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Your ref:
Our ref: I jcb 230215 bcklwn

Dear Sir

**Site Allocations and Development Management Policies Pre-Submission Document –
January 2015
Representations by Associated British Ports ('ABP')**

We act on behalf of ABP in respect of the Port of King's Lynn.

Context

ABP is the UK's largest port operator, helping to drive the vital contribution that ports make to the economy. In 2014, ABP's ports across the UK handled 118 million tonnes of cargo, approximately a quarter of UK's major port freight tonnage, and serviced approximately 3.3 million cruise and ferry passengers. ABP has a statutory duty to operate and provide port facilities at its harbours and is therefore deemed a "statutory undertaker".

The Port of King's Lynn is strategically located in the centre of the UK's East Coast perfectly positioned to receive import cargoes of forest products from Scandinavia and the Baltic States. Kings Lynn benefits from direct links to the national rail network and has trunk road connections to the M11, M25 and M1 motorways.

The Port has the capacity to handle agribulks, forest products, aggregates, liquid bulks, steel and other metals. The maximum vessel size that can be accommodated at the port is 5,500 deadweight tonnes on the Riverside Quay and 4,000 deadweight tonnes within the Dock. In 2014 the port handled 480,000 tonnes of cargo.

The Port estate comprises a large area of land situated within the development boundary of King's Lynn (Inset E1), part of which lies immediately to the north of the Town Centre Area. Port of King's Lynn is reliant on tides but can, however, operate 24 hours a day. Normal port operations involve activities (for example, lighting used to create a safe working environment) and intermittent noises (such as audible alarms, ships horns, vehicle movements) which can potentially cause disturbance and nuisance to occupiers and residents outside but in close proximity to the port estate.

Current port activities include the handling and storage of fertilizer. Due to the nature of this product ABP holds consent from the local planning authority. This consent is only granted after consultation between the Health and Safety Executive (HSE) and the local planning authority. The loss of such a consent would result in a serious reduction of port-based employment and have severe financial implications for the port as well as having an adverse effect on the wider agricultural industry that are reliant on availability of local fertilizer stock. The loss of local

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availability would almost certainly increase cost to local farmers and increase vehicle movements on the road network.

As a port authority, ABP benefits from 'permitted development' rights (as a 'statutory undertaker') over land it owns which is classed as 'operational land' (as defined under Sections 263 and 264 of the Town and Country Planning Act). Under the terms of The Town and Country Planning (General Permitted Development) Order 1995 ('the GPDO') Part 17 is applicable to development by Statutory Undertakers in England. Whilst, therefore, ABP is able to use permitted development rights on its operational land within the Port estate (limited by environmental regulations and other considerations), it is not a statutory consultee and can only influence planning decisions by the local planning authority on applications which may detrimentally affect the operation of the Port and the ability of ABP to fulfill its statutory duties.

These representations are made in the context of the above.

E.1 King's Lynn and West Lynn and Policy E1.1

Policy E1.1 defines the town centre area (which ABP gratefully notes now excludes the Port estate) and addresses the promotion of this area as the "*prime focus*" in the Borough for retail, community and professional services, leisure, culture and entertainment and other uses which contribute to the character and vibrancy of the town centre including residential and, particularly, "*the development of high quality housing*".

ABP welcomes the recognition at E.1.10 that "*housing proposals in the vicinity of the Port need to be considered in the light of the defined hazard zoning around the Port, the potential for noise and lighting, etc., disturbance to potential future residents and the potential for conflict between these and the operation for the Port*".

ABP takes no issue with Policy E1.1. There are obvious opportunities for town centre development and regeneration in the area immediately adjacent to the Port estate (for example, in the areas north of Page Stair Lane, St Nicholas Street and North Street). Indeed, these opportunities may encompass some of ABP's land.

However, ABP is concerned that any development proposals that may be brought forward under Policy E1.1 are sympathetic to port operations, particularly in respect of the juxtaposition and orientation of new development to ongoing port activity and the potential traffic impacts that this new development may have on already constrained access routes into and around the Port. Whilst reference is made at paragraph E.1.27 to the King's Lynn Diagram 1 (Adopted Core Strategy, Page 99, Figure 7) to the Borough Council's identification of the Port "*with the intention of protecting and supporting its function and role in the town as a strategic transport hub*" (in the context of adopted Core Strategy Policies CS03 and CS11), we are concerned that the DPD does not provide sufficient clarity and precision as to how this will be achieved, particularly in the context of the purpose of the DPD as stated at paragraphs A.0.1, A.0.2 and A.0.8 and fails to conform to Core Strategy Policies CS03 and CS11.

The absence of such clarity is not, in our opinion, consistent with National Planning Policy Framework guidance particularly at paragraphs 17 – 21, 154, 157 and 182.

Request for the Inclusion of a new Port Policy

The Site Allocations and Development Management Policies Plan is intended (paragraph A.0.1) to give "*effect to and complements the adopted Core Strategy. It allocates land to deliver the development requirements of the Core Strategy, such as ... employment... Additionally, it includes development management policies which apply across the Borough and these will be used when determining planning applications*".

The purpose of this plan (paragraph A.0.8) is to complement and facilitate the implementation of the Core Strategy by providing detailed policies and guidance including Development Management Policies ("*detailed policies for particular issues and types of development to guide planning applications*") and Site Specific Policies and Allocations ("*identifying sites and areas where certain types of development are promoted or particular considerations will be applied*").

In the light of the above, we request the inclusion of new policy and wording in the DPD dealing the Port and its interface with the town centre.

The Government, in its National Policy Statement for Ports, states:

- That it is a fundamental element of Government policy to “...allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment.” (paragraph 3.3, bullet point 2); and
- In respect of issues relating to the location of development, that “...the Government does not wish to dictate where port development should occur. Port development must be responsive to changing commercial demands and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable.” (paragraph 3.4.12); and
- “Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to customers. It would also limit the local and regional economic benefits that new development might bring. Such an outcome would be strongly against the public interest.” (paragraph 3.14.16).

In the context of the comments set out above the DPD would benefit from the inclusion of a new policy which:

- identifies the operational Port estate within the development boundary of King’s Lynn (Inset E1) and its relationship to the town centre area;
- supports port development and the growth of the port where this does not conflict with other policies in the DPD; and
- addresses the particular development considerations which should apply in the interface area between the port estate and the town centre area.

Such a policy would be consistent with Government policy as detailed in the National Planning Policy (NPPF) at paragraphs 30, 33, 35, 41 and 154 and address the imprecision and lack of clarity of the current draft version of the DPD as set out above.

ABP would welcome the opportunity to work with the Borough Council to prepare and agree an appropriate form of words for this policy and to agree how this would best be incorporated into the DPD.

Policy E4.1 Knights Hill

ABP welcomes the changes that have been made to the wording of this version of the DPD in respect of proposed development at Knight’s Hill. In the context of the discussions needed with particular infrastructure providers to enable key infrastructure issues to be resolved, ABP would request that any solutions agreed should avoid prejudice to the free flow of traffic to and from the Port.

We would be grateful if you would acknowledge receipt of these representations and keep us informed of progress on the submission and adoption of the Plan.

Yours faithfully



John Bowles
Partner