



**Follow up work in relation to the Examination
into the King's Lynn and West Norfolk Local
Plan: Site Allocations and Development
Management Policies**

Denver Update

November 2015

Document reference no.	FW18
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1. Issue

- A. Provide the Inspector with information/map relating to common land at Denver.
- B. Can the proposers of Site DEN1 / 622 provide further information to the Council by the 20th of November, so that access can be implemented and the site allocated.
- C. Can additional information be provided for Site 519: NCC HA to expand upon comments and Environmental Health to provide a view on the proximity of the poultry operation adjacent.

2. Response

- 2.1 There are a number responses to the issues listed above and these will be looked at in turn.

Denver, Common Land Details

- 2.2 Issue A: The common land information, in the form of maps and associated documents, for Denver has been ascertained from Norfolk County Council and passed onto the Inspector (26/11/15). This will now appear on the examination web site. A copy of the cover email is attached as Appendix 1 of this paper.

Site DEN1 / 622 Further Information

- 2.3 Issue B: Following the hearing session Issue 16: Denver, Thursday the 5th of November 2015, the promoters of Site DEN1 / 662 were given till Friday the 20th of November 2015 by the Inspector to provide further information to the Borough Council. This information should clarify the access arrangements to the site, over common land, and the ecology report referred to during the hearing session, in order to facilitate the site being allocated.

2.4 At an earlier stage in the plan preparation process, the Preferred Options stage (2013), DEN1 / 622 had been proposed for the residential allocation of 8 dwellings. However, this position changed at the SADMP pre-submission stage to one of non-allocation, based upon information received in relation to the ecology and access arrangements for of the site following the Preferred Options Consultation.

2.5 Information has now been received, Monday the 16th of November 2015 via email from site promoters that addresses these two points. This has been passed onto the inspector (26/11/15) and will now appear on the examination web site. The email contains a number of documents, a copy of the cover email and agent's principle agreement is attached as Appendix 2 of this paper, :

- Site ecology report
- Site ecology summary report
- Architects' drawing 13A context and 17 Mitigation
- Agent's letter regarding the principle of agreeing access across the Common land verge from the Highway to the site
- Copy of current agreement between the Site owners and Common Land owners for access to Manor Farm Barns (Deed of Easement). As an example.

2.6 Having sought an opinion from the Borough Council's legal department on the access information that has been provided, the Borough Council is satisfied that access can be achieved over the common land.

2.7 The information provided in relation to Site DEN1 / 622, is reasonable and demonstrates that development of the site could take place. The Borough Council is now in a position to support the allocation of Site DEN 1 / 622 and wishes to reinstate this allocation within the Plan. Views from NCC HA in relation to Denver have been sought and they support the inclusion of this site within the plan, their comments are attached as Appendix 3 of this paper. Accordingly a proposed revised Denver section of the SADMP is attached to this paper as Appendix 5, and a proposed revised Denver section of the Sustainability Appraisal is attached as Appendix 6.

Site 519 Further Information

2.8 The promotor of Site 519, provided the Borough Council with further information in relation to site access and the poultry operation.

2.9 As mentioned in the previous section, NCC HA have provided views in relation to Denver and reference this site. They state that safe access arrangements could be achieved and that there is a footway. Although, they state that due to the central location of 662 / DEN1 this would be their favoured option. The full comments are attached as Appendix 3.

2.10 The Borough Council had concerns with regard to the poultry operation adjacent to Site 519. This was stated within the Sustainability Appraisal (SA 01). The Inspector requested that a view from Environmental Health was sought in relation to this specific issue. Their view is attached to this paper as Appendix 4. They raise concerns that building a residential development in such close proximity to the poultry operation, particularly in terms of noise and odour. They conclude that controls could not be appropriately applied at the planning stage, and that the residents of the proposed future development of Site 519 could be left to suffer from nuisance issue that could not be resolved. For these reasons the Council do not wish to support Site 519 for allocation within the SADMP.

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Appendix 1: NCC Denver Common Land Information Email

From: Sadd, Lauren <lauren.sadd@norfolk.gov.uk> Sent: Fri 06/11/2015 15:04
To: Alex Fradley
Cc:
Subject: Common Land in Denver

Message

Sheet 91 CL 243(part) Denver.JPG (634 KB) Sheet 96 - whole page.JPG (6 MB)
Sheet 96 CL243 Inset map 1.JPG (2 MB) Sheet 96 CL243 Inset map 2.jpg (842 KB)
CL243 - Land Section.pdf (85 KB) CL243 - Ownership Section.pdf (33 KB)

Dear Alex,

Please find information below and attached further to your enquiry regarding Common Land in Denver.

