

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



Local Development Scheme 2021 - 2023

1. Introduction

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires local planning authorities to prepare, make publicly available and maintain a Local Development Scheme (LDS). The LDS is a timetable for production of a local planning authority's Local Plan, and any other Development Plan Documents. It enables the public and stakeholders to view the proposed schedule and therefore the status of policies contained within the plan documents.
- 1.2 This LDS (June 2022), which supersedes previous versions, provides a timetable for which documents are proposed to be prepared and when. It indicates the stages at which the public can be involved in the local plan process. The main document that this LDS covers is the Local Plan review.
- 1.3 This Local Development Scheme sets out the following:
- Information on the Development Plan
 - Timetables Local Plan review
 - The delivery and implementation of the documents, including resources, risk management and monitoring and review.

2. King's Lynn & West Norfolk Development Plan

- 2.1 The development plans system is the basis upon which planning applications are determined.
- 2.2 The Development Plan for King's Lynn and West Norfolk is made up of a series of documents which collectively form planning policy for the borough:
- Local Plan, comprising:
 - Core Strategy (2011)
 - Site Allocations and Development Management Policies (2016)
 - Norfolk Minerals and Waste Development Plan Documents (produced by Norfolk County Council)
 - Any Neighbourhood Plans which have been made
- 2.3 The **Core Strategy** sets out the spatial planning framework for the development of the borough up to 2026 and provides guidance on the scale and location of future

development in the borough. It contains strategic policies on a range of topics that include: the environment, employment, infrastructure, and housing. The Core Strategy was formally adopted by the Borough Council in 2011.

2.4 The **Site Allocations and Development Management Policies** document complements and facilitates the implementation of the Core Strategy by providing detailed policies and guidance. This includes development boundaries, site allocations across the borough for a variety of uses and area-wide development management policies on specific issues. It contains Policies Maps, and insets, which geographically illustrate the policies within the local plan where appropriate. This was formally adopted by the Borough Council in 2016.

2.5 The minerals and waste adopted development plan documents currently comprises:

- **Core Strategy and Minerals and Waste Development Management Policies Development Plan 2010 – 2036** (adopted September 2011)
- **Minerals Site Specific Allocations Development Plan Document** (October 2013)
- **Waste Site Specific Allocations Development Plan Document** (October 2013)
- **Single Issue Silica Sand Review of the Minerals Site Specific Allocations** (December 2017)

2.6 **The process of plan preparation** involves evidence gathering, opportunities for public involvement and comment and an independent examination, the process is outlined below:

- i. Evidence gathering – forms the basis of information for the Plan.
- ii. Development of options – preparation of the draft plan
- iii. Draft Local Plan – published for consultation.
- iv. Submission Local Plan – Plan is submitted to the Secretary of State.
- v. Independent Examination – held by a Planning Inspector into objections.
- vi. Inspectors Report – setting out any recommended changes.
- vii. Adoption of Local Plan – by the local planning authority.

2.7 Other documents:

- **Supplementary Planning Documents (SPDs)** – these are non-statutory documents which will supplement policies and proposals in the Local Plan. They will need to be in conformity with the Local Plan.
- **Neighbourhood Plans** – The Localism Act 2011 introduced provision to allow communities to set out their own policies in relation to use and development of land in their areas through Neighbourhood Plans. The Council have a duty assist to these communities; however they are produced by the community themselves and so it is not appropriate for this document to specify when they will be produced.
- **Community Infrastructure Levy** – The Community Infrastructure Levy (CIL) is a mechanism for raising funds from new development to contribute towards essential infrastructure. The Council formally introduced its CIL in February 2017.
- **Statement of Community Involvement (SCI)** - sets out how the public will be consulted as part of the Local Plan review process. The latest version was adopted by the Borough Council in June 2017.
- **Authority Monitoring Report (AMR)** - considers how the authority is implementing their planning policies and the progress in terms of producing the planning documents.
- **Local Development Scheme (LDS)** (this document).
- **Housing and Economic Land Availability Assessment (HELAA)** - This is an appraisal of the amount of land available for housing and economic development is required in order to assess the capacity of suitable land. Its purpose is to which is available. It is vital that there is sufficient land to meet the housing need, referred to Local Housing Need (LHN), for the borough. It also identifies where this could potentially be located. The HELAA does not allocate land for development or determine whether a site should be given planning permission for development. This is the role of the Local Plan review and the development management function of the Borough Council. However, it is a key piece of supporting evidence for the Local Plan review.

- 2.8 **Sustainability Appraisal and Habitats Regulations Assessments** - In preparing the Local Plan review the documents will be subjected to a Sustainability Appraisal (which will also incorporate the requirements of the EU Directive 2001/42/EC on Strategic Environmental Assessments). The Sustainability Appraisal will help identify and evaluate what effects the document/ proposed plans are likely to have on social, economic and environmental conditions of an area, and help to ensure that the plan takes account of sustainable development objectives.
- 2.9 The Sustainability Appraisal Scoping Report is the first step in this process and is followed by the sustainability appraisal of options as they develop. The document guides and informs the choices made as the document evolves and so forms an integral part of the preparation.
- 2.10 Amendments were introduced in the UK Conservation (Habitats & etc.) Regulations 1994 in September 2006. These result in Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC being required for all plans likely to have a significant effect on a European site. Habitats Regulations Assessments, including Appropriate Assessment as necessary, were undertaken prior to submission of the Local Plan review.

3. The King's Lynn & West Norfolk Local Plan review (2016 -2036)

- 3.1 The Borough Council, as part of the Site Allocations and Development Management Policies Plan (SADMP) examination and adoption process, committed to an early review of the Local Plan. This means reviewing both the Core Strategy (CS) and the SADMP to create a single Local Plan document.
- 3.2 This commitment forms Policy 'DM2A – Early Review of Local Plan' of the SADMP. An early review will ensure a set of deliverable and achievable housing sites for the duration of the Plan period (2016 -2036), with the most up to date policy framework to secure continuity for the longer term. The review will identify the Local Housing Need for the borough and proposals to ensure that this is met in a consistent manner with national policy.
- 3.