

## **Statutory responses for SA Scoping report update 2020**

The Sustainability Appraisal scoping report update highlights changes which have particularly taken place since 2016 when first consulted upon. The main changes were to highlight the extensive evidence, data and programmes which has changed over the past few years which are important to take on board for the progress and direction the local plan is going in; particularly with our added objectives on climate change and flood risk.

The scoping report overall and the baseline data, which have been through the last Local Plan examination, have not changed to a vast extent and it has now been updated to reflect the Local Plan going through a review. The scoping and baseline evidence is the backbone to the implementation of the sustainability objectives and the newly added and amended objectives/factors for the scoring of the Sustainability Appraisal (SA Objectives and Site Sustainability Factors). The baseline data and programmes which have been read and reflected upon in the scoping is there to highlight the importance of any potential sustainability issues and how this will be mitigated and reflected upon in the construction of adapted and newly implemented planning policies; including the newly made climate change policy, Norfolk Coast AONB policy, Historic Environment Policy and more detailed housing policies.

Below commentary by the consultees have been taken into consideration and even though some points are not appropriate to be detailed further in the scoping report stage, reflections and concerns have been incorporated into the local plan review document itself. We accept and appreciate the input at this stage in the process that there may be further amendments, and where appropriate this will be dealt with in reference to errors of terminology, fact checking and missed programmes. In reference to some of the responses there was suggestion on more detailed objectives or adding new objectives.

However, in terms of the scoping report and then the screening and scoring of the SA policies and settlements we believe the objectives which are already in place are appropriate in covering the overall character of the borough. All aspects of the environment, social and economic needs are reflected upon broadly under the seven topic headings. We feel that if

detailed emphasis is placed further into the suggested new objectives this could cause the concern of making certain sustainability factors become unbalanced in weight of significance; which we would want to avoid.

We welcome the support of the new objectives which have been added to the scoping report and lead into the new scoring of the sustainability appraisal and new policies of the Local Plan Review. Specific officer responses to the suggested changes by the statutory consultees are in the below table.

Consultees	Comments made by consultee	Officer comments
<p><b>Environment Agency</b></p>	<p><b>Objectives</b></p> <p>We are pleased to see the introduction of a further objective regarding climate change. We would recommend that the wording is reviewed as the objectives could be more stretching and compliant with the constraints flood risk poses to the Borough. We would recommend that the Environment Agency’s Flood Risk Strategy and the Defra Flood Risk Policy Position are reviewed and their objectives (in regards to planning) are integrated into the scope of this document.</p> <p><b>Quality of the document</b></p> <p>We are concerned over the quality of the flood risk sections of the report. Although most of these are not likely to impact the overall Sustainability Appraisal, it does not give confidence that flood risk will be fully explored. For example, the report states that the Tidal Hazard Mapping (THM) identifies areas at risk of flooding where the defences are overtopped and this overtopping triggers a</p>	<ul style="list-style-type: none"> <li>• Welcome the support of the new objectives</li> <li>• Flood risk section will be reviewed and amended to reflected wording issue.</li> <li>• We agree the seriousness of flood risk and the detail of this which covers the borough. However, the flood risk chapters reflects the overall basis of flood risk and references/incorporates other documents including the SFRA into the scoping review as baseline data which then is emphasised further in the flood risk policies of the local plan, will be considered within the site allocations</li> </ul>

breach. This is incorrect, breaches within the model are not limited to those areas where the defences get over topped in extreme events.

The report appears to consider the THM combined extent to be the same as the flood zones. This is not the case, there are areas within the THM extent that are within flood zone 1.

### **Evidence base**

The scoping report identifies that the SFRA is the evidence base to ensure that allocations are located outside of the floodplain. Since the publishing of the SFRA the climate change allowances for tidal rivers and the sea have been updated. The fluvial and surface water allowances will be updated by the end of the year.

### **Flood Defences**

Flood risk is a key challenge to sustainable development within large parts of the Borough. King's Lynn and a large number of communities are reliant upon the tidal and fluvial flood defences along the Great Ouse and other watercourses (main river, ordinary watercourse and IDB drains). The SA report does not cover this in any detail.

