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**Examination into the King's Lynn and West Norfolk Local Plan: Site allocations and Development Management Policies (SADMP)**

Dear Sir,

Thank you for giving notice of the examination of the King's Lynn and West Norfolk Local Plan (SADMP).

I previously submitted representations on 15.10.13, Comment ID 1892, and 21.02.15, Comment ID 01149, concerning flood risk to the Marsh Lane site (E1.4) and Lynnsport development sites (E1.7).

I am attaching a file of documents which I hope will assist your examination. The documents relate to information which was not available until the recent submission of planning applications for the Lynnsport Access Road and Marsh Lane development sites.

I do not attach these for you to comment upon individual applications but to evidence why I believe E1.4 Marsh Lane and E1.7 Lynnsport are not suitable sites for housing development in view of –

- a) Consistency with national policy concerning sustainability.
- b) Our council's approach to development does not place sufficient weight to flood risk, especially the increased risk to existing residential buildings from proposed development of the sites, during either the site selection stage or, as evidenced, during the planning stages and determination process to date for sites currently before the examination.

Documents JEF01-JEF08 relate to an Access Road which provides the backbone to housing sites E1.4 and E1.7, this application (14/01562/FM) has been consented by the borough council and works are ongoing.

**Looking at Policy E1.7 King's Lynn – Land at Lynnsport: SADMP consultation document on the planning portal.**

**Point 1** details the development of the access road.

**Point 3** details the integration of sustainable drainage systems and the need for a suitable plan for the future management and maintenance of the SuDS being included in the submission.

Within the detail of this development site in the document before the inspector there is no mention that an attenuation pond, built for the purpose of storing surface water run-off from the Lynnsport building and complex will be lost for the provision of a car park providing an extra 240 parking spaces for the Lynnsport Leisure complex.

Pond 2 is linked to the Lynnsport building pond 1, pond 3 and Bawsey drain. Pond 2 is currently key to surface water flood management on, and off, site via its connection to Bawsey drain. Substantial water attenuation capacity will be lost from the site and how this will be mitigated is currently being considered, despite planning consent already being granted, and is highly controversial. Initially the south pond (pond 3) was going to be extended but currently that is not going to happen.

I very briefly highlight some relevant points contained within the attached documents but would respectfully ask that the inspector reads the correspondence documents in full to enable a full understanding of the potential increased flood risk development of the Lynnsport Leisure Park sites may have both on, and off, site. Any yellow highlighting in the documents is mine.

**JEF01** is correspondence, 10/2/15, from the EA to the planning department. The agency makes it clear in their professional opinion at application stage no satisfactory details concerning surface water drainage have been submitted and that **they cannot support the development**. Within their technical comments they highlight that the plans are **not in compliance with the NPPF section 103**, they speak of their 'serious concerns' and make it clear that **the proposal cannot be seen as sustainable development**.

The EA also raise **improvements that need to be made outside the red line boundary to ensure there will not be an increased risk of flooding**. They also recommend that the many issues they raise are addressed PRIOR to planning permission being granted.

**JEF02** is correspondence, 25/3/15, from the EA to the planning dept. The agency point out that **for a development of such scale there should be an overall strategy in place before the submission of planning applications detailing how surface water will be managed**. They state that there is **no cohesive plan on how to manage surface water**. Additionally the agency highlights in comments on biodiversity and fisheries the failure of the council to give adequate regard to the environment.

**JEF03** is correspondence, 26/3/15, from the EA in response to the agent (Mott MacDonald) for the applicant (Borough Council) relating to their comments of 10<sup>th</sup> Feb and WLMA/IDB comments which follow. The EA conclude that the revised FRA does not address surface water drainage, **is not in compliance with the NPPF** and that prior to approval of planning permission the IDB must be satisfied.

**JEF04** is correspondence, 15/12/14, from the IDB setting out their views, of particular relevance is Pg 4 containing 5 conditions they as the 'responsible authority' required to be placed on the planning decision if permitted.

