test of time, proving both useful and accepted. However, their division into 'Built Environment Types C and D' (and relationship to Built Environment Types A and B in Policy 4/20) was considered an unnecessary complication which has not been continued.
2. Development boundaries are not proposed for those settlements identified as SVAHs, as general development in these would be contrary to CS02.
3. A particular problem which has been manifest with the 1998 boundaries was the inclusion of backland, which has often led to the unrealistic expectation of planning permission for new development which would almost inevitably have an unsatisfactory relationship with the existing. Hence the SADMP boundaries generally exclude backland areas behind frontage development where such a relationship seemed likely.
4. Given the extent of the boundaries the number of objections and suggested changes to these through the various iterations of the plan's evolution has been remarkably modest, and mainly composed of those who variously
  - mistakenly thought this would affect their use of their gardens or curtail their residential permitted development rights;

- had ambitions to develop on the backland and saw that its exclusion would result in a new policy objection to this (whether or not their expectations were otherwise realistic);
  - disagreed with the decision not to delineate development boundaries for the SVAH
  - wished the boundary amended to include land which was unsuccessfully promoted as a potential allocation
  - wished the boundary drawn extremely widely to include detached remote outliers of settlements.
5. Whilst considerable effort was made to provide consistency and accuracy, a small number of relatively minor adjustments and improvements have been suggested at earlier stages and incorporated into the submitted plan.
6. Emerging NPs provide some indication of the general support for the boundaries and their alignments. South Wootton NP group suggested, with the benefit of detailed local knowledge, three or four minor adjustments to the proposed development boundary (now incorporated into the SADMP). Walpole Cross Keys emerging NP proposes retaining the SADMP boundary for the main village without change, though adding similar boundaries to a few detached areas of development within the Parish.
7. Bircham Parish Council disagrees with the Borough's standard approach to its development boundaries, but has been advised it has the opportunity to revise these through the NP it has embarked upon, provided that the scale and location of development likely to result broadly conforms to the CS.
8. Where allocations lay on the edge of settlements, BCKLWN chose not to include these within the development boundary, as it wished to emphasise that it was the specific type of development provided for in the allocation policy that was sought, and that if, on any particular case this did not come forward the land should not be treated as suitable for general development.

9. The development boundaries are not critical to schools and their playing fields. Policy DM2 explicitly permits development of community facilities outside that boundary, and the Local Education Authority in its support for Policy DM9 (NCC, ID 92), expresses its satisfaction that 'The Policy therefore supports/allows schools outside settlement boundaries to be expanded thus safeguarding the future role within the local community.' That said, in delineating the boundaries the general approach was to include the school and exclude the playing fields, unless the local context suggested otherwise (e.g. schools well within the boundary are wholly included; schools detached from the general development of a settlement may be wholly excluded).
  
10. The supporting text to DM2 outlines the practical and strategic justification for the boundaries. It would be possible to give a lengthy explanation of the circumstances where exceptions might occur, but reference is made to such possibilities at paragraph C.2.4. BCKLWN considers the boundaries the most appropriate approach, and founded on suitable evidence, and hence justified.

**2.3**

**Is the Council's approach to infill development in SVAH justified (policy DM 3)?**

**How will the Council determine whether or not a gap makes a positive contribution to the street scene (second bullet point)?**

**The Council refer in DM 3 to the rural exception policy. Do the Council mean policy DM 6, which is entitled 'Housing Needs of Rural Workers'?**

1. West Norfolk outside of the main towns is generally a very rural area, characterised by many smaller villages and outliers of development. (54 settlements are listed in the SVAH category under CS Policy CS02, in addition to 69 KRSCs and RVs). CS Policy CS02 states that development in SVAHs 'will be limited to specific identified needs only in accordance with [CS06]'. Policy CS06 states 'more modest [than in Key Rural Service Centres] levels of development. . . will be permitted to meet local needs and maintain the vitality of these settlements where it can be achieved in a sustainable manner'. DM3 seeks to provide for this. Since the adoption of the CS the NPPF has been published and the BCKLWN took the opportunity to assess policies for rural housing development against the provisions it contains. Policy DM3 was a response to paragraph 55 and seeks to ensure a consistent approach to new housing in a sparse rural area. It seeks a balance between promoting sustainable development, maintaining the vitality of rural communities, and avoiding new isolated dwellings (as discussed in para 55).
2. Policy CS 09 of the CS anticipates no housing allocations in SVAHs are anticipated by the Housing Trajectory (see HELAA, HRD05), and none are made by the SADMP. Neither does the SADMP identify development boundaries for SVAHs, considering that this would likely result in a total amount of development in these settlements above the level envisaged in the CS (SVAHs being among the 'Other' category, to receive 2% of total housing development, in the 'Distribution of New Housing Table' on p35 of the CS.).

3. However, PPG on Rural Housing states 'all settlements can play a role in delivering sustainable development in rural areas – blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence'.
4. DM3 provides for a modest element of new housing, to maintain vitality of these settlements and the rural areas around them, in accordance with the CS and PPG. It also helps provide choice in the housing market (NPPF paragraph 50) and opportunities for small scale developers and self-builders. The BCKLWN considers the policy is justified to fulfil these objectives.

**How will the Council determine whether or not a gap makes a positive contribution to the street scene (second bullet point)?**

5. This will require an assessment of the importance of the gap to the street scene and the wider character of the area. This will simply be a matter of planning judgement.

**The Council refer in DM 3 to the rural exception policy. Do the Council mean policy DM 6, which is entitled 'Housing Needs of Rural Workers'?**

6. There is no explicit 'rural exception policy', and therefore it is proposed the word 'policy' is deleted from DM3. It is meant to refer to the grant of permissions to provide affordable rural housing on sites that would otherwise not be considered suitable for housing. (DM6, by contrast, relates to housing to support the rural economy, such as that for agricultural workers.)
7. The following definition of rural exceptions is proposed<sup>1</sup> to be added to the glossary to clarify the intention.

'Rural Exceptions: These are small developments (up to 15 dwellings) specifically to provide affordable housing in small rural communities on

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<sup>1</sup> Subject to confirmation.



sites that would not normally be used for housing because, for example, they are subject to policies of restraint, such as outside development boundaries, or in SVAH. Rural exception sites should deliver affordable housing in perpetuity. The development should address the needs of the local community (i.e. the parish and adjoining parishes) by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.'