We are currently undertaking a study on the future of the flood infrastructure that the Fens is reliant upon. The baseline report of this study is indicating that we, and other Risk Management Authorities (RMAs), will be facing significant financial challenges in maintaining, upgrading and replacing the flood defence infrastructure. This means the evidence base for the Local Plan will have to test the assumption that the flood defences will not be at their current standard for the lifetime of the developments being allocated.

and planning application stage. We do not feel that high levels of detail needs to be further added to the scoping report in community detail this is covered in other areas of work.

	<p>Another issue that will need to be considered is how development within the Borough can contribute towards the ongoing funding requirements of the infrastructure that they will be reliant on.</p>	
<p><b>Historic England</b></p>	<p>Thank you for consulting Historic England on the Sustainability Appraisal Scoping Report Review. We recommend that you review our advice entitled Strategic Environmental Assessment, Sustainability Appraisal and the Historic Environment: <a href="https://historicengland.org.uk/images-books/publications/sustainability-appraisal-andstrategic-environmental-assessment-advice-note-8/">https://historicengland.org.uk/images-books/publications/sustainability-appraisal-andstrategic-environmental-assessment-advice-note-8/</a> which sets out how such documents should be produced in terms of heritage issues. We hope this provides useful information on areas such as relevant plans, baseline information, issues, objectives and indicators.</p> <p>We provided comments to you on the first draft of the Scoping Report in November 2016. We re-iterate our earlier comments as well as providing comment on the current scoping report.</p> <p><b>Plans and Programmes</b></p> <p>We note that a number of relevant plans and programmes are missing from Table 1, Table 5, Table 6 and Appendix 1.</p> <p>These include: □ The Convention for the Protection of the Architectural Heritage of Europe □ The European Convention on the Protection of Archaeological Heritage □ Marine and Coastal Areas Act 2009 □ National Policy Statements □ National Planning Practice Guidance □ Local Plan □ Marine Plans □ Other local strategies (e.g. culture, tourism, heritage, Heritage Action Zone)</p> <p><b>Baseline Assessment</b></p>	<ul style="list-style-type: none"> <li>• Note the error on plans and programmes- will amend and update parts of the tables where appropriate in relation to the SA Advice note</li> <li>• Amended accordingly the necessary changes to phrased text, updated numbers and terminology errors</li> <li>• Provided wording and reference to heritage at risk in West Norfolk. Mention to heritage at risk has already been highlighted in the supporting text of the Historic Environment Policy in the LPR Version 2</li> <li>• We take these considerations on board and emphasis in relation to the local plan itself many comments have been dealt with in the local plan.</li> <li>• Noted about the table 5 comment this is identified and the importance of the construction sector is mentioned in the baseline evidence chapter- this will be amended to make reference here also.</li> </ul>

We welcome sections considering the rich historic environment in the Borough as set out in section 10 of the Baseline Assessment and Table 5. However, the assessment is lacking in detail in respect of the historic environment. Baseline information that describes the current and future likely condition of the historic environment in terms of its significance, sensitivity and capacity to accommodate change can also help identify areas of particular sensitivity to development, sustainability issues, predict and monitor likely effects and in identifying alternative solutions.

We would particularly highlight the following specific points but would wish to see the identification of sustainability issues and problems, including threats and opportunities for the historic environment. We would recommend that section 10.2 is renamed 'Historic Environment' as it covers more than built heritage. In our most recent data from Heritage counts (Jan 2019), there are 1545 listed building entries, 127 scheduled monuments, and 5 registered parks and gardens on the Heritage List maintained by Historic England, paragraph 10.2.1 and Table 5 should be updated accordingly.

Please use the term scheduled monument, rather than ancient monument as this is the preferred NPPDF term as not all scheduled monuments are ancient. Please include reference to the local Historic Environment Record, any local list of heritage assets, or any historic environment characterization work. Some asset types are not currently well recorded. The Register of Parks and Gardens of Historic Interest in England, for example, is thought to represent only around two-thirds of sites potentially deserving inclusion. Mapping these heritage assets provides a greater indication of their distribution and highlights sensitive areas.

We would expect to see reference to heritage at risk in the Borough. The National Heritage at Risk Register 2019 has 21 entries for the Borough. We would note that the national list is only a starting point as it does not include grade II buildings at risk and the great majority of listed buildings are grade II. Identification and

mapping of designated and non-designated heritage assets at risk can provide an indication of clusters and themes.

