



Borough Council of King's Lynn and West Norfolk

Local Plan Review 2016-2036

**Statement of Common Ground between
Norfolk County Council (Highway Authority/
Lead Local Flood Authority) and Borough
Council of King's Lynn and West Norfolk**

18 March 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 Norfolk County Council (Highway Authority/ Lead Local Flood Authority) 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.

Norfolk County Council's (Highway Authority/ LLFA) representation was submitted on 17th September 2021, consisting of an overall schedule of comments, together with representation forms relating to individual policies. Representations, 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/?consultation=s1625822757696>

| 4. Summary representation and Borough Council response/ resolution | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary representation | Borough Council response/ resolution |
| <p><i>Support Plan Vision and Strategic Objectives, particularly:</i></p> <ul style="list-style-type: none"> • <i>Growing a strong economy;</i> • <i>Supporting people of all ages improve their skills;</i> • <i>Supporting strong, vibrant and healthy communities, through the provision of housing to meet current needs;</i> • <i>Addressing Climate Change issues;</i> • <i>Protecting the natural environment;</i> • <i>Reducing the reliance on the car;</i> <p><i>Also, support for infrastructure policies (e.g. LP05), distribution of growth (Policy LP01: Spatial Strategy), new climate change policy (LP06) and economy policy (LP07)</i></p> | <p><i>Recognition of overall soundness of the Local Plan Review by Norfolk CC is noted.</i></p> <p><i>The Borough Council will review all the detailed comments from the Norfolk County Council, in its role as a statutory DtC body (Highway Authority/ LLFA). 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 consultation in the aftermath of the examination hearings (autumn 2022).</i> |
| <p><i>Policy LP05 (Implementation) – Infrastructure Provision – does not refer specifically to Fire Service Provision under LP05 (3)(i)</i></p> | <p><i>Additional criteria will be introduced as MMs to Policy LP05 regarding specific infrastructure; e.g. Fire Service Provision. Detailed wording to be agreed between the parties, post-submission.</i></p> |
| <p>Highway Authority</p> | |
| <p><i>Marham – Policy MAR1 Land south of The Street:</i></p> <ul style="list-style-type: none"> • <i>Additional criteria; e.g. requirement to provide a continuous, all weather, off carriageway footpath / footway between the site and the catchment infant school</i> | <p><i>Additional criteria will be introduced as MMs to Policy MAR1, regarding pedestrian access arrangements and connectivity; e.g. to catchment school(s). Detailed wording to be agreed between the Highway Authority and Borough Council, post-submission.</i></p> |
| <p><i>Terrington St Clement – policies TSC1 Land south of Northgate Way and west of Benn’s Lane, and G93.3 Land west of Benn’s Lane</i></p> | <p><i>Additional criteria will be introduced as MMs to policies TSC1 and G93.3, requiring pedestrian and vehicular access at Churchgate Way and a continuous road from Churchgate Way, through</i></p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> Additional criteria; e.g. site access arrangements (pedestrian and vehicular) | <p>both sites to Benn's Lane. Detailed wording to be agreed between the Highway Authority and Borough Council, post-submission.</p> |
| <p>Lead Local Flood Authority</p> | |
| <p>Need to update Local Plan Review, with links to latest policies and guidance (July 2021 NPPF update etc); e.g. Policy LP17; Appendix B:</p> <ul style="list-style-type: none"> FCERM govt policy statement (July 2020) Flood risk and climate change allowance guidance (July 2021) ADEPT guidance etc | <p>Various changes to Appendix B are required, in order to bring this up to date regarding the latest national policies and guidance.</p> <p>Cross references to latest policies and/ or guidance will be introduced as AMs:</p> <ul style="list-style-type: none"> LP17 – cross reference to ADEPT Emergency Flood Plan guidance B.0.3 – addition of reference to Lead Local Flood Authority) Developer Guidance⁵ B.0.7 – reference to construction methods <p>More detailed/ substantive changes to Appendix B are considered to be MMs. Detailed wording/ changes to be agreed between the LLFA and Borough Council, post-submission.</p> |
| <p>4.6.15 (local emissions and climate change) – reduction in allowance for the peak river flows is most noticeable and significant in the west of the county – advise paragraph is reviewed</p> | <p>Revised paragraph 4.6.15 text regarding peak flows, betterment of surface water runoff and existing surface water drainage infrastructure will be introduced as MMs. Detailed wording/ changes to be agreed between the LLFA and Borough Council, post submission.</p> |
| <p>LP06 climate change – little consideration on maintaining moisture levels within peat soils – major source for CO₂ emissions</p> | <p>Additional criterion regarding the protection of peat soils will be introduced within Policy LP06 as a MM. Detailed wording/ changes to be agreed between the LLFA and Borough Council, post-submission.</p> |
| <p>Corporate Property</p> | |
| <p>Objections re proposed development boundaries have been drawn around existing school sites</p> | <p>These site-specific objections are matters pertaining to land holdings, rather than soundness of the Local Plan and/ or requirements under the Duty to Cooperate. Therefore, these are not relevant considerations for the Statement of Common Ground.</p> |