#### **2.4**

**Is the Council's approach towards the replacement or enlargement of dwellings in the countryside justified (policy DM 5)?**

1. The Policy addresses the experience and concern about the potential impact of inappropriate replacements and extensions in the rural areas, and seeks to guide and influence the expectations of potential purchasers/developers of rural properties. The design and context content of the Policy reflects and reinforces a range of other policies, including those mentioned in the supporting text, CS12 (final paragraph), and NPPF para 58 (Design), but for DM purposes it is useful to more closely and obviously emphasise those issues for this category of development. The policy has been supported in a representation on the plan (Savills for Holkham Estate, ID 1241).
2. The supporting text to DM5 mistakenly contains confusing and inappropriate references to isolated homes (in para C.5.2) and maintaining a stock of smaller

homes (para C.5.3). These relate to earlier, now superseded, iterations of the policy, and are proposed<sup>2</sup> to be deleted for clarity.

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<sup>2</sup> Subject to confirmation.

**2.5**

**Should the glossary include a definition of 'rural workers' (policy DM 6)?**

1. BCKLWN has no objection to a definition of 'rural workers' in the glossary (this could perhaps also usefully be included in the supporting text to the policy). The following wording is proposed<sup>3</sup>:

For the purposes of this policy a 'rural worker' is defined as someone who is needed to live permanently in the countryside (outside designated settlements) on or in close proximity to, and to provide vital support to, an agricultural, forestry or other enterprise which supports the rural economy and environment, and where neither the worker nor the enterprise can be located in a designated settlement.'

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<sup>3</sup> Subject to confirmation.

**2.6**

**Is the Council's approach to delivering affordable housing on phased development reasonable and sufficiently clear, with regard to both allocated and windfall sites (policy DM 8)?**

**Does the Written Ministerial Statement on support for small-scale developers, custom and self-builders, by Brandon Lewis MP (published on 1st December 2014), have any implications for the Council's approach?**

**Approach to delivering affordable housing on phased development**

1. Under Issue 1.8 commentary is given about changes instituted by Government in connection with raising affordable housing contributions thresholds (published by DCLG along with a Ministerial Statement introducing the new threshold 28th November 2014). As noted in the statement on Issue 1.8 the Borough Council Cabinet on 13 January proposed to adopt a revised approach to seeking affordable housing on development sites. Cabinet agreed to adopt the option offered by Government to maintain the provision of financial contributions on sites between 6 and 10 units. The ability of the Borough Council to make use of this exemption included the vast majority of the Borough area.
2. Clearly these changes brought about by revised Government policy affect the thresholds referred to in the SADMP policy DM 8. Whilst that policy supporting text (at C.8.1 and table, and the example at C.8.5) correctly refers to CS policy CS09, the text has been overtaken by events.
3. However these technical changes could usefully be highlighted as minor amendments following a change to Government policy. The Borough Council does provide detailed operational guidance on affordable housing (Guidance on the Delivery of Affordable Housing through S106 Agreements) via the Housing Strategy pages of our website. A copy of this has been added to the Examination Library. Therefore appropriate guidance is available already.

4. In terms of Policy DM 8 itself the clear expectation is that the relevant proportion of affordable housing (or relevant financial contribution as it may well now be) is required to be provided. This is considered to be a reasonable expectation. Whilst the provisions are detailed the Borough Council is trying to be clear as to the position. Previous experience of sites developed piecemeal shows that the area can lose out on affordable housing provision. It would be appropriate however in the interests of clarity, to make reference to the new thresholds adopted by the Borough Council. An amendment to policy and supporting text will be proposed.

#### **Implications of the Written Ministerial Statement – 1 December 2014.**

5. In response to the recent Ministerial Statement on custom and self-builders and in accordance with the requirements set out in paragraphs 50 and 159 of the NPPF the Council are currently preparing a register to identify need and demand from people wanting to custom build or become self-builders.
6. The Council have also met with the National Custom and Self-build Association to fully understand the requirements and obtain a better understanding on how to take forward initiatives that support custom and self-building locally. It is important to assess demand beyond an expression of interest to understand an objective and realistic level of demand from the local population.
7. Once identified the Council will analyse the demand and respond appropriately. Policy DM3 of the SADMP allows for infill development in more rural villages and hamlets, and these plots together with garden plots within development boundaries (policy DM 2) provide potential plots which prove popular to many people (often through custom build arrangements).
8. To date there is nothing contained within the SADMP that would prohibit such (custom or self-build) schemes from coming forward. The Council will look to take

a strategic approach once the need has been established. Such an approach is likely to be included in the review of the local plan.

**2.7**

**Is the Council's approach to encouraging the retention of community facilities justified (policy DM 9)?**

**How will the Council determine whether or not the area 'is currently well served' by the use that would be lost?**

**Is the 12 month marketing period reasonable and how would the Council's satisfaction be measured?**

1. In addition to the justification provided in the SADMP itself, NPPF 70 expects planning policies to '*guard against the unnecessary loss of valued facilities and services*', and concern about their loss or adequacy is one of the most common themes in representations on plans and planning applications in the Borough.
2. The approach to this task is to encourage retention (and new provision), and protection of such uses from displacement by higher value uses, while recognising that in some cases retention is not justified because either the need or popularity in a locality has waned, or the ability to sustain market provided facilities no longer persists, and that in such cases. It is considered this approach is fully justified, but that this could be expressed more helpfully through an amendment to the policy, and addition to the supporting text of explanation as to how this would be implemented.
3. A proposed modification to the Policy is set out below. This clarifies that the concern is with provision after the potential loss, not before, and that there is no need for viability testing if the facility is no longer needed. It is also simplified, and omits unhelpfully rigid specification of market provided facilities and the mechanism and timescale for testing viability.
4. Additional supporting text (also below) identifies the type of information which would be anticipated and weighed. This includes the 12 month marketing now removed from the policy text. This is a commonly used period for such matters,

and while flexibility is required, this typically provides an appropriate balance between adequate testing of the market while avoiding excessive uncertainty for the owner and locality.