There are two register units of Common Land within Denver which are CL243 and CL244, please find the Legal Register book and Register maps for these commons attached.

The documents titled 'Sheet' attached are the register maps and shows registered Common Land edged green, purple hatching is Common Land that has not been registered, the location points marked with letters are referenced in the rights section of the register book. Please also see the two inset maps attached which show land that has been registered shown green and de-registered shown pink as part of an exchange, please refer to the inset maps for accurate detail when looking at the areas on the register map which are pencilled and marked CPO. The register book provides information about the land, ownership and the rights. All the information is definitive apart from the land ownership. This information may be out of date, Norfolk County Council is reliant on the Land Registry for information about changes. If you require definitive information about the land owner please contact the Land Registry.

I hope this information is useful.

Kind regards

Lauren Sadd
Register and Records Officer
Highway Network Management
Community and Environmental Services
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General enquiries: 0344 800 8020 or information@norfolk.gov.uk
www.norfolk.gov.uk

Appendix 2: Promotor of Site DEN1 / 622 E-mail and Agent's Agreement

From: Sarah Roberts [<mailto:sarah@robertsmolloy.co.uk>]
Sent: 16 November 2015 12:00
To: Alan Gomm
Cc: borough.planning; Richard Fletcher
Subject: Denver LDF representation - Site 662 (part) or DEN 1

Dear Sirs

Further to the recent Inspector's meeting regarding the above Site (part of 662 or DEN 1) located at Sluice Road, Denver, we now present the following documents as supporting information to be considered in the next round of consultation for inclusion of the site in the LDF.

- Parker Ecology Report – assessment of the existing habitat and suggestions for mitigation and improvements to the habitat which can be carried out to allow housing development within the site part-662. The Report concludes that the existing pond is deteriorating due to Anglian Water changes to the local surface water drainage system and replacement managed ponds adjacent to open agricultural land would be beneficial. The field to the rear of the site part-662 is in the same ownership and forms part of the planned mitigation. If the existing pond is not replaced it will dry out completely within a few years.
- Parker Report Summary for ease of reference.
- Agent's letter regarding the principle of agreeing access across the Common land verge from the Highway to the site.
- Copy of current agreement between the Site owners and Common Land owners for access to Manor Farm Barns (Deed of Easement). This is intended as an example agreement for reference purposes. The Common Land is owned by the same estate in both cases. Along with the above letter from the land agent for the Common Land owners, these two documents indicate the opportunity and intention to allow access across the Common verge for residential development purposes.
- Architects' drawing 13A Context and 17 Mitigation.

We trust the above documents answer the points raised for further clarification but please let us know if any other particular information is required.

Yours faithfully

Sarah Roberts

Sarah Roberts
Roberts Molloy Associates
01379 687705
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From: Office - Barry Hawkins [<mailto:info@barryhawkins.co.uk>]
Sent: 12 November 2015 10:42
To: 'Beulah's'
Subject: Manor Farm Barns

BARRY L. HAWKINS *Auctioneers*

Telephone: 01366 387180 - Website: <http://www.barryhawkins.co.uk>

Dear Mr Fletcher

Further to your telephone call to me enquiring as to whether or not the Court of Common Leet of Denver and the Lord of the Manor would be prepared to grant an easement over the Common for both a road way and services, the meeting, held on Monday evening, instructed me, as Steward, to write to you stating that they would be prepared to grant such Right of Way to give access to your land.

I make note that we already have a legal agreement for plots adjoining the area discussed

Barry L Hawkins

Appendix 3: NCC HA Denver Comments

From: Doleman, Richard <richard.doleman@norfolk.gov.uk>
To: Alex Fradley
Cc:
Subject: Denver Sites - Highway and Transportation comments

Sent: Tue 10/11/2015 11:23

Alex

A response to the inspectors query for further information on the comments made in respect of sites in Denver.

