

Borough Council of
**King's Lynn &
West Norfolk**



Borough Council of King's Lynn and West Norfolk

Local Plan Review 2016-2036

**Statement of Common Ground between the
Natural England and Borough Council of
King's Lynn and West Norfolk**

24 February 2022

Introduction to the Statement of Common Ground

The National Planning Policy Framework (NPPF) requires development plan documents to be prepared, on the basis of effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred (paragraph 35). The NPPF proposes the preparation of Statements of Common Ground (SoCGs) to highlight agreement on cross boundary strategic issues with neighbouring authorities and other relevant bodies. Further information is provided in the Planning Practice Guidance ([Chapter on Maintaining Effective Cooperation](#)).

SoCGs should be produced, published and kept up to date by the signatory authorities as an accessible and public record of where agreements have or have not been reached on cross boundary strategic issues. The purpose of the SoCG is to document the cross-boundary matters being addressed and progress in cooperating to address them. It is the means by which authorities can demonstrate that their plans are based on effective and ongoing cooperation and that they have sought to produce strategies that as far as possible are based on agreements with other authorities.

For the County of Norfolk, the Norfolk Strategic Planning Framework (NSPF) was prepared as a formal SoCG for Norfolk planning authorities. Most strategic planning matters were resolved during preparation of the Local Plan (2017-21) and are highlighted in both the NSPF and Duty to Cooperate (DtC) Statement (May 2021). Further details are set out in the main SoCG document, below.

Nevertheless, a small number of matters remained unresolved, by the time the Local Plan Review was approved by the Council for consultation and submission to the Secretary of State (8th July 2021). This was reflected in representations received during the Pre-Submission Draft (Regulation 19) consultation; August/ September 2021¹.

In order to ensure compliance with the DtC and effectiveness tests, bespoke SoCGs are being prepared, for agreement between statutory (DtC) bodies and the Borough Council, where representations containing objections had been received through the Regulation 19 consultation. The SoCG form below provides a comprehensive explanation for the outstanding objections; the Borough Council's response to each of these and a proposed resolution for the parties to sign/ agree; and highlight those areas where agreement has not been possible. It is emphasised that the statutory DtC is not necessarily a duty to achieve full agreement on all matters.

Individual SoCGs have been produced for each of the relevant bodies.

¹ https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/902/local_plan_review_2016_to_2036

Statement of Common Ground between the Natural England and BCKLWN

1. Background to Statement of Common Ground (SoCG)

Since the launch of the Local Plan Review (autumn 2016), the Borough Council of King's Lynn and West Norfolk ("Borough Council"/ BCKLWN) has actively engaged with statutory bodies under the requirements of the statutory Duty to Cooperate (DtC) (Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 4²). Strategic issues identified through this process, together with the outcomes of ongoing engagement with the relevant consultation bodies, are highlighted and summarised in the DtC Statement, May 2021.

For local planning authorities within the County of Norfolk, the Norfolk Strategic Planning Framework (NSPF) has been prepared as a formal SoCG for Norfolk planning authorities. The latest version of the NSPF (May 2021)³ identifies 31 separate Formal Agreements and was endorsed by all stakeholder authorities in 2021. These 31 Agreements (for which the Borough Council is a signatory) allow plan-making across Norfolk to be coordinated, to the benefit of all partners.

The NSPF provides a strategic level SoCG covering Norfolk authorities. However, it does not address cross-boundary issues that extend beyond Norfolk; i.e. to the west and south of the Borough. Three principal matters are identified as going beyond the scope of the NSPF (Norfolk County boundary):

- *Green Infrastructure (GI) RAMS;*
- *Coastal Management; and*
- *Wisbech Fringe.*

2. Complying with the DtC, beyond May 2021

The Borough Council's DtC Statement and current NSPF were both agreed in May 2021; shortly prior to approval by the Full Council (8th July 2021) of the Local Plan Review for Pre-Submission Draft (Regulation 19) consultation and submission to the Secretary of State. However, a number of statutory consultees (DtC bodies) submitted representations through the Regulation 19 consultation. The following organisations submitted representations, each containing unresolved objections:

1. *Environment Agency*
2. *Historic England*
3. *Homes England*
4. *Natural England*
5. *Norfolk County Council – Highway Authority/ Lead Local Flood Authority (LLFA)*

² <https://www.legislation.gov.uk/ukxi/2012/767/regulation/4>

³ <https://www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/norfolk-strategic-planning-member-forum>

The Marine Management Organisation (MMO) and National Highways (formerly Highways England) submitted supporting representations, raising no material objections to the published (Pre-Submission Draft) Local Plan Review. No Regulation 19 representations were received from any neighbouring local planning authorities:

- *County Councils – Cambridgeshire, Lincolnshire, Suffolk;*
- *District/ Borough Councils – Breckland, East Cambridgeshire, Fenland, North Norfolk, South Holland, West Suffolk.*

*On the basis that no Regulation 19 representations were received from adjacent local authorities, it is assumed that these bodies are satisfied that the NSPF and/ or May 2021 DtC statement represent the current position for each organisation. That is, that there are **no** unresolved strategic issues arising from the published Local Plan Review that affect any of these bodies.*

3. Function and role of the SoCG

Five SoCGs are being prepared; one for each of the statutory bodies that submitted representations containing objections. The SoCG summarises the outstanding objections and proposes a resolution to each that both parties can sign up to, in order to ensure the overall soundness of the Local Plan Review and allow it to proceed to submission.

Natural England's representation was submitted on 28th September 2021, after the 27th September 2021 closing date. While not duly made under Regulation 19, Natural England's representation was nevertheless accepted by the Borough Council and processed accordingly. Representation, including the original (redacted) document, are published on the Borough Council's consultation portal⁴.

⁴ <https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/s1625822757725?consultation=s1625822757725>

4. Summary representation and Borough Council response/ resolution

Summary representation	Borough Council response/ resolution
<p><i>Much of Natural England’s representation was supportive of the Local Plan Review. In particular, Natural England endorsed the following issues/ themes:</i></p> <ul style="list-style-type: none"> • <i>Vision/ spatial strategy to protect and enhance the natural environment, reduce carbon emissions and to ensure that growth is sustainable (e.g. by way of GI-RAMS)</i> • <i>Presumption in favour of sustainable development</i> • <i>Commitment to futureproof against challenges of climate change</i> • <i>Protection to character and beauty of the countryside, diversity of landscape and wildlife</i> • <i>Opportunities/ guidance re net gains for biodiversity and wider environmental gains</i> 	<p><i>Recognition of overall soundness of the Local Plan Review by Natural England is noted.</i></p> <p><i>Critically, Natural England has expressed support for the Habitat Regulations Assessment (HRA), stating that: “It provides a detailed and comprehensive assessment of the likely significant effect of site allocation and detailed policy on designated sites and meets the requirements of The Conservation of Habitats and Species Regulations”.</i></p>
<p><i>Advisory/ detailed comments re detailed criteria/ policy content; e.g.:</i></p> <ul style="list-style-type: none"> • <i>In sensitive locations (e.g. AONB; SSSI) relevant assessments should be undertaken</i> • <i>LP19 – cross reference natural capital</i> • <i>Consideration should be given to possible increases in recreational disturbance</i> • <i>Guidance re Sustainability Appraisal monitoring/ criteria</i> 	<p><i>The Borough Council will review all the detailed comments from the Natural England. Where appropriate, amendments to Local Plan policy and/ or supporting text will be made. These will take the form of:</i></p> <ul style="list-style-type: none"> • <i>Additional Modifications (AMs) – minor amendments (e.g. grammatical and/ or factual corrections) of no material consequence for the direction or soundness of the Plan; or</i> • <i>Main Modifications (MMs) – proposed changes (e.g. to policy wordings) that represent a material amendment to the direction of the Plan and which will therefore need to be subject to MM consultation in the aftermath of the examination hearings (autumn 2022).</i>