**PROPOSED<sup>4</sup> REVISED POLICY DM9:**

**The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.**

**Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either**

- **(a) the area currently served would remain suitably provided following the loss; or if not,**
- **(b) it is no longer viable or feasible to retain the premises in a community facility use.**

Proposed Additional Supporting Text

Evidence to meet the policy requirements may include, for example, one or more of the following:

- for (a), information on alternative provision in the area, typical provision in equivalent areas, the geography and social make up of users and potential users; changes in the demand or need for the type of facilities; and
- for (b),
  - in the case of market provided facilities (e.g. shops, pubs, restaurants, etc.), evidence of marketing the business or premises for a sustained period (usually a minimum of 12 months) at a price reflecting the authorised use, details of income/profit achieved in recent years, evidence of significant long term changes in the relevant market.

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<sup>4</sup> Subject to confirmation.



- in the case of non-market provide facilities, the withdrawal or absence of the funding, personnel or other resources necessary to provide the facility.

The adequacy and persuasiveness of the evidence will be judged in the particular circumstances of the case, and against the objectives set out in the policy.

**2.8**

**Is the Council's approach towards retail development outside town centres justified (policy DM 10)?**

1. The policy is in conformity with the NPPF in both prioritising town centres, and in providing for exceptions to this where this is justified and provides sustainable development. However, this is perhaps not clearly expressed and amendment is suggested below.
2. CS Policy CS10 encourages development in rural settlements to provide employment and services (which can include retail). It states the strategy outside the settlements, in the open countryside, is one of protection, but does provide exceptions for farm diversification and for conversion of existing buildings. DM10 itself provides exceptions to the requirement for town centre locations where there are not suitable town centre sites, and for formats that would not be appropriate in a town centre. Both of these exceptions can encompass potential rural developments.
3. Savills (ID 1244) argue that the Policy should be widened in respect of rural enterprise. Savills suggested rewording is, however, so broad as to run counter to the CS and NPPF. It implies that conversion of agricultural buildings and well designed new buildings in rural areas for retail use are inherently sustainable (providing they do not affect town centres). BCKLWN's position is that such development can be sustainable, depending on the circumstances, and that the type, format, scale, and location would typically be among the factors being considered to judge whether that is the case. For example, if the retail use serves the rural community, is complementary to tourism in the locality, or is a retail type or format suited to a rural area rather than a town centre, this is likely to be sustainable and consistent with DM10.

4. The following changes are proposed<sup>5</sup> to make the policy intent and scope clearer.

(a) Policy title:

**'Retail Development'** (deleting 'outside the town centre')

(b) Second paragraph clarified to read

**'New retail uses will be expected to be located in town centres unless an alternative location is demonstrated to be necessary. If there are no suitable sites in the town centre an edge of centre location will be expected. An out of town location will only be acceptable where it is demonstrated either that there are no suitable sites in the town centre and edge of centre, or the format or nature of the proposed use would not be appropriate in a town centre location (e.g. bulky goods and trade, purely local retail services, etc.).'**

(c) An additional paragraph following C.10.3:

Certain types of retail development may be unsuited to town centre locations. For example, if the retail use serves the rural community, is complementary to tourism in the locality, or is a retail type or format suited to a rural area rather than a town centre, this is likely to be sustainable and consistent with this policy.

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<sup>5</sup> Subject to confirmation.

**2.9**

**Is the Council's approach towards the provision of touring and permanent holiday sites justified (policy DM 11), particularly with regard to protecting the AONB and its setting?**

1. The NPPF 115 recognises that “great weight should be given to conserving landscape and scenic beauty” in the AONB. The Policy seeks to reflect this requirement. NPPF 116 is clear that “planning permission should be refused for major developments except in exceptional circumstances and where they can be demonstrated they are in the public interest”, setting out the criteria for assessing such cases. The implication is that small scale developments would be judged against NPPF 115 i.e. “conserving landscape and scenic beauty” and “conservation of wildlife and cultural heritage”. The Policy seeks to do this through its references to the landscape setting of the AONB.
2. The rewording of the supporting text (C.11.4) and policy suggested by the Norfolk Coast Partnership to bring them more into line with the NPPF with regards to “conserving landscape and scenic beauty” within the AONB and landscape setting outside the AONB are accepted as changes we would wish to recommend to Members. The suggested change to C.11.4 may go some way towards meeting concerns about the relationship between this supporting text and the policy.
3. In relation to the ‘conservation of wildlife and cultural heritage’ the policy already deals with the ‘historical and natural environmental qualities of the surrounding landscape and surroundings’ and protects SSSIs and European sites.
4. In relation to the scale of development the PPG (para. 006) advises that “Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the

proposal in question and the local context.” This would seem to go against the suggestion of the need to define ‘small scale’ in the policy or elsewhere.

5. The relocation of coastal holiday parks inland after 2020 is not envisaged as being necessary given the work on The Wash East Coastal Management Strategy, following on from The Wash Shoreline Management Plan, which has identified an alternative funding mechanism to enable the defences on this stretch of coast to be maintained. If relocation was necessary, should the third party funding not materialise, these are likely to be the type of exceptional circumstances envisaged in the NPPF's para. 116.

#### Proposed<sup>6</sup> Modifications

6. Reword the supporting text (C.11.4) as follows (change underlined): “In order that touring and permanent holiday sites do not have a significant adverse impact on the landscape, it is proposed that new sites and extensions to and intensification of existing sites will not normally be permitted within the Norfolk Coast AONB, SSSIs and the flood Hazard Zones.”
7. Reword Policy DM11 as follows: “Small scale proposals for holiday accommodation will be acceptable within the Norfolk Coast AONB (AONB) only where it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB or on the landscape setting of the AONB if outside the designated area.”

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<sup>6</sup> Subject to confirmation.