Regards

Richard

The County Council as local Highway Authority were not supportive of any proposed allocations in Denver, except 1128, because of the remoteness, lack of facilities and job opportunities. Of all the sites put forward in the first round, only site 1128 found favour because of its proximity to the primary school. At that stage (2012) both site 662 and site 519 were not supported for inclusion in the Site Allocations Plan.

When we turn to the preferred options stage, the site presented as DEN1 was an evolution of 662 with revised access proposals. The County Council as local Highway Authority commented on this site in October 2013 and did not object to its inclusion. These comments assumed that the access as shown onto the adopted road network could be secured. The track to the east of the site a Public Right of Way and not adopted highway. No comments were offered on site 519 as it was not a preferred site.

The reality is that there could be a technical solution to both sites, although some evidence that visibility standards can be achieved for 519 may be needed. However I suspect that a safe access can be secured. There is a footway to 519 as there is for DEN1. So my opinion is that both sites could meet minimum access standards. IF the two sites are on the table for discussion then the more central location of DEN1 would mean that from a highway and transportation perspective, DEN1 is favoured above 519. Of course the suitability of DEN1 is contingent on evidence that the land is available for access and an adoptable road can be constructed across that land.

Richard Doleman
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Appendix 4: Environmental Health View in relation to Site 519

Alex

Thank you for providing further information on the size and scale of the poultry farm at Denver.

I do have concerns that building residential units in such close proximity to a poultry house of this size. Whilst it may be possible to design any development so that noise sensitive areas of properties (specifically bedrooms) are orientated away from the units it would be much more difficult to control emissions of odour from the site in the same way.

The Environment Agency recommend intensive livestock units are not constructed within 400m of residential properties and whilst I recognise that this advice is provided for large scale units that require an environmental permit to operate (which this is not) I would still expect a buffer between the units and the residential property. In the absence of any specific separation distances for units of this size I have looked for examples of local practice elsewhere. Of most interest, although it does relate to Northern Ireland, is the redacted document from the Northern Ireland pollution group response to a proposed change in PD rights (http://www.planningni.gov.uk/index/policy_legislation/completed_consultations/redacted_response_from_northern_ireland_pollution_group.pdf) This document, produced in 2012, makes reference to ADAS advice on separation distances, they note that at a distance of 400m from an intensive poultry unit the risk of odours at a nuisance level would be minimal. ADAS also note, at 100m, odour is very likely to be detectable on occasion and at 50 m is inevitable on occasions.

As such, if an application to build a poultry unit next to a residential unit were to be received the CSNN team would object unless a full odour management plan was produced outlining how odours were to be effectively controlled. We would also expect a noise mitigation strategy to cover any mechanical ventilation on site, loading of feed hoppers, vehicle movements to and from and around the site and delivery hours. I could not find a planning application for the poultry unit so would not expect that there are any conditions currently in place for the site.

Whilst I am sure that the unit operates to a high standard of hygienic control, intensive units do have times where odour and pest control is stretched. Previous experience of egg producing units elsewhere in the county suggests that flies can be a significant issue if controls are not appropriately applied. In addition cleaning down and restocking of the units can cause emissions of odour as can poor moisture control.

Accepting that we do not have existing complaints in relation to this unit I remain concerned that residents of any new development would not necessarily be as accepting of any of the issues highlighted above. Given that controls could not be appropriately applied at the planning stage the council would place reliance on the Statutory Nuisance provisions contained within the Environmental Protection Act 1990 to investigate any complaints of odour, flies or noise. Under the EPA the business may be able demonstrate a Best Practicable Means defence, which could leave residents suffering from nuisance issues we are unable to resolve.

Should you require any further clarification please do not hesitate to contact me.

Kind regards

Mark Whitmore
Principal Officer, Environmental Health
Community Safety and Neighbourhood Nuisance (CSNN)
Borough Council Kings Lynn and West Norfolk
01553 616654

Appendix 5: Proposed Revised SADMP Denver Chapter

G.28 Denver (RV)

Rural Village

Introduction

G.28.1 Denver is situated one mile south of Downham Market and has a range of facilities and services that serve the local community including a primary school, bus route, Post Office and other retail and employment uses. The village has a linear form although the centre focuses on the Church of St Mary at the crossroads between Sluice Road, Ryston Road and Ely Road. The approach to the centre is characterised by a gently curving village street. The Grade II* Denver Windmill is a key landmark situated within the village. The older buildings within the village comprise of Cambridge yellow brick and carstone with pitched roofs of Welsh slate or Norfolk clay pantiles. The Parish of Denver has a population of 890 (18).