**JEF05** is correspondence, 16/3/15, from WLMA/IDB raising the lack of information provided within the planning application leading to an inability on behalf of them to be able to fully assess impacts both on and off site. The first technical point made is that **"it is highly unlikely that any SuDS could be included on the eastern side of the proposed road."** The last paragraph requests that the pre commencement conditions previously requested remain applicable.

**JEF06** is correspondence, 19/3/14, from Mott MacDonald responding to issues raised by the EA and WLMA/IDB. The standard response throughout to the intricate technical points made is **"The applicants position is that they do not wish to commission further drainage design work until the application has been determined."** The applicant, land owner and determining authority are the borough council.

**JEF07** is correspondence, 24/3/15, from WLMA/IDB to the planning department. I would ask the inspector to carefully consider what they say **"While the latest FRA gives a high level outline of potential "on site" works, there is no assessment whatsoever to prove these could satisfactorily mitigate increased flood risk."** The document also points out the need for robust pre commencement conditions and the inadequacy of the one condition imposed on the planning application.

**JEF08** is the decision notice, dated 13/4/15, I would ask you to look at condition 8.

In view of the above points, and attached documents, the reality of the consented application for this site to date is not in compliance with, SADMP policy point 3, National policy and is not sustainable.

Recently LaFarge were engaged to drain Pond 2 and relocate fish to Pond 1. I spoke to the workmen who said no one knows exactly how deep the pond is and they expected it to take 4 days to drain out half the water so the fish could be stunned and moved.

This is the largest of the attenuation ponds capable of storing a large volume of surface water runoff. There will still be storage capacity because a crate storage system is going to be incorporated underneath the car park but it will be greatly reduced, although quantities are unknown and impact cannot be calculated and therefore mitigated, as detailed within the correspondence files.

As the housing developments, and existing homes, surrounding this site must be considered as vulnerable to flood **I would contest that this change should have been detailed, and mitigation measures considered, during the site evaluation process within the local development framework.** The failure to do that evidences the lack of weight our council give to the risk of flood upon both existing and proposed residential properties.

**Looking at Policy E1.4 King's Lynn – Marsh Lane: SADMP consultation document on the planning portal.**

Point 1 details the development of the, now consented, new access road.

Point 3 details the integration of sustainable drainage systems and the need for a suitable plan for the future management and maintenance of the SuDS being included in the submission.

Documents JEF09-JEF10 relate to the Marsh Lane development E1.4 which is currently at the planning application (15/00828/FM) submission stage with public consultation open until 30<sup>th</sup> June.

In view of the information in the attached documents the planning application for development of this site is not in compliance with, SADMP point 3 or National policy because of the high flood risk which was not duly considered during the development of the LDF. The SHLAA suitability stage 1, and stage 2, assessment site constraint summary states the site as partially within Flood Zone 2 with no mention of flood zone 3.

**JEF09** is the Flood Risk Assessment (FRA).

Page 4 section 2.4 states the sequential test and exception tests were applied by the authorities at the Local Plan stage for this development.

Section 4.1 and 4.2 detail the site as Flood Zone 3.

Page 7 section 6.11 states that SuDS have been considered but due to the underlying ground conditions and high groundwater infiltration SuDS is considered unsuitable.

Sections 6.12 and 6.13 consider the steps that can protect the new builds from flood water.

Section 6.14 points out that no attempt will be made to restrict water deeper than 600mm from the new builds because the site, according to tidal hazard mapping, can be considered to have up to 2 meters depth of water.

Page 9 section 9.3 points out that the capacity of the sewers may be exceeded by extreme rainfall and water will gather in areas such as roads, public space and driveways.

**JEF10** is the Ground Investigation Report. I include this as it contains detailed information on groundwater levels and groundwater strikes that have been recorded while the report was compiled.

Page 20 of the report (22 of the PDF doc) contains Table 5 Summary of Groundwater Monitoring Results

Page 26 of the report (28 of the PDF doc) contains Table 9 Details of groundwater strikes encountered during the site investigation.