<p><i>Sites at Syderstone (G91.1) and East Rudham (G31.1) – potential impacts of these proposals should be considered cumulatively – request deallocation</i></p>	<p><i>These represent a significant unresolved site specific objections. The Borough Council’s detailed response and potential resolution are set out at section 5 (below).</i></p>
<p><i>Site specific policies E1.5; E1.6; E1.7; E1.9; E1.10; E2.1; G13.1; G13.2; G29.1; G29.2; G31.1; G35.1, G35.3, G41.2; G47.1; G83.1; G113.1; G113.2 – recommend undertaking a Project level HRA</i></p>	<p><i>The current Local Plan (2016 SADMP; Policy DM 19) and replacement Local Plan Review (Policy LP27) require that Project Level HRAs are necessary where proposals have potential to adversely affect the integrity of European sites either alone, or in-combination with other plans and projects,</i></p> <p><i>Several of the site specific policies listed also make reference to Project Level HRAs, although in the interests of clarity it may be appropriate to reiterate this in all of the cited policies.</i></p>
<p>5. Details re allocation policies G31.1 and G91.1 – (Land off Fakenham Road) East Rudham and (Land west of no. 26 The Street) Syderstone, and Borough Council response/ resolution</p>	
<p><i>Natural England’s representation has been overwhelmingly positive and supportive in respect of the overall spatial strategy, supporting the policy approach to protect and enhance the natural environment of West Norfolk. Within the representation are a small number of detailed objections; mainly relating to highlighting particularly sensitive site specific allocations that would require project-level HRAs.</i></p> <p><i>Natural England has only objected to the continued allocation of two sites; at Syderstone and East Rudham, due to their proximity to the River Wensum SSSI; specifically regarding the implications of sewage treatment discharge into the Wensum. Natural England has requested deallocation of these sites but has not challenged these sites on the basis of Plan soundness.</i></p>	
<p><i>Borough Council response</i></p> <p><i>Sites G31.1 and G91.1 were allocated in the 2016 Site Allocations and Development Management Policies (SADMP) Plan⁵, so remain extant commitments. The Borough Council reviewed all SADMP site allocations through the Local Plan Review process (2016-21) and the findings of this work are set out in the Sustainability Appraisal. This concludes:</i></p> <ul style="list-style-type: none"> <i>• For East Rudham, on the basis of the Sustainability Appraisal is the intention of the Local Plan Review to carry forward this site allocation, G31.1</i> <i>• For Syderstone, the site benefits from full planning permission for 5 new homes (18/01917/F), so the Review seeks to carry forward this allocation (G91.1)</i> 	

⁵ https://www.west-norfolk.gov.uk/info/20220/site_allocations_and_development_management_policies_plan/514/adopted_plan

Extant SADMP site allocations have been systematically assessed through the Sustainability Appraisal process. Natural England's concerns about the Rudham and Syderstone site allocations are noted, although it is noted that these small scale site allocations could come forward in any event, in accordance with the SADMP.

Natural England's concerns regarding the implications of these two small sites (10 and 5 dwellings capacity) could be addressed at the development management stage, through project level site assessments.

Resolution

Natural England has objected to the East Rudham and Syderstone site allocations as a request, rather than a challenge to the overall soundness of the Plan. This represents a recognition that the sites are existing commitments so could be delivered in accordance with the current Local Plan (SADMP) and this is reflected in the current planning permission for development of the Syderstone site (G91.1).

The continued allocation of sites G31.1 and G91.1 is supported by evidence, specifically the Sustainability Appraisal. This concludes that these should continue to be allocated for development. It is therefore not considered there is justification to remove the two sites, which would entail re-consultation and 2-3 months delay in submission of the Local Plan. Nevertheless, the need for project level HRAs and/ or ecological assessments, to address Natural England's concerns, ought to be specified within the site specific policies:

Proposed Main Modifications (MMs) – detailed wording to be agreed by parties, post submission:

- **Policy G31.1 East Rudham – Land off Fakenham Road – addition of specific reference to project level HRA**
- **Policy G91.1 Syderstone - Land west of no. 26 The Street – addition of specific reference to project level HRA**

6. Signatories

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