G.28.2 The village is situated in the 'Settled Farmland with Plantations' landscape character type (19). This is defined as having a strong landscape structure apparent in places including intact, mature field boundaries, strong historic integrity with historic features including the landmark church, windmill, hall, two moated sites and areas of common land.

G.28.3 Denver is designated as a Rural Village by the Core Strategy and is considered to have a good range of services and facilities. Based on the Council's preferred method of distributing new development (see Distribution of Development Section) Denver is to receive an allocation of 8 new dwellings.

18 2011 Census Data

19 Borough Council of King's Lynn and West Norfolk (2007) Landscape Character Assessment Final Report, Chris Blandford Associates

Site Allocation

Policy G28.1 Denver - Land to the south of Sluice Road

Land of around 0.6 hectares, as shown on the Policies Map, is allocated for residential development of at least 8 dwellings. Development will be subject to compliance with all of the following:

1. Provision of safe access and visibility to the satisfaction of the local highways authority;
2. The layout of the development should preserve the area in the north east of the site that is subject to a Tree Preservation Order;
3. Submission of an Ecological Survey Report and Mitigation Plan, to the satisfaction of Natural England;
4. Submission of a Heritage Asset Statement that establishes that development would enhance and preserve the setting of the adjacent Grade II Listed Manor Farm House;
5. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how drainage will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
6. Provision of affordable housing in line with the current standards.

Site Description and Justification

G.28.4 The allocated site (part of submitted site Ref. No. 662) is situated in the southern area of the settlement immediately south of Sluice Road. Between the site and Sluice Road there is a thin strip of common land, the site owner has provided information that an agreement with the common land owner in relation to rights across this land has been agreed in principle and the local highways authority state the site is considered appropriate for inclusion within the plan with this access point. The site is considered capable of accommodating the 8 residential units required in settlement at a density reflecting that of the surrounding area.

G.28.5 The site lies immediately adjacent to the existing settlement boundary. The site is located a short distance from a bus stop and relatively close to other village services including the school. The site is classified as Grade 3 agricultural land but is currently uncultivated. Whilst development would result in the loss of undeveloped land, this applies to all potential development options located outside the village boundary, some of which are used more intensively for arable crop production.

G.28.6 There are some protected trees located towards north east of the site, however the size of the site allows for these to be incorporated into the design of the development. A pond occupies a relatively central position within the site and there is documentary evidence of Great Crested Newts, the policy includes a clause to

