

## **A12-1b – Email exchanges between BCKLWN and Environment Agency, 10 February – 18 March 2022**

FAO

Hello

Further to your feedback regarding the Statement of Common Ground between the Environment Agency and the Borough Council, I have now updated the Statement of Common Ground in response to your previous comments (see attached FINAL DRAFT document).

I reattach the draft flood risk sequential test, and I am also proposing to add a single map showing the sites assessed, in context (see attached pdf), which I have requested from our GIS team.

By way of an update, we are looking to submit the Local Plan Review to the Secretary of State before the end of the month. I therefore ask that you let me have your final feedback regarding the Statement of Common Ground and sequential test documents, and a relevant officer signature for the Statement of Common Ground by Wednesday (**23<sup>rd</sup> March**). This is critical as it will allow us to submit the Plan document in accordance with our desired timeframes.

I appreciate that this is a short turnaround, but we need to submit and will look to resolve matters around the detailed wording once the Plan has been submitted, but well in advance of the examination hearings (which are expected to take place in the autumn). Please let me know ASAP if there are any issues with this.

I reiterate that the Statement of Common Ground is not intended to agree detailed changes to the Local Plan Review (which will need to be accompanied by the Main Modifications consultation in any event). Rather, it is intended to set a clear framework and way forward for the Borough Council to engage with the Environment Agency going forward to resolve the outstanding issues (in advance of the examination hearings).

I look forward to hearing back from you in due course.

Regards and best wishes

Principal Planner  
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**From:**

**Sent:** 15 March 2022 15:41

To: 'planning.brampton@environment-agency.gov.uk' <[planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)>

Cc:

Subject: RE: BCKLWN Local Plan Review update

Importance: High

FAO Sustainable Places team

Hello All

I write with reference to our meeting on 4<sup>th</sup> March and follow up emails of 7<sup>th</sup> March (below). In view of Ben's advice, I have now drafted a sequential test for West Lynn, which considers potential alternatives to the former Del Monte Factory site, Bankside, West Lynn.

I hope that I have covered all of the issues discussed and the attached test provides an acceptable assessment to fulfil the requirements of the NPPF flood risk sequential test.

As I was drafting this, I received the updated Statement of Common Ground from Alison, incorporating your comments, which I will need to review and update the Statement for us (at an officer level) to sign.

Please let me have any further thoughts about the draft sequential test (attached), ideally by **Friday, 18<sup>th</sup> March**). I appreciate this is a tight turnaround, but we need to finish getting the Local Plan ready to submit. Meanwhile, I will send over the clean final version of the Statement of Common Ground, incorporating/ taking account of your comments.

Finally, I would like to thank you for all your support and assistance in this matter.

Regards and best wishes

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From:

Sent: 07 March 2022 11:00

To:

Cc:

Subject: RE: BCKLWN Local Plan Review update

Importance: High

Good Morning

Many thanks for these feedback examples. They will prove extremely useful to us in updating the Local Plan Review text in respect of the sequential and exceptions tests for Policy E1.15.

As discussed, such changes would represent Main Modifications (MMs) to the Plan, such that further consultation would be needed at the appropriate juncture. I reiterate that the main area of agreement that we are seeking from the Environment Agency is whether you are ok for us to submit the Plan, with a view to us making detailed wording changes to the Plan post submission, which would then be incorporated into a schedule of Main Modifications that we will prepare post submission and formally consult upon after the hearings. This is the approach that my previous authority, North Northamptonshire Council) has taken with the Local Plan Part 2 that is due to go to hearings next month.

As stated in my email on Friday afternoon, I updated the draft Statement of Common Ground, to reflect the points that we discussed earlier. Please let me know if you are happy to endorse the Statement in its current form, or if you need anything further from us in this regard (before you are able to sign).

Regards and best wishes

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**From:**  
**Sent:** 07 March 2022 10:31  
**To:**  
**Cc:**  
**Subject:** RE: BCKLWN Local Plan Review update

Morning

Hope everyone had a good weekend.

In last week's call I made reference to a few sites in Huntingdonshire Local Plan that got removed due to either Sequential or Exception Test failures at examination stage.

2 of these sites are now on the verge of getting planning permission after a lot of work to resolve the flood risk, the Priory site is still coming forward but there are significant in principle issues that are going to be difficult to overcome.

I think that all 3 were previous allocations in past Local Plans/Core strategies.

The risk to these sites is different from West Lynn and the rest of KLWN but there are lessons worth learning.