⁵ <https://www.norfolk.gov.uk/rubbish-recycling-and-planning/flood-and-water-management/information-for-developers>

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| County Council Members | |
| <p>Comments re:</p> <ul style="list-style-type: none"> • Affordable/ exceptions housing policies • Five-year housing land supply • West Winch (E2.1) | <p><i>Representations from County Council Members relate to specific issues, rather than the overall soundness of the Local Plan and/ or requirements under the Duty to Cooperate. Therefore, these are not relevant considerations for the Statement of Common Ground.</i></p> |
| 5. Details re unresolved objections | |
| <p><i>Norfolk County Council has not submitted representations regarding the overall soundness of the Plan. However, unresolved objections that relate to detailed policy wordings and/ or current advice within the document do, in some instances, have implications for the soundness of individual policies.</i></p> <p><i>The County Council has interests in school playing fields at Castle Acre, Dersingham, Marshland St James, Tilney All Saints, West Walton and Wiggshall St Mary Magdalen. However, representations relating to these sites relate to site specific matters that are not relevant to the statutory Duty to Cooperate.</i></p> <p><i>Other unresolved objections relate to individual policy wording. The County Council, in its role as a Duty to Cooperate body (Highway Authority/ LLFA), has proposed a number of detailed amendments to the Local Plan Review, which it argues would enhance and strengthen the Plan; in some instances relating to the soundness of individual policies/ supporting text. These are summarised as follows:</i></p> <ul style="list-style-type: none"> • LP05 – Implementation Policy – reference to Fire Service provision • Marham – Policy MAR1 Land south of The Street – pedestrian access arrangements and connectivity • Terrington St Clement – policies TSC1 and G93.3 – regarding pedestrian and vehicular access arrangements • LP17/ Appendix B – cross references to latest policies and/ or guidance • Paragraph 4.6.15 – supporting text regarding peak flows, betterment of surface water runoff and existing surface water drainage infrastructure • LP06 – Climate Change – maintaining moisture levels within peat soils | |
| Borough Council response | |
| <p><i>None of the outstanding objections from Norfolk County Council (Highway Authority/ Lead Local Flood Authority) relates to the overall soundness of the Plan. Instead, these propose amendments to strengthen and bolster individual policies and/ or identify where factual updates and links to the latest policies and guidance are needed. Such detailed changes are proposed; either as MMs (substantive changes), or AMs (minor/ factual changes)</i></p> <p><i>Proposed amendments that are put forward to strengthen individual policies will be agreed, between the parties, as MMs. Factual updates/ minor changes will be identified as AMs and submitted to the Secretary of State with the Local Plan Review.</i></p> | |

Resolution

It is accepted that further detailed amendments to the Local Plan Review are necessary to address Norfolk County Council (Highway Authority/ Lead Local Flood Authority)'s concerns. These will be resolved through detailed discussions and agreement between the parties, following submission of the Local Plan Review.

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

- **LP05 – Infrastructure Policy – addition of reference to Fire Service provision**
- **Paragraph 4.6.15 (local emissions and climate change) – revised text regarding peak flows, betterment of surface water runoff and existing surface water drainage infrastructure**
- **LP06 – Climate Change Policy – addition of specific reference to the impact peat soil drying upon the release of greenhouse gases**
- **LP17/ Appendix B – addition/ updating of cross references to latest policies and/ or guidance**
- **Site specific policies MAR1 (Marham), and TSC1 and G93.3 (Terrington St Clement) – additional criteria regarding pedestrian/ vehicular access arrangements and connectivity**

6. Signatories

[\[TO BE CONFIRMED\]](#)

Engineer, Major and Estate Development (Community and Environmental Services), Norfolk County Council (Highway Authority)

david.wilson@norfolk.gov.uk

[\[Confirmed by covering letter, 3 March 2022\]](#)

Strategic Flood Risk Planning Officer (Community and Environmental Services), Norfolk County Council (Lead Local Flood Authority)

sarah.luff@norfolk.gov.uk

[\[Signed by Principal Planner on behalf of\]](#)

Geoff Hall

Executive Director, Environment and Planning

Borough Council of King's Lynn and West Norfolk