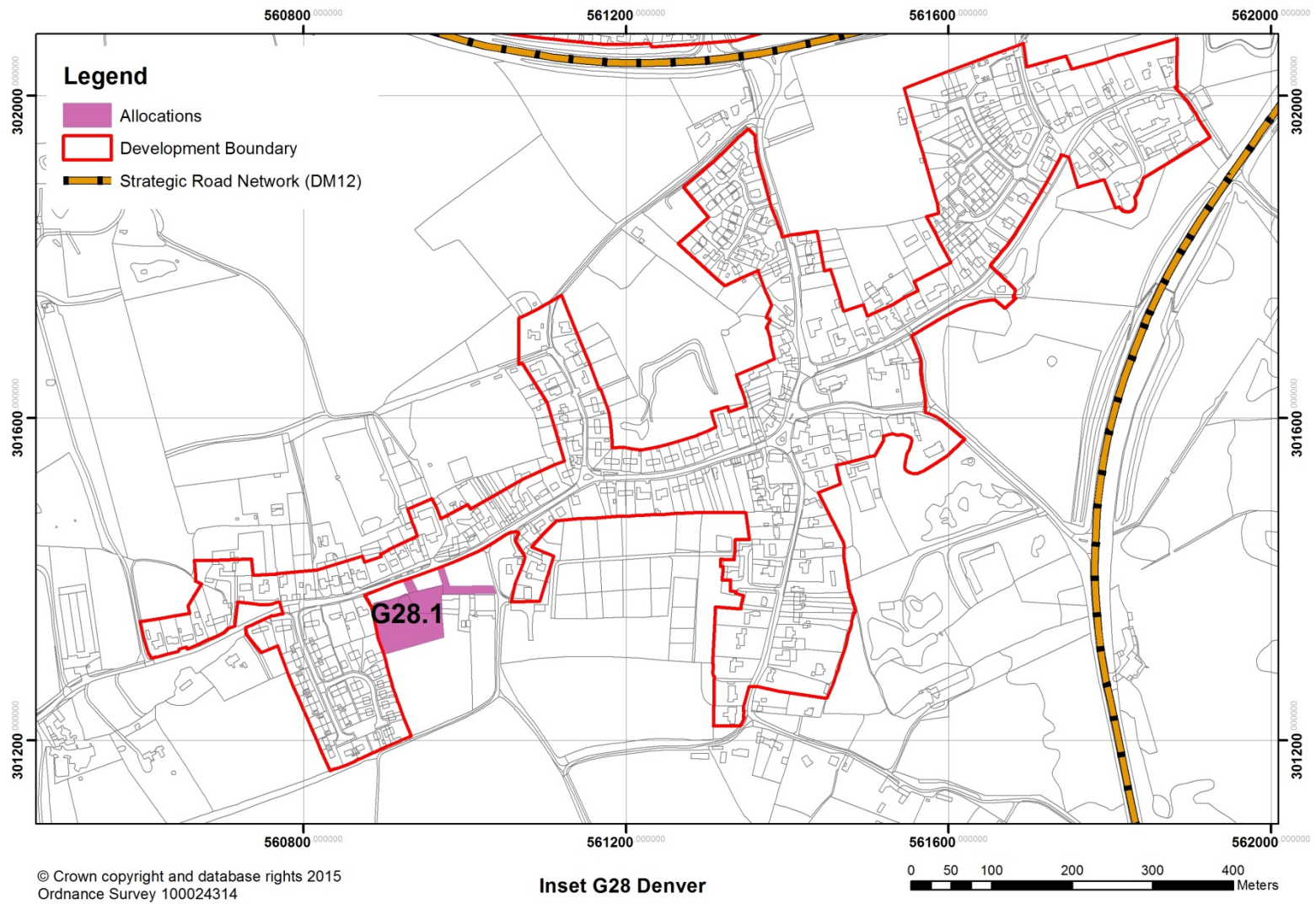
ensure that an ecological survey report and mitigation plan is submitted. The survey needs to show whether protected species are present in the area or nearby, and how they use the site. The mitigation plan needs to show how the development will avoid, reduce or manage any negative effects to protected species.

G.28.7 The site is well integrated with the village and development will be well screened on the west by the existing development at Brady Gardens. The majority of the views into the site are limited to near distance from School Road and adjacent properties. There are few opportunities for long distance views due to the site being located within a developed area. In the limited views that are available the site is seen in the context of the existing settlement.

G.28.8 In close proximity to the eastern boundary of the site there is a Grade II Listed building, Manor Farm House. The sensitivity of its location requires careful design to ensure that the site makes a positive contribution to the setting of the nearby Listed Building. Standard housing designs are unlikely to achieve this. The design and layout of the scheme must be sympathetic to the historic character of the area

G.28.9 Submission of details showing how sustainable drainage measures will integrate with the design of the development, and how drainage will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission

G.28.10 The allocated site is identified in the Sustainability Appraisal as the least constrained of all the other options to accommodate the required growth in the village. It is of a scale to allow flexibility in the layout and respond to the specific characteristics of the locality.



Appendix 6: Denver - Sustainability Appraisal

	Access to Services	Community & Social	Economy A Business	Economy B Food Production	Flood Risk	Heritage	Highways & Transport	Landscape & Amenity	Natural Environment	Infrastructure, Pollution & Waste
312 518 & 853	++	+	O	x	+	x	x	+	#	#
517	++	+	O	xx	+	O	x	x	O	#
518	++	+	O	x	+	O	x	x	O	#
519	+	+	O	x	+	O	+	X	O	#
652	+	+	O	xx	+	O	x	x	O	#
G28.1 (part of 662)	+	+	O	x	+	#	+	#	#	#
662	+	+	O	x	+	x	x	x	X	#
746	+	+	O	x	+	#	x	x	O	#
853	+	+	O	X	+	O	X	X	O	#
954	+	+	O	xx	+	o	X	X	O	#
1128	++	+	O	x	+	O	#	X	O	#