**2.10**

**Is the Council's approach to protecting the function of the strategic road network justified (policy DM 12)?**

**What are the circumstances in which a Traffic Impact Assessment would be required?**

**NPPF paragraph 29 confirms that transport policies are important in facilitating sustainable development.**

**Does the SADMP sufficiently reflect this advice, for example in paragraph 97? Is the Plan based on a sufficiently robust transport evidence base?**

**Is the Council's approach to protecting the function of the strategic road network justified (policy DM 12)?**

1. NCC's Development Management Guidance Note (Safe, Sustainable Development, January 2014) sets out in Aim 7 the need to protect the strategic role of the Principal road network and highlights how development in the vicinity of these roads can compromise the ability of these routes to carry traffic freely and safely. On these routes, outside urban areas, drivers do not generally expect to encounter slowing, stopping, turning, manoeuvring or parked vehicles, nor do they expect to encounter pedestrians. This lack of expectancy increases the hazards caused by an access that exists in isolation and therefore can have an adverse impact on highway safety. Development located where it will prejudice the ability of strategic routes to carry traffic freely and safely is likely to attract a recommendation of refusal from the Highway Authority. This is strictly applied.
2. In addition to the safety issues the free flow of traffic is an important planning issue relating to access to services, quality of life, and, especially, economic issues (e.g. tourism)

**What are the circumstances in which a Traffic Impact Assessment would be required?**

3. Exceptions may occasionally be made by the Highway Authority where the development is of overriding public/national need or the access is required to

serve essential development where it has been proved incapable of being sited elsewhere. In such instances the development must be served by a safe means of access with a Transport Assessment to demonstrate that any required infrastructure improvements do not impact upon the ability of the road to carry traffic freely and safely.

**NPPF paragraph 29 confirms that transport policies are important in facilitating sustainable development. Does the SADMP sufficiently reflect this advice, for example in paragraph 97?**

4. Policy DM12 – Strategic Road Network aims to resist development along strategic routes, which would prejudice the ability of such routes to carry traffic freely and safely. In doing so, development is focused towards urban areas with high connectivity and therefore to more accessible locations where the ability to travel more sustainably is maximised. Conversely, locating development alongside the strategic road network, outside urban areas, would severely curtail opportunities to provide high quality access to public transport and safe walking/cycling route.
5. Sporadic development along strategic routes has the effect of further reducing the connectivity of the rural areas, an adverse effect that the policy seeks to avoid.

**Is the Plan based on a sufficiently robust transport evidence base?**

6. The Highway Authority has been consulted throughout the plan-making process and their views and recommendations have been taken into account accordingly. Previous study work has been carried out to support the development of the Core Strategy, while input at this stage has focused on ensuring that the proposed allocations are deliverable.

#### Knights Hill

7. With regard to the suggestion that the Knights Hill allocation is in conflict with DM12 the County Highway have commented that the main access is proposed onto the A148 which is part of the Strategic Route Network. Policy

DM12 applies outside urban areas only and the proposed access point is within the built up area. However, the site is not included within the current settlement boundary as the Council's approach is not to include the proposed allocations within the settlement boundary.

Proposed<sup>7</sup> Modification

8. In relation to the issue of allocations on the strategic road network for clarity it would be helpful to clarify that Policy DM12 does not apply to allocated sites.

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<sup>7</sup> Subject to confirmation.



**2.11**

**Is the safeguarding of the railway trackways justified (policy DM 13)? Is the status of the King's Lynn dock branch sufficiently clear?**

**Are there any other former rail routes that should be safeguarded, for example between Watlington and Wisbech and/or King's Lynn to Fakenham?**

1. The BCKLWN has identified railway trackways to be safeguarded in the light of advice in NPPF para. 41 "Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice." However the NPPF does not say that we should not protect routes in other circumstances. The policy intention is not to protect routes from all development, rather from prejudicial development that might prevent their future use for paths, cycleways, bridleways, new rail facilities, etc.
2. In Policy DM13 the Council has sought to protect trackways only where there is robust evidence that the route will be needed for its transport or recreational potential. Routes where this could not be demonstrated or where there was too much development along the route were not recommended for continued protection in the new policy (the 1998 Local Plan Policy 4/25 had a more extensive list than that in the current policy, including Watlington-Wisbech).
3. The justification for the protected routes may be summarised as follows:
  - a. King's Lynn Harbour Junction - Saddlebow Road provides for a connection to be made from the main line to the existing and proposed industrial/employment areas at Saddlebow;
  - b. King's Lynn east curve would provide the opportunity to make a direct connection for freight trains carrying silica sand between the Sand Line (Bawsey to King's Lynn) and the main King's Lynn to Cambridge/London Kings Cross line avoiding the Tennyson Avenue Level Crossing/sidings at King's Lynn railway station;

- c. King's Lynn docks branch to Alexandra Dock and Bentinck Dock would retain the potential to reconnect the main line with the Port of King's Lynn;
  - d. Denver – Wissington would maintain the ability to reconnect the sugar factory at Wissington with the main line at Denver;
  - e. The former railway route between King's Lynn and Hunstanton forms the basis of the County Council's coastal footpath/cycleway proposal.
4. The policy states that the "King's Lynn docks branch (as above) will, however, not be safeguarded to the extent this compromises port operations within the Port Estate". This is intended to allow for the link to the Port to be preserved whilst not impeding the operations within the Port's operational area.
  5. Watlington to Wisbech was not proposed for continued protection due to the amount of development already along the route. In the meantime proposals for the reopening of a rail route between King's Lynn and Peterborough, taking advantage of more advanced plans to reopen the Wisbech to March route, have emerged. The Council has not expressed a formal view on whether or not it would support such a proposal and the early stage of the proposals could not be described as 'robust evidence' of a critical route to justify safeguarding.
  6. The section of the former King's Lynn to Fakenham route between the West Winch growth area and the Bawsey/Leziat countryside sports and recreation area has been suggested as a GI link by a number of consultees, and is accepted by BCKLWN<sup>8</sup>. However, extending it beyond here would have Habitats Regulations implications for Roydon Common.
  7. The route from Heacham to Wells has not previously been included in the safeguarding policy. Robust evidence is lacking for the benefits that protecting this route might bring in "developing infrastructure to widen transport choice". There is no current proposal for recreational or other transport use of this route.

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<sup>8</sup> Subject to confirmation.

8. In relation to the Hall Lane, South Wootton (E3.1) site the likely access route via the old track bed to part of Lynnsport and the strategy adopted in the site specific FRA to build the site access road on the track bed would enable a comprehensive junction with Edward Benefer Way serving this site and Lynnsport, and provide a secondary flood defence to the Zone 2 areas within this allocation, with pedestrian and cycle routes alongside but probably not on the track bed. There is then no need to protect the track bed where other routes are being provided.
9. As a general point wording should be included in the policy that allows such circumstances to be recognised and accommodated.