We also would expect non-designated heritage assets to be identified. These include, but are not confined to, locally listed buildings. In addition to the above, we would expect reference to currently unknown heritage assets, particularly sites of historic and archaeological interest. The unidentified heritage assets of the Borough should be acknowledged and outlined in this section.

We welcome the identification of the importance of heritage and the economy in Table 5 but would note that it is more than the tourism economy and is, in fact, important to the construction sector in the region too.

### **Key Sustainability Issues**

We would suggest that the starting point for considering Key Sustainability Issues for the Historic Environment should include:

- Conserving and enhancing designated and non-designated heritage assets and the contribution made by their settings
- Heritage assets at risk from neglect, decay, or development pressures;
- Areas where there is likely to be further significant loss or erosion of landscape/seascape/townscape character or quality, or where development has had or is likely to have significant impact (direct and or indirect) upon the historic environment and/or people's enjoyment of it
- Traffic congestion, air quality, noise pollution and other problems affecting the historic environment

We would expect to see consideration of opportunities. It is considered that the historic environment can make a significant contribution to the success of development and there may be opportunities for the enhancement of the historic environment which comes from sustainable development proposals. It is considered that the Sustainability Appraisal should highlight these opportunities.

Example opportunities for the historic environment to include within the Sustainability Appraisal can be found in our guidance notes in the link above.

### **Sustainability Appraisal Objectives**

Further consideration of the baseline data could refine the proposed sustainability appraisal objectives. The current objectives should also be reconsidered in light of the terminology of the National Planning Policy Framework. Terms such as conserve and enhance should be used and there should be greater reference to archaeology. Reference should be made to designated and non- designated heritage assets and their settings.

Our Advice Note 8 sets out a framework of objectives which can be adapted to take account of local circumstances. Recognising that the number of objectives needs to be manageable, the list below represents a selection where consideration of the historic environment may improve the effectiveness of the framework:

Environmental Objectives

Protect, enhance and manage the character and appearance of landscapes/seascapes/townscapes, maintaining and strengthening local distinctiveness and sense of place  
Protect, manage and improve local environmental quality  
Achieve high quality sustainable design for buildings, spaces and the public realm

Social Objectives

Improve and broaden access to the local historic environment  
Provide better opportunities for people to understand local heritage and participate in cultural and leisure activities

Economic Objectives

Foster heritage-led regeneration and address heritage at risk Optimise the use of previously developed land, buildings and existing infrastructure Promote heritage-led sustainable tourism Support the sustainable use of historic farmsteads

### **Method for Generation of Alternatives**

The historic environment should be a factor when considering a method for the generation of alternative proposals. The impact of proposals on the significance of heritage assets should be taken into consideration at an early stage. In terms of sites, this should be based on more than just measuring the proximity of a potential allocation to heritage assets. Impacts on significance are not just based on distance or visual impacts, and assessment requires a careful judgment based on site visits and the available evidence base. We will be looking for heritage impact assessments of sites where necessary and would be happy to advise on appropriate methodology. You will need to define monitoring indicators. We suggest you refer to our advice note on Sustainability Appraisal for further advice in this area.

### **Conclusion**

We would encourage you to work with local conservation officers, archaeology officers and local heritage community groups in the preparation of the Sustainability Appraisal. Our advice note provides more guidance to developing a robust sustainability appraisal framework.

Finally, we should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals, which may subsequently arise where we consider that these would have an adverse effect upon the historic environment. We hope that the above comments of assistance.



**Natural  
England**

### **The aims of the Sustainability Appraisal review**

Natural England welcomes the adaptation of two new objectives within the Sustainability Appraisal under climate change and pollution to reflect the new policy within the updated local plan. This reflects well the increased emphasis on climate change and clean air within current national policy.

As well as changes to that section, on reflection we consider you may need further objectives to address all the issues listed within Table 5: Screening of scoping report. We also recommend some additional text to add clarity within the report.

Our detailed comments are below:

**Table 1** – List of relevant plans and programmes Note that it is now the Habitats Regulations 2017 (as amended).

#### **Section 7.1.1 and 15.1.1**

Whilst this section mentions the Brecks, there is nothing within this document that suggests that Breckland SPA is dealt with differently to other Kings Lynn designated sites. In order to ensure this distinction is clear it would be helpful to provide more detail on Breckland SPA and the approach to development near this designated site.