G28.1 (Part of 662) – The site performs relatively well in relation to the factor ‘access to services’, due to the site’s position within the village as a whole. The impact upon ‘heritage’ and landscape & amenity’ is dependent upon implementation, as there is a heritage asset to the east and the development scheme for the site will have to take into account the setting of this. There is also a TPO area within the site and this could be accommodated within the design scheme. The score for the factor ‘natural environment’ is also dependent upon implementation, as there is documentary evidence relating to the presence of Great Crested Newts with the pond at the northern end of the site, this would usually lead to a negative score however the promoters of the site had provided a site specific ecology report detailing appropriate mitigation measures. Previously there were concerns relating to the achievement of access, as this would rely upon the use of common land. The promoters of the site have provided information that now allows access to be achieved. Norfolk County Council Highways Authority have considered that the site is suitable for inclusion with the plan, this is reflected by the positive score for ‘highways and transport’.

662 – The site as a whole is likely to have a greater impact upon local services and facilities by virtue of the larger number of dwellings which could be accommodated. The linear form of the settlement would be reduced; there would be greater intrusion into the landscape by extending the development further south into the countryside, and the impact upon the heritage asset is likely to be greater. The servicing of the site is also likely to result in greater disruption to undisturbed common land.

312, 518 & 853 – The scoring for this site has been adjusted in the light of further information relating to a monument and vehicular access. However, the scale of development currently proposed in a sketch diagram submitted for site 312 is considered to be too high relative to the original figure of 10 dwellings recommended prior to the Preferred Options Consultation.

517 – The site performs less well in terms of the relationship to the village and highway network as a whole given the peripheral position in the open countryside. The site is normally used for arable farming and scores poorly against the loss of productive agricultural land. The site scores well in relation to flood risk.

519 – This site is at the western edge of the village, and the positive score for ‘access to services’ reflects this. The impact upon ‘heritage’ would be neutral. Norfolk County Council Highways Authority consider that safe access can be achieved and thus a positive score is recorded for the indicator ‘highways & transport’. Although it is bounded by established planting to the west, the available frontage is reduced by an access to a tourism site to the north. In terms of amenity, it may be difficult to address any householder complaints arising from proximity to the established poultry operation adjacent to the site. This concern is highlighted by comments from Environmental Health. The site scores well in relation to flood risk.

652 – The site performs poorly in relation to highway access and the relationship to the existing form and character of the village, but scores

well in relation to flood risk.

746 - The site performs poorly in relation to highway access and the relationship to the existing form and character of the village, but scores well in relation to flood risk. There would be a greater impact upon the landscape.

954 - The site performs poorly in relation to highway access and the relationship to the existing form and character of the village, but scores well in relation to flood risk.

1128 – The site is well positioned in relation to existing facilities, but it is relatively small and also has a Tree Preservation Order. It scores well in relation flood risk.