#### Proposed<sup>9</sup> Modifications

- a. Include the section of the former King's Lynn to Fakenham route between the West Winch Growth Area and the Bawsey/Leziate countryside sports and recreation area as a safeguarded route under Policy DM13.
- b. Amend the policy after 'paths, cycleways, bridleways, new rail facilities, etc.' as follows:
- c. "unless the proposals for trackway use are accompanied by appropriate alternative route provision that makes the safeguarding unnecessary"

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<sup>9</sup> Subject to confirmation.

**2.12**

**Is policy DM 14 justified (RAF Marham and CITB Bircham Newton)?**

**Is it sufficiently clear what evidence would be required to enable the Council to take decisions on enabling development?**

1. The supporting text justifies the rationale for the policy in terms of these facilities' importance and strategic and national policy.
2. These facilities were identified for special treatment on the basis not only of their particular importance, but also their location in open countryside (RAF Marham adjacent to part of the Key Rural Service Centre of Marham; CITB about 1km north-east of Bircham Tofts on a former RAF airfield.). Queen Elizabeth Hospital is also one of the largest single employers in the Borough, but by contrast lies within the development boundary (and any extensions beyond this would be considered in the light of the CSand DM2 allowing development of community facilities outside the boundary). The CITB has previously proposed large scale 'enabling' development around its site (not implemented), and the BCKLWN has liaised with the RAF to campaign against the earlier potential closure of Marham (now confirmed not taking place) and to understand the evolving needs of the base and its associated businesses. There is an awareness of a potential need during the plan period to consider further development.
3. BCKLWN wishes to emphasise its support for these establishments, and willingness to look positively and flexibly at proposals for development which strengthen them. However, it also seeks to confirm they are not suitable locations for general development which does not serve that function.
4. The following amendments are proposed<sup>10</sup> to clarify this, the evidence expected in support of enabling development, and how this would be judged.

**Policy – replacement second paragraph**

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<sup>10</sup> Subject to confirmation.

**Non-operational 'enabling' development which supports the retention, enhancement or expansion of these facilities will be supported where it can be demonstrated**

- o that the development is required to support the facility's long term value to the Borough's economy and employment; and**
- o there are robust mechanisms to ensure the improvements justifying the enabling development are delivered and sustained; and**
- o the resulting development is appropriate to its rural location, and will not undermine the broad thrust of the settlement hierarchy and protection of the open countryside set out in the Core Strategy; and**
- o it will not result in the loss of land needed for operation of the facility, or reduce its reasonably foreseeable potential to expand or be reconfigured.**

Supporting text:

Application for enabling development would be expected to be accompanied by –

- A long term business plan for the facility;
- A financial viability assessment for both the facility and the enabling development
- A proposed mechanism to provide certainty that the intended enhancements to the facility will be delivered in the event the development is permitted.
- An assessment of the proposed enabling development in terms of its effect on the settlement hierarchy and the protection of the open countryside.

**2.13**

**How will the Council determine whether or not a proposal would comply with the factors listed in the bullet points in policy DM 15 on Environment, Design and Amenity?**

**Is sufficient weight attached to conserving and enhancing the historic environment (NPPF chapter 12)?**

Environment, Design and Amenity

1. Planning officers will assess the various issues in the bullet points, depending on the particular proposal, and the relevance of the individual bullet points to it. For example for an extension it is likely to require an assessment of overlooking, overbearing and overshadowing, but not water or air quality, odour, etc.
2. Officers will also take specialist internal and external advice on certain subjects, such as contamination and noise. Again this will be dependent on the nature of the development proposals.

Historic Environment

3. Policy CS12 of the CS (GD01) sets out the Council's approach to protecting and enhancing the Borough's historic environment.
4. The CS Spatial Strategy, Policy CS01, sets out the Council's development priorities including "protect and enhance the heritage, cultural and environmental assets". This is reflected in the strategy for King's Lynn for example by the expressed intent to "make appropriate use of the high quality historic environment in the town through sensitive inclusion in regeneration proposals". CS03 within the town's growth strategy commits to "continue protecting and enhancing the historic environment of King's Lynn in order to promote the town for its unique heritage and cultural offer." It also requires "a high quality of design" which "respects and enhances the wider historic surroundings" and encourages "schemes of renewal or replacement" where, inter alia, there is no detrimental impact on "significant trees, wildlife or historic assets." Similar commitments are made in the relevant policies for Hunstanton and the rural and coastal areas.

5. The Council is mindful of the legal requirements relating to listed buildings and conservation areas. Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions. When considering any planning application decision that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This duty goes beyond just decisions on permissions and applies to the exercise by the local authority of all its other functions under the planning acts.
  
6. The Council's commitment to heritage in King's Lynn is shown through recent examples like the St. Margarets Townscape Heritage Initiative (THI) scheme, which commenced in June 2014 and will run for 5 years, the enhancement schemes recently carried out for the Tuesday and Saturday Market Places and the Heritage Lottery Fund (HLF) scheme for the Stories of Lynn and Town Hall enhancement project which commenced in April 2015.
  
7. Conservation Area Statements have been prepared for Conservation Areas across the Borough.

**2.14**

**Are the open space standards in policy DM 16 justified?**

**How would the Council determine the need for allotments associated with large scale residential development?**

1. The GI Strategy 2010 (DCS06) set out the Council's overall approach to GI, identifying projects and setting out an action plan for their delivery. The CS policies CS12, 13 and 14 took forward this approach, with particular references in the Spatial Strategy (CS01) and settlement policies (CS03-07). Policy CS14 sets out how all forms of infrastructure will be delivered, including GI, the funding mechanisms and maintenance arrangements.
2. Policy DM 16 is about the provision of recreational open space for all new residential developments, including allotment provision, on large-scale development. The standards are based on the Fields in Trust (The National Playing Fields Association) recommended standard of 2.4 ha of outdoor playing space per 1,000 population.
3. The need for allotments associated with large scale residential development would be based on waiting lists and other needs identified by town and parish councils (in some cases this will be through NPs as in the case of the draft plans for South Wootton and West Winch/North Runcton). In addition the Sport, Recreation and Open Space Assessment 2006 (DCS01) identified Wards deficient in allotment provision. This is set out in Appendix A of the GI Strategy (DCS06). A particular high priority need is identified in Downham Market in the GI Strategy's Action Plan.
4. Local authorities have a statutory duty under section 8 of the Small Holdings and Allotments Act 1908 to provide a sufficient number of allotments when they consider that there is demand. In their assessment of demand an authority must take into consideration any representations made to them by six parliamentary



electors or council taxpayers resident in the area. They also have powers to acquire land for the provision of allotments.