**JEF11** is the statement issued by Eric Pickles as Secretary of State for Communities and Local Government on 18<sup>th</sup> Dec 2014 concerning the strengthening existing planning policy making it clear that from April 5<sup>th</sup> 2015 the Government's expectation is that sustainable drainage systems will be provided in new developments wherever that is appropriate.

I would contest that the attached documents evidence that our borough council have not given due weight to flood risk or sustainable development either during allocation of sites E1.4 and E1.7 or within the planning design, to-date, for the individual sites currently at an advanced planning stage and before you for examination.

NPPF paragraph 100 requires **“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flood.”** The detailed site investigation reports into site E1.4 evidence the high levels of groundwater and the fact that the capacity of the sewers may be exceeded by extreme rainfall.

Paragraph 100 bullet point 4 is relevant because, as demonstrated within JEF01-07, our local council has shown that far from **“using opportunities offered within new development to reduce the causes and impacts of flooding”** it is apparent from the interaction between them and the EAWLMA/IDB that warnings, and advice, from relevant flood risk agencies concerning off site flood risk have been ignored at application stage. **Reducing attenuation capacity, to provide a car park, is in conflict with this NPPF requirement.**

NPPF paragraph 103 requires the **“local planning authorities should ensure flood risk is not increased elsewhere”**. While the document before you makes reassuring statements concerning sustainable drainage systems, management and upkeep the reality at planning application stage is very different.

Please consider examination library document FW01, 2, SFRA Annex Revised Version Oct 2010 prepared by Entec.

I question if the Exemption Test been applied accurately with due consideration to recommendations 1, 2 and 3 contained within Table 4.2, page 26, of SFRA Annex Revised Version Oct 2010? **The FRA submitted with the Marsh Lane application states that the Exception test has been applied at Local Plan stage whereas the Oct 2010 SFRA document appears to read that each individual development must apply the Exception Test.** I cannot find evidence of the Exception test being applied to the individual development sites Marsh Lane or Lynnsport Leisure Park within the SHLAA.

The Marsh Lane and Lynnsport Leisure Park sites are at the very highest risk of flood while there is available land at much lower, or no, risk of flood already allocated within the LDF, with spare capacity or not yet at planning application stage. Both sites are remote from the main emerging employment zones south of Lynn and will increase vehicle emissions linked to commuting.

E4 Knights Hill is a very large site at low risk of flood well served by A148 and A149 in easy access to the designated employment zones of Hardwick retail and industrial parks.

E2 West Winch is a very large site at low risk of flood well served by existing roads, A47 and A10, with spare capacity and close to the designated employment zones at Hardwick and Saddlebow.

The Nar Ouse Regeneration Area has spare capacity with essential infrastructure in the form of road, utility services, a new fire station, educational facilities and amenity land purpose built in preparation for development. Additionally it is close to the main employment zones at Saddlebow and Hardwick with excellent road links.

King's Lynn needs to expand to the South, South East away from the flood plain not to the North where climate change is predicted to increase groundwater levels which are already so high the implementation of SuDS cannot be integrated as required in the SADMP. Sustainable planning now should ensure building stock 100 + years into the future.

The Lynnsport site was deemed within the SHLAA suitability stage 2 assessments as unsuitable for development due to loss of leisure and recreational facilities, flood risk and being within the Gaywood Valley project area but was, in the same site assessment table, under Deliverable/Developable marked as "Figure already counted - see sites within the planning process". How has this site reached such an advanced development stage, road consented, a public consultation event on Lynnsport site 3 taking place Monday 22<sup>nd</sup> June and the planning application due for submission in July, prior to the completion of your examination, and formal adoption of the sites into the Local Development Plan/Core Strategy.

Unfortunately it appears this examination has no option but to find the SADMP sound, as sites within the examination are already being developed, or at advanced planning stage, regardless of suitability, sustainability or compliance with national policy.

Yours faithfully  
Mrs Joy Franklin