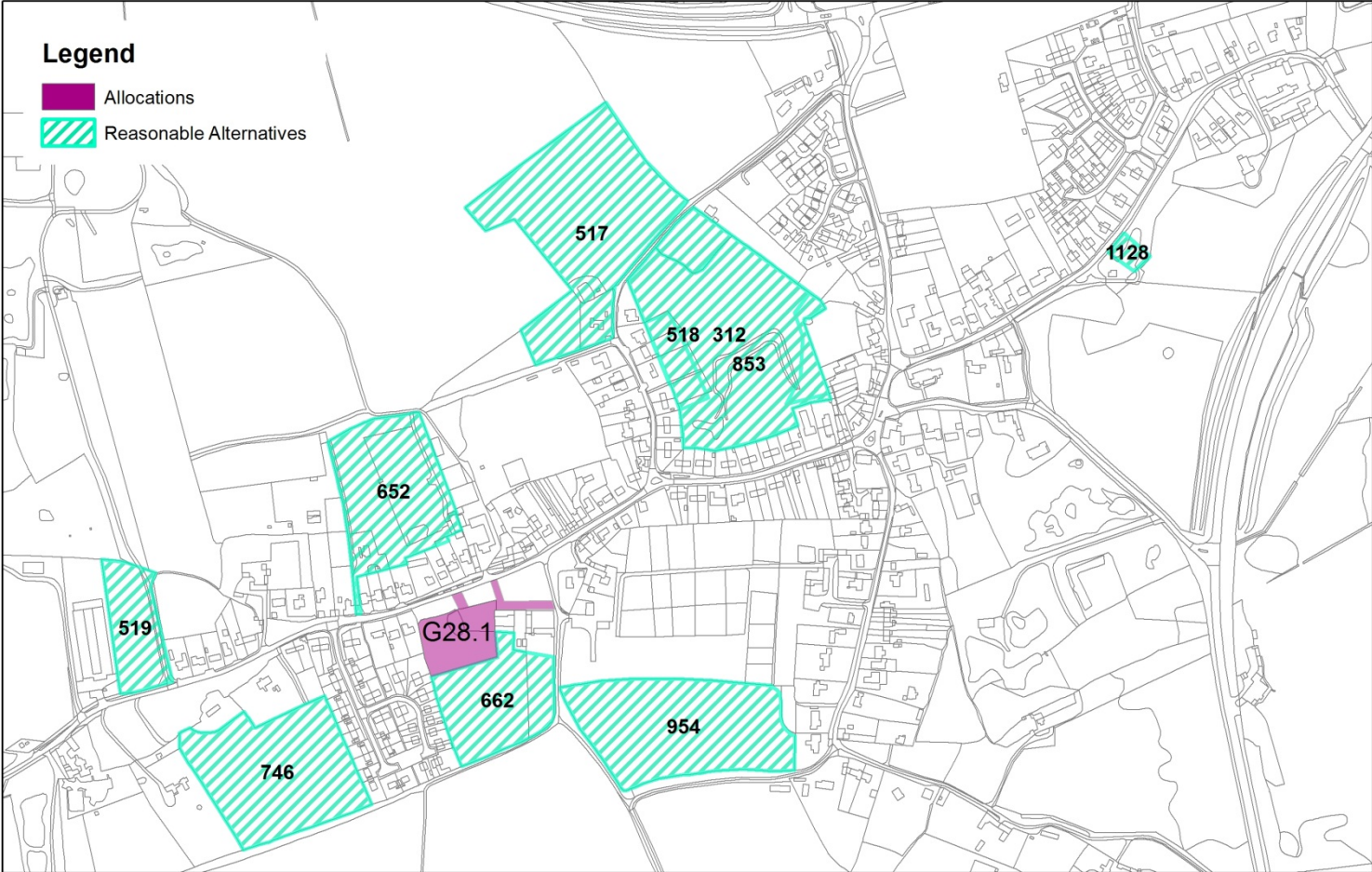
280 - The proposals represent a significant intrusion into the countryside where there is an existing community facility. The precise details of any compensatory package are unknown currently. The site is well located in relationship to the primary school. The site scores well in relation to flood risk.

Discussion

- The Sustainability Appraisal indicates that G28.1 (part of site 662) scored well overall. Previous concerns in relation to access arrangements and ecology have been satisfied by further information submitted by the promoters of the site. The site was considered the most sustainable option for development at the Preferred Option Stage.
- It has been difficult to gain a public consensus in relation to a preferred site as the response rate from the public following the Preferred Options Consultation stage was very low.
- A sketch scheme was received from an agent regarding an alternative option for 312/518/853. This was for up to 50 dwellings and would exceed the allocation for the settlement by 400%. Site 312/518/853 is a larger site between Sluice Road and Sandy Lane. The recent responses from statutory consultees relating to the sketch scheme indicate there are significant constraints to the development of this area and in addition, the promoters of the site consider that the site should provide a minimum of 20 dwellings to ensure the overall viability of the scheme. The promoters of the site have since ceased promotion of the site for allocation. Site 312/518/853 cannot be considered for allocation at this time.
- Site 519 scored relatively well overall, however the close proximity to an established poultry operation unit would be likely to cause a nuisance, as stated by Environmental Health and consequently the site is not proposed for inclusion within the plan.

Conclusion

- Therefore based upon the results of the Sustainability Appraisal, consultation responses and further evidence submitted, on balance it is considered that Site G28.1 (part of site 662) is an appropriate choice for inclusion within the plan. The site was considered to be appropriate for allocation for 10 dwellings at the Preferred Options Stage, however due to the particular characteristics of the site and its surroundings, in terms of access, landscape, heritage and natural environment G28.1 is allocated for 8 dwellings. This is the number originally sought for allocation based upon the Council's preferred method of distribution.



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Denver