5. In setting local standards for provision of allotments there is a need to take into account any national or local standards, current provision, other local authority standards for appropriate comparison, site assessments and consultation on local needs.
6. The National Society of Allotment and Leisure Gardeners provide a suggested benchmark of 20 allotment plots per 1,000 households (i.e. 20 allotment plots per 2,200 people (2.2 people per house) or 1 allotment plot per 200 people. With an average allotment plot of 250 sq./m. this equates to 0.125 ha per 1,000 population. The 1970 Thorpe Report suggested 0.2 ha per 1,000 population. There are no existing local standards, but the Sports, Recreation and Open Space assessment (DCS01) (Table 8-3) calculated needs based on the future development identified at that time.

#### Proposed Modification

7. The Preferred Options version of the policy (POAW7) drew a distinction between the open space provision to be made by sites of 20 – 99 units and that to be made by sites of 100 units or more. Developments of 20+ dwellings were expected to meet the requirement for children's play space on or adjacent to the site; sites of 100+ dwellings were expected to meet the whole requirement on or adjacent to the site (i.e. outdoor sport and children's play space). It has been highlighted that the removal of this distinction is likely to cause difficulties in the development control process.
8. It is therefore proposed to restore this distinction to the policy wording as follows:
  - Developments of 20 - 99 dwellings will be expected to meet the requirement for suitably equipped children's play space only;
  - Developments of 100 dwellings and above will be expected to meet the whole requirement.

**2.15**

**Are the proposed parking standards adequately justified (policy DM 17)?**

1. Satisfactory accommodation of parking in residential areas is one of the most common concerns of those commenting on plans and planning applications in the Borough, and is accorded a high priority by the BCKLWN and its councillors. The NPPF, paragraph 1, states it 'provides a framework within which local people and their accountable councils can produce their own distinctive local . . . , which reflect the needs and priorities of their communities' (which in turn relates to the localism agenda and NPPF). NPPF 58 emphasises the importance of developments that function well and add to the overall quality of the area over the long term, while NPPF 39 sets out the considerations to be taken into account in setting car parking standards. These considerations have together informed the policy, and its focus on residential parking standards.
2. The Ministerial Statement of 25<sup>th</sup> March (after publication of the proposed Plan) included a new expectation that car parking standards should only be imposed where there was 'clear and compelling justification that it is necessary to manage their local road network', saying this sentence 'should be read alongside' the NPPF. While the BCKLWN considers it has the justification sought, it also considers that in reading this sentence alongside the NPPF a balance should be struck giving the new statement relatively limited weight because
  - (a) a ministerial statement such as this is a material planning consideration, but warrants less weight than formal national policy, the NPPF, which has gone through an extensive parliamentary process involving consultation and scrutiny;
  - (b) the NPPF does not include such statements (or any other planning guidance) in its definition of soundness;
  - (c) that sentence should be considered in the context of the overall thrust of that section of the Statement, which is titled 'Parking:. . . preventing congestion', and which is introduced by saying the 'This government is

keen to ensure that there is adequate parking provision. . . in new residential developments. . .'

(d) The Minister of State for Housing and Planning wrote on 27 January 2015<sup>11</sup> *'The Government is firmly of the view that more car parking spaces should be provided alongside new homes that families want and need. This is especially the case in areas where access to public transport remains low. But even in urban areas, an insufficient number of parking spaces . . . risks creating a 'vicious circle' where clogged up streets leave motorists to run a gauntlet of congestion, fines and parking restrictions'*.

3. The particular residential standards in the policy derive from the draft update of the Norfolk Parking Standards. These reflect the typical character of parking issues in Norfolk, and the experience of implementing previous iterations of the Norfolk Standards (the current version dates from 2007) prepared by the local highway authority. The 2007 standards are in regular use across Norfolk for DM and widely accepted in the Borough.
4. The residential car parking standard remains the same as the current 2007 standard, but now expressed as a minimum rather than a maximum (according with national policy) and with standard sized garages excluded on the basis of the experience that these will typically be unavailable for parking due to use for storage. The requirement for cycle parking is now extended to all dwellings, rather than just for flats and dwellings with communal parking in the 2007 standards.
5. It is notable that this policy has attracted little comment, with Savills and the king's Lynn Civic Society expressing support (ID 442, 1247). Only two agents (one on behalf of several clients) have objected to the standards themselves, and then only in relation to garages (IDs 242, 245, 252, 253, 256, 257, 262, 259, 277). BCKLWN does not consider either of their suggested changes would overcome the likelihood of the garages becoming unavailable for car parking.

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<sup>11</sup> Letter to Mayor of London  
<https://www.london.gov.uk/sites/default/files/FALP%20letter%20from%20Minister%20of%20State%20for%20Housing%20and%20Planning.pdf>

6. BCKLWN does accept Turley's suggestion (ID 1257) that flexibility for lower provision should not be restricted solely to the town centre, and accepts<sup>12</sup> it should be changed (slightly differently to that suggested) to read
  - a. 'Reductions in car parking requirements may be considered for the town centre, and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence need for car parking provision.'

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<sup>12</sup> Subject to confirmation.

