

King's Lynn & West Norfolk Local Plan Review Examination

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Claire May
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Borough Council of King's Lynn & West Norfolk
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By email via the Programme Officer

Dear Mrs May,

Examination of King's Lynn & West Norfolk Local Plan Review: Initial Questions Part 1

Following the Council's submission of the King's Lynn & West Norfolk Local Plan Review (the Plan) for examination, we have commenced initial reading of the Plan, the supporting evidence base and representations.

Based on what we have read so far, we have some initial questions and requests for further information and clarification, which are set out below:

Status of Local Plan Review

1. Paragraphs 2.0.3-2.0.4 of the Plan state that it is a review of the current Core Strategy (CS) and Site Allocations and Development Management Policies Plan (SADMP), to create a single local plan covering the period 2016-2036. However, the Plan still refers to some proposed housing and employment site allocations as being SADMP allocations. Please confirm whether or not the Plan is a full or partial review of the CS and SADMP? If it is the latter, we would be grateful if you would clarify which elements of the Plan are to be examined.

Norfolk Strategic Planning Framework

2. Paragraphs 2.0.13-2.0.17 of the Plan refer to the Norfolk Strategic Planning Framework (NSPF), prepared in 2017, but redrafted to become a Statement of Common Ground (SoCG). We presume this is core document D13, dated May 2021, but please confirm this is the case. What is the status of the NSPF and how has it informed the preparation of the Local Plan Review?

Neighbourhood Plans

3. Paragraphs 2.0.18-2.0.20 refer to a number of Neighbourhood Plans (NPs) which have been completed, are being prepared or may be produced during the plan period. Please would the Council provide a full list of the NPs which have been 'made' or are in progress, including

the stage each has reached and the areas of the Borough they cover. Any 'made' NPs should be included in the list of Examination documents.

Local Development Scheme

4. Two versions of the Local Development Scheme (LDS) have been submitted with the Plan, one which came into effect on 13 January 2021 [A10-1] and a revision dated May 2021 [A10-2], albeit the revised version is not included in the library index of submission documents on the website. The submission date in both versions of the LDS (July-September 2021), does not accord with the date the Plan was submitted to the Secretary of State (29 March 2022). Given it is a legal requirement that DPDs are prepared in accordance with the LDS¹, we would invite the Council to submit an up to date LDS, showing the correct submission date and corresponding changes to the timing of the Examination, receipt of our Report and adoption of the Plan.

Sustainability Appraisal

5. Paragraphs 2.26-2.28 of the Regulation 22 Statement of Consultation [A7] indicate that the Sustainability Appraisal (SA) of the Draft Local Plan Review was prepared in August 2020, following which amendments were made to the Plan before it was approved by the Council for pre-submission consultation in July 2021. We would be grateful if the Council could confirm whether the SA was updated to take account of those changes incorporated into the Pre-Submission Local Plan Review and, if so, provide a copy of the updated version?
6. The SA also does not appear to contain a non-technical summary (NTS), as required by the Regulations². Please would the Council either direct us to this if we have overlooked it in the evidence base or update the SA to include an NTS?

Nutrient Impacts on Habitats Sites

7. As you will be aware, a Written Ministerial Statement (WMS) on Nutrient Levels in River Basin Catchments, was published on 16 March 2022. Amongst other things, the WMS signals changes in the approach to the assessment of development proposals in river catchments where water bodies that are protected sites under the Habitats Regulations are in unfavourable condition due to nutrient pollution. A number of local planning authorities (LPAs) have been newly listed as having protected water bodies affected by this. We understand that the Borough Council of King's Lynn and West Norfolk is one of those LPAs and that Natural England (NE) has issued updated advice to the Council in respect of the Broads SAC/Ramsar site. Accordingly, it is necessary for us to consider whether the Plan's proposals will result in any Likely Significant Effect and or effects on the integrity of this European Site, not identified or assessed in the Habitats Regulations Assessment (HRA) [A4] submitted with the Plan, which predates the WMS. At this early stage of the examination, we wish to know whether the updated advice from NE is likely to require changes to the Plan, in

¹ Section 19(1) of the Planning and Compulsory Purchase Act

² Regulation 12 and Schedule 2 of The Environmental Assessment of Plans and Programmes Regulations 2004

particular affecting the delivery of housing and employment land and/or policies setting out habitat mitigation measures? If further work is necessary and/or being commissioned to inform the Council's evidence on this, including any updates to the HRA, please provide further details and a timescale for it to be completed.

Policies Map

8. We understand that the submission Policies Map comprises the borough-wide map at Appendix F of the Plan, on an OS base to a scale of 1:180,000, together with a series of Inset Maps for each settlement contained in the written statement of the Plan. However, the inset maps are not numbered in accordance with the list of settlements in Appendix F, so it is not clear these comprise part of the Policies Map. Please would the Council supply us with a set of Inset Maps correctly numbered, labelled and annotated for our use in this examination.
9. The Regulations³ require that the adopted policies map must illustrate geographically the application of the policies in the adopted plan. However, it does not appear that all of the policies in the submitted Plan are illustrated geographically on the borough-wide Policies Map or the Inset Maps. For example, areas for biodiversity enhancement (Policy LP15); the Norfolk Coast AONB (Policy LP16); County Wildlife and Geodiversity Sites (Policy LP19); Conservation Areas, Registered Parks and Gardens and Scheduled Monuments (Policy LP20); European and other nationally protected ecological sites (Policies LP23 & LP27); Flood Zones 2 and 3 (Policy LP25); and protected open spaces (Policy LP26). These are examples, but there may be others. We would be grateful for the Council's explanation of this, as currently it does not appear that the Policies Map is legally compliant nor that the geographical illustration of all of the Plan's policies is clear.

Superseded Policies

10. The Regulations⁴ require that where a local plan contains a policy that is intended to supersede a policy in the adopted development plan, it must state this and identify the superseded policy. We note that Appendix D of the Plan sets out a list of the policies within it, including a column titled 'Previously known as'. However, we are unable to find reference to which policies and site allocations in the CS or SADMP would be superseded by policies in the submitted Plan. Please would the Council either direct us to this, if we have overlooked it, or provide a list of the adopted policies which would be superseded by each proposed policy.

We would be grateful for your response to these questions by Thursday 26 May 2022. If the Council requires more time to reply, please let us know by return. On receipt of this letter, please would the Council upload it to the Examination website.

In the meantime we will continue with our initial reading of the Plan, evidence base and representations. It is likely that this will generate further initial questions, which we will forward to you in due course.

³ Regulation 9(1) of The Town and Country Planning (Local Planning) (England) Regulations 2012

⁴ Regulation 8(5) of The Town and Country Planning (Local Planning) (England) Regulations 2012

The Council's response to these initial questions will help to inform the matters, issues and questions (MIQs) for the Examination and for subsequent discussion at the Hearing.

We look forward to hearing from you.

Yours sincerely,

Karen L Baker

INSPECTOR

Mike Hayden

INSPECTOR