For reference – from the inspectors final report (full report can be found on their website):

**Tyrell's Marina – passed the ST on regeneration grounds but failed Exception Test**

121. Tyrell's Marina, Godmanchester (HU16) is allocated for mixed use, potentially including residential development, food and drink, office and leisure uses. The site is heavily constrained by flood risk with 77% being within Flood Zone 3b, the functional floodplain, a further 9% being in Flood Zone 3a and 2% in Flood Zone 2.

122. The site is previously developed and contains some buildings in a poor state of repair. It is a visually prominent site along the river frontage and is within the Huntingdon Conservation Area. Redeveloping the site would clearly have benefits in terms of visual amenity and the character and appearance of the Conservation Area. Given these site specific factors, I consider in this case that there are no reasonably available sites appropriate Huntingdonshire Local Plan, Inspector's Report 29 April 2019 23 for the proposed development in areas with a lower probability of flooding and that the sequential test has been satisfied.

123. In terms of the exception test, I accept that there would be wider sustainability benefits to the community as set out above. However, it has not been satisfactorily demonstrated that these would outweigh the flood risk or that the site would be safe for its lifetime. A planning application for mixed use including 16 dwellings was submitted and I understand is yet to be determined. The Environment Agency objected to the application on the basis of flood risk and the inclusion of "more vulnerable" and "less vulnerable" development in the functional floodplain.

124. Given the above, there is insufficient basis to conclude that the exception test has been satisfied and that a suitable and safe scheme to redevelop the site can be achieved. There is considerable doubt that the site allocation is deliverable. The Council's housing trajectory does not include any completions on the site. The allocation of the site is not justified or consistent with national policy. An adequate supply of housing land can be provided without this site allocation. Main modification MM23 would delete the site allocation and is required to ensure that the Local Plan is justified and consistent with national policy.

**Priory Road – regeneration site failing ST**

140. The site of the Former Youth Centre on Priory Road (SN5) is largely in Flood Zone 3a (93%) and Flood Zone 3b (6%). It is previously developed and has a rather untidy appearance. It is within the Conservation Area and relatively close to the Town Centre. The Council argued at the hearings that on this basis there were no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that the sequential test had been satisfied. I am not convinced in this case that the characteristics of the site and the potential benefits of redeveloping it are such that it can be concluded that there are no reasonably available alternatives that could accommodate the development.

141. In any event, even if the sequential test had been satisfied, there is insufficient basis to conclude that the wider sustainability benefits to the community outweigh flood risk. Whilst the visual appearance of the site could be improved, it is not particularly prominent, does not currently detract significantly from the Conservation Area and would only provide for a limited amount of new housing.

142. I appreciate that the site benefitted in the past from planning permission for 14 dwellings and that a site specific flood risk assessment concluded that development would be safe for its lifetime

and not increase flood risk elsewhere. However, that permission lapsed and whilst a new application has been submitted it was still to be determined at the time of the hearings. It is notable that the Council's housing trajectory does not include any completions on the site. Given all of this there is insufficient basis to conclude that the issues with flood risk have been properly and fully addressed and that the site is realistically deliverable.

143. The allocation of the site is not justified or consistent with national policy. An adequate supply of housing land can be provided without this site allocation. Main modification MM27 would delete the site allocation and is required to ensure that the Local Plan is justified and consistent with national policy

#### **London Road – Passed ST, failed ET**

154. Policy SI4 allocates the site of the Former Car Showroom, London Road for 50 dwellings. There are significant flood risk issues associated with the site with 52% being in Flood Zone 3a and the remaining 48% in Flood Zone 2. It is previously developed and at the time of the hearings was occupied by empty buildings and areas of hardstanding. I agree with the Council that it currently detracts from the character and appearance of the Conservation Area and redevelopment of the site would lead to an improvement in the visual amenity of the area. Given these site specific factors, I consider in this case that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and that the sequential test has been satisfied.

155. In terms of the exception test, I accept that there would be wider sustainability benefits to the community. However, it has not been satisfactorily demonstrated that these would outweigh the flood risk or that the site would be safe for its lifetime. A planning application for 62 dwellings has been recently submitted but I understand that the Environment Agency continue to have concerns in terms of flood risk and the flood risk assessment.