**2.16**

**Is the Council's approach to coastal flood risk and to other areas at risk from flooding, justified (policies DM 18 and DM 21)?**

**What is the status of the Protocol in Appendix 4, which is referred to as a Local Plan Policy in paragraph C.18.5 but is not mentioned in the section entitled 'Sites in Areas of Flood Risk'?**

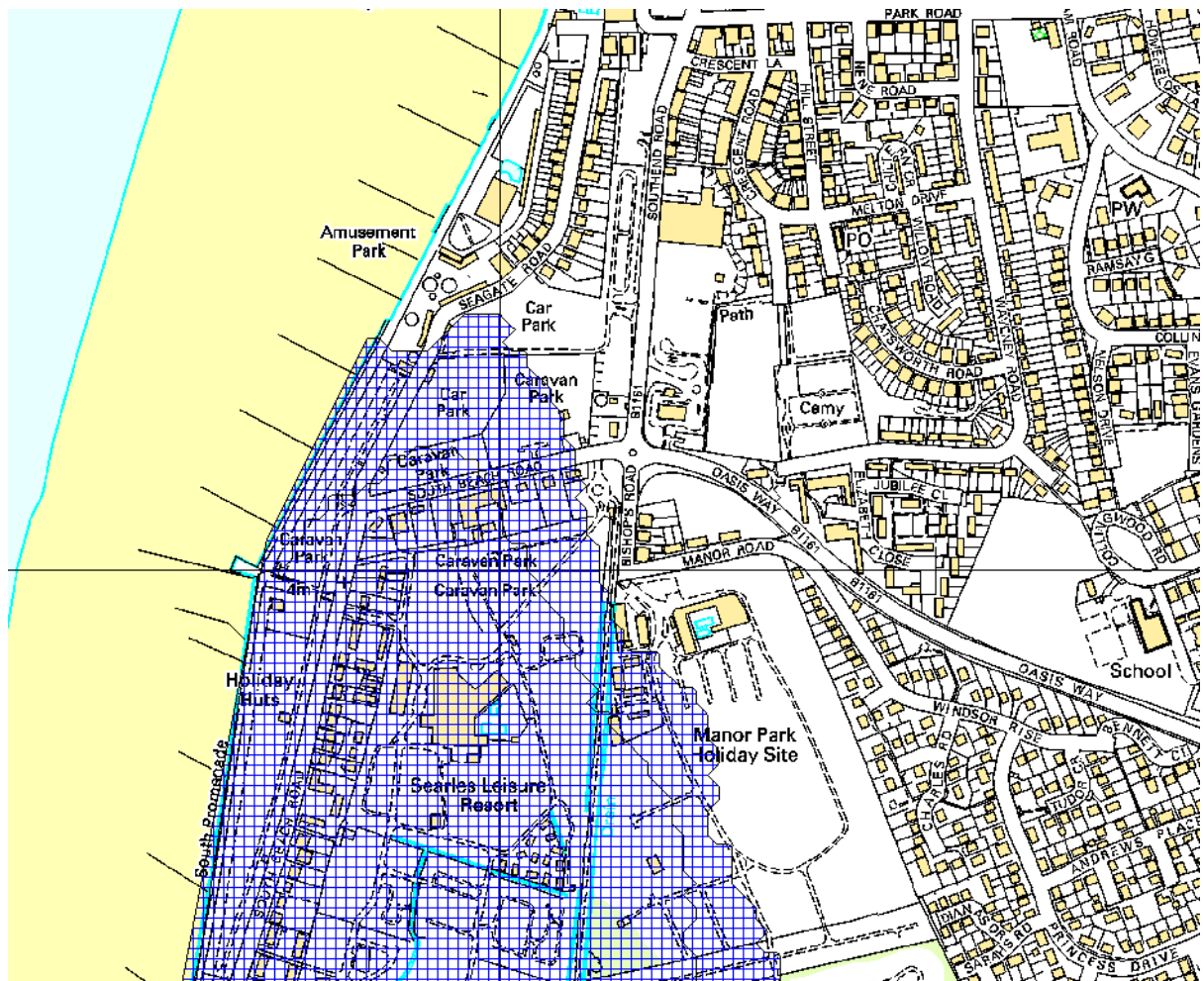
1. The BCKLWN works very closely with all of the relevant bodies on matters relating to flood risk – the EA, Anglian Water Services, IDBs and the Lead Local Flood Authority (NCC).
2. Policy DM18 is based on the Coastal Flood Risk Planning Protocol agreed and published with the EA in September 2010 and relates to the Coastal Flood Risk Hazard Zone between Hunstanton and Dersingham (Wolferton Creek). It followed on from The Wash Shoreline Management Plan preparation process. This is the Protocol referred to in para. C.18.5. This is not the Protocol included in Appendix 4 of the Plan. The Protocol at Appendix 4 sets out the joint approach agreed between the BCKLWN and the EA in 2012 to using the Council's Strategic FRA (FW01) and the EA's Tidal Hazard Mapping (FW01) in relation to planning applications.
3. The EA have reviewed DM18 and support its inclusion, subject to the detailed mapping change suggested in their representation, which the Council is happy to accept.
4. The EA have no objection to DM21 subject to referencing the joint design guidance as published on the BCKLWN's website (included as Appendix 1 to this statement). The Council is happy to accept such a reference being made.
5. Proposed<sup>13</sup> Modifications
  - a. Amend the map on page 58 accompanying Policy DM 18 to show the correct northern boundary of the Coastal Flood Risk Hazard Zone,

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<sup>13</sup> Subject to confirmation.

including land between South Beach Road and Seagate Road, Hunstanton as below.

- b. Map to show land at South Hunstanton. The areas marked with a blue grid indicate the extent of the SFRA Tidal Flood Category 3 (high risk) and Tidal Climate Change Flood Category 3 (high risk) mapping layers.



- c. Amend Policy DM21 to reference the joint EA/BCKLWN design guidance as published on the BCKLWN's website (included as Appendix 1 to this statement) by adding the following requirement: "The design of new dwellings will be in accordance with the EA/BCKLWN Flood Risk Design Guidance."
- d. Delete 'the National' before "PPG – Flood Risk and Climate Change in clause 2. of Policy DM 21 on page 66.

**2.17**

**How will new GI enhancements be identified and delivered?**

**How will 'more detailed local solutions' be developed and implemented (policy DM 19)?**

1. The GI Strategy 2010 (DCS06) set out the Council's overall approach to GI, identifying projects and setting out an action plan for their delivery. The CS (GD01) policies CS12, 13 and 14 took forward this approach, with particular references in the Spatial Strategy (CS01) and settlement policies (CS03-07). Policy CS14 sets out how all forms of infrastructure will be delivered, including GI, the funding mechanisms and maintenance arrangements.
2. Policy DM 19 is about Borough-wide GI projects; projects more directly related to King's Lynn are set out in Policy E1.13.
3. The development of 'more detailed local solutions' was included in the policy in response to comments made at the Preferred Options stage by the Norfolk Wildlife Trust. The intention is to take forward at a more detailed level the GI Masterplans for Downham Market and Hunstanton illustrated in Figure 3.3 and Figure 3.4 of the GI Strategy Stage 2 (DCS06) working jointly with Norfolk Wildlife Trust and other partner organisations. The Action Plan sets out priorities (High, Medium and Low) for Downham Market and Hunstanton). Hunstanton Town Council is preparing a NP and Downham Market Town Council has begun preliminary work on one. These may well assist in identifying detailed GI measures for these towns.
4. The Council will work with stakeholders through a Delivery Group to produce a GI Delivery Plan based around the GI Strategy.