The difference in how Breckland SPA is also relevant to 15.1.1 the HRA monitoring and mitigation strategy. It is important to note that there is a different approach for the Brecks when compared to applications affecting the Wash SPA for example (eg. at Natural England we have a stone curlew planning tool which we use to assess effects to stone curlew and mitigation has to be based on that calculation). Therefore the Brecks needs very defined mitigation, and any strategic mitigation strategy will need to take that into account.

- We welcome the support on the new objectives
- Take comments on board and will make necessary changes in table 1/5
- Section 7.1- we do not feel it is necessary to mention this detail in this section
- section 15.1 Wording will be added on the Breckland SPA?
- Noted on the air emissions commentary on livestock and this importance is highlighted in the air quality section of the baseline data
- In reference to commentary on the AONB, this is a new policy which has been added to the local plan document and is separate to the scoping report document. The AONB would fall under scoring objective 5 and the townscape topic. It also is specifically covered further in the site sustainability factors factor 'h' Landscape and Amenity. Which was not added in the previous scoping report but will be added into the amended updates.
- In reference to biodiversity, at the current stage the local plan is not placing particular emphasis on biodiversity net-gain so we would say that the biodiversity SA objectives are

There is also a general need to make sure that all mitigation for sites, habitat and species is carefully targeted to the effects of the development ie the hierarchy of avoidance, mitigation and compensation should not be lost and furthermore environmental net gain should be included as an objective in all local plans.

### **Emissions**

We welcome the emphasis on air quality in this scoping document, but would remind you that livestock farming, in particular concerning chickens and pigs, also accounts for much of the air quality issues within this region.

### **Table 5 – Summary of Scoping report and identification of Sustainability objectives.**

#### **Landscape and Townscape**

We are still concerned that the Local Plan does not include a specific policy for the Norfolk Coast AONB and an accompanying objective within the SA. We would expect to find this within Landscape and Townscape section of the scoping report. Natural England expects the Plan to include strategic policies to protect and enhance valued landscapes, as well criteria based policies to guide development.

We highlight paragraph 172 of the National Planning Policy Framework, which states that the scale and extent of development within Areas of Outstanding Natural Beauty should be limited. NPPF policy affords protection for designated landscapes which provides a default of no major development within an AONB unless exceptional circumstances can be demonstrated.

Natural England previously advised that the inclusion of a policy specific to the AONB, in accordance with our advice above, this could be included within Policy LP17 and cross referenced in Policies LP15 and LP21. The SA would then need

covering the balance of issues we have to take on board in enough emphasis at this time.

- For the climate change objective, the comments are noted, definition has been given in the climate change chapter. There is not a particular adaptation method/design technique which we have concluded is needed to address such climatic issues. However instead we encourage and support any type of GI, green design and incorporation of such sources to come forward where is feasible and appropriate. This is addressed further in the climate change policy in the local plan. The scoping report baseline evidence highlights the data which is most up to date on the borough's emission breakdown; unfortunately, some large portions of this is outside of the scope of our control within the local plan itself.
- We note GI and health and wellbeing is interlinked and this is reflected in the local plan policies and text. As well as PRow is dealt with at the appropriate stages of the local plan.

to include an objective to protect the integrity of the AONB with the highest protection.

### **Biodiversity and Geodiversity**

We recommend that a further objective needs to be added here to strengthen the use net gain to ensure development leaves the local environment in a better ecological state than previously, in accordance with paragraph 172 of the NPPF.

### **Climate Change and Pollution**

We agree the new objective adds strength to this section and the Local Plan. However, it would be useful to define this section and the new objective more by saying specifically within the document what adaptations are necessary within Kings Lynn to address this ie. a focus on GI and biodiversity, trees, sustainable energy sources such as solar panels, gardens, green roofs/walls, for example.

### **GI and Health**

As well as in terms of biodiversity, we consider it is important to recognise within the objective that green infrastructure is important for residents' mental and physical wellbeing.

### **Air quality**

As above, we also expect livestock to be considered in the overall assessment of air quality within the region.

### **Access and Rights of Way**

Natural England advises that the Local Plan and scoping report should include policies to ensure protection and enhancement of public rights of way and National Trails, as outlined in paragraph 98 of the NPPF.	
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