156. Given the above, there is insufficient basis to conclude that the exception test has been satisfied and that a suitable and safe scheme to redevelop the site can be achieved. There is considerable doubt that the site allocation is deliverable. The allocation of the site is not justified or consistent with national policy. An adequate supply of housing land can be provided without this site allocation. Main modification MM29 would delete the site allocation and is required to ensure that the Local Plan is justified and consistent with national policy

**From:**

**Sent:** 04 March 2022 16:20

**To:** Anglian Central, Planning\_Liaison <[planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)>

**Cc:**

**Subject:** RE: BCKLWN Local Plan Review update

**Importance:** High

FAO (Sustainable Places team)

Hello All

Many thanks for agreeing to meet us this afternoon. The meeting was really useful and we are thankful that we have now found a way forward in respect of the former Del Monte Factory site, Bankside, West Lynn.

In view of the meeting, I have now updated the draft Statement of Common Ground (attached; see tracked changes), to reflect the various points that we discussed. I hope that I have covered all of the relevant issues in the updated document.

We are requesting that you are able to secure an officer level signature for the Statement, and Eleanor indicated that Adam and/ or Ali in your team should be in a position to sign the Statement of Common Ground towards the end of next week.

Once again, many thanks for your time and I hope that we can resolve these outstanding issues. Have a great weekend.

Regards and best wishes

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**From:**

**Sent:** 15 February 2022 10:54

**To:** 'planning.brampton@environment-agency.gov.uk' <[planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)>

**Cc:**

**Subject:** RE: BCKLWN Local Plan Review update

**Importance:** High

FAO

Hello

Further to our telephone conversation this morning, this provided a useful follow up to my email of last week (below). As discussed, we are keen to avoid further delays in submission of the Local Plan Review that would be entailed if we are to consider significant focused changes, such as (in this case) deletion of a site specific proposal (former Del Monte Factory site, Bankside, West Lynn).

Reviewing your representation, as discussed I have proposed a way forward, which is set out in the draft Statement of Common Ground (SoCG), attached.

I ask that you confirm availability of your colleagues and you during week commencing 28<sup>th</sup> February. I look forward to meeting you and your colleagues then.

Please let me know if you need any further information from me.

Regards and best wishes

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**From:**

**Sent:** 10 February 2022 15:16

**To:** [planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)

**Cc:**

**Subject:** BCKLWN Local Plan Review update

**Importance:** High

FAO

Hello

I write with reference to the Local Plan Review; specifically the representation you submitted in response to the Regulation 19 consultation, August/ September 2021 (attached). You have submitted a range of advisory comments regarding the detailed wording/ content of the Local Plan Review, which we will give further consideration to; either as Main Modifications (to be consulted upon following the examination hearings (anticipated to take place during late summer/ autumn 2022) or as Additional Modifications (minor changes/ factual updates of no material consequence to the Local Plan Review).

Critically however, you state that site specific policy E1.15 is unsound because it is not justified, and therefore is not compliant with national policy. This waterfront site (Former Del Monte Factory site, Bankside, West Lynn) is one of the major brownfield sites within the Borough. It is already allocated for development in the 2016 Site Allocations and Development Management Policies (SADMP) Plan and the Borough Council remains keen/ committed to secure redevelopment of this key brownfield site. You state, in your representation, that:

*The Policy does not include the justification in regards to the sequential test and exception test, whereas policy E1.14 does. **We therefore consider this allocation unsound at this time because it is not justified and therefore is not consistent with national policy.***

We have been continuing to prepare documentation towards submission of the Plan. In view of your representation, given the scale and importance of the former Del Monte/ Bankside site, we need to discuss a way forward to address your objection to the continued allocation of site E1.15 for development. We are currently

in the process of preparing Statements of Common Ground, to secure agreement between the Borough Council and statutory consultees that responded to the Regulation 19 consultation.

I would like to set up a meeting with you, to discuss your concerns around the matter of site allocation E1.15 and find possible options/ ways forward. Please let me know your availability/ a convenient time to meet:

- **w/c 21<sup>st</sup> February; or**
- **w/c 28<sup>th</sup> February?**

I have checked our diaries and found that **Wednesday, 23<sup>rd</sup> February (am); Monday, 28<sup>th</sup> February (pm); Tuesday, 1<sup>st</sup> March (pm) or Friday, 4<sup>th</sup> March (all day)** are suitable for us. Please let me know if any of these dates/ times are suitable for you so that I can set up a MS Teams meeting.

I look forward to hearing back from you soon and hope that we can achieve a satisfactory outcome to this matter.

Regards and best wishes

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