**2.18**

**Has the Council attached sufficient weight to the provision of renewable energy, including in terms of the design and operation of buildings (policy DM 20)?**

1. Core Strategy policy CS08 provides a set of principles for new development in the Borough aimed at achieving 'Sustainable Development'. (p32 – 33). The Borough Council would say that these in part address the design and operation of buildings referred to above.
2. Policy DM 20 particularly addresses the potential impacts that new renewable energy schemes or associated infrastructure might have on the identified features in the Borough. It specifically does not set out to give standards for energy performance etc. With regard to building performance it is noted that the Ministerial Statement of 25 March sets out clear expectations of how such matters are to be dealt with. It is not considered that the SADMP requires any direct actions to adjust references to the provision of renewable energy in terms of building design or operation. Policy DM 15 outlines some design considerations, but more pertinent ones are in Core Strategy CS08.



**2.19**

**Is the Council's approach to the protection of local open space justified (policy DM 22)?**

1. CS (GD01) policies CS12-14 provide the context for this policy together with the GI Strategy (DCS06).
2. The approach adopted by the Council to local open space protection in the SADMP is a criteria-based policy but it also provides for local communities to designate Local Green Space for protection in NPs as envisaged by the NPPF para. 76. Bircham Parish is preparing a NP. The emerging NPs for South Wootton and West Winch/North Runcton both identify local open spaces that they would wish to protect.
3. The Policy is supported by Natural England, subject to a small errata change to the supporting text (C.22.5).
4. Proposed Modifications
  - a. Delete second 'also' in 5<sup>th</sup> line of supporting text para. c.22.3.
  - b. Insert 'ensure' after "the policy approach aims to" in the 2<sup>nd</sup> sentence of supporting text para. C.22.3.

## Appendices - Table of Contents

### APPENDIX 1 – Flood Risk Design Guidance

#### **Flood Risk Design Guidance for New Dwellings Proposed within the Area Covered by the Environment Agency's Tidal River Hazard Mapping**

The Tidal River Hazard Mapping illustrates the flood risk from the River Nene and River Great Ouse in the event of an overtopping and/or breach of the defences ( in a 1 in 200 year event, both now and in the future taking into account the impacts of climate change up to the year 2115). The information available includes depth, velocity and a hazard rating for the site.

The following guidance sets out the range of flood resilient/resistant construction/design measures which we will likely expect to be incorporated in to any proposals for new residential development located within the area covered by the Environment Agency's Tidal River Hazard mapping. The aim of these measures is to reduce the risk of flooding to both property and future occupants.

The range and type of resiliency measures required will dependent on the predicted floor depths identified at the site by the Tidal River Hazard Mapping, the site specific FRA and, where appropriate, detailed topographical information.

Please note that new dwellings in high flood risk areas will need to pass the NPPF Sequential test and all elements of the Exception test. The following guidance does not negate this need.

In addition, the design of any new dwelling would need to respect the form and character of the surrounding area as well as the amenity of any neighbouring residential properties. It should not be assumed that by the provision of appropriate flood resiliency measures the design of the dwelling will automatically be acceptable to the BCKLWN in all instances.

- Where the Tidal River Hazard mapping shows depths of **up to 1 metre**:

We will usually expect (dependant on the flood risk to the site identified by the site specific FRA) the incorporation of some or all of the following flood resiliency measures:

- Finished floor level raising
- Dam boards
- Other resiliency measures such as raising of electrical sockets/switches
- No ground floor sleeping accommodation
- Safe refuge is provided
- Where the Tidal River Hazard mapping shows depths of **over 1 metre and up to 2 metres**:

For sites predicted to flood to 1 - 2m the site specific FRA (in combination with detailed topographical information) will need to identify the precise flood risk to the site and the necessary resiliency measures, these should include some or all of the following flood resiliency measures:

- Finished floor level raising
- Dam boards
- Other resiliency measures such as raising of electrical sockets/switches
- No ground floor sleeping accommodation
- Safe refuge is provided
- Or no habitable ground floor accommodation
- Where the Tidal River Hazard mapping shows depths **over 2 metres**:

In areas predicted to be flooded to depths of 2m or greater no ground floor habitable\* accommodation should be provided.

This is because flood resiliency measures (such as raising finished floor levels and dam boards) would be highly unlikely to be able to prevent the ground floor being completely inundated.

In addition, using dam boards to keep a building dry with 2 or more metres of water around it would likely, due to hydrostatic pressures, lead to its collapse. Accordingly, non-habitable accommodation on ground floors, which would allow for the ingress of water with minimal damage to property, is recommended.

*\*Habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable.*

## **Flood Risk Design Guidance for Conversion of Existing Buildings to Residential Use**

Proposals for conversion of existing buildings to residential use will be assessed on a case by case basis. Flood resiliency measures will need to be incorporated in to such schemes as far as practically possible taking in to account the constraints of the existing structure.

Schemes which propose, as a result of the conversion of an existing building or the subdivision of an existing house, ground floor or basement flats in high flood risk areas will likely be resisted. This is because with all habitable accommodation at risk of inundation and no/limited safe refuge available this kind of accommodation is highly susceptible to flood risk and places occupants at risk.

If, due to the constraints of the existing building, it is not possible to incorporate adequate flood resiliency measures to allow residential use then an alternative use which is less vulnerable to flood risk (as defined by table 2 of the [Technical Guidance](#) (404kb pdf) to the NPPF) may be more appropriate.

This guidance forms part of the [Strategic Flood Risk Assessment and Tidal River Hazard Mapping Protocol 2012](#).

### **Flood Proofing Measures**

Further guidance on a range of flood proofing measures can be found within the Communities and Local Government document "Improving the Flood Performance of New Buildings – Flood Resilient Construction". This document can be viewed on the [CLG website](#).  
(<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood> )

Guidance last updated: 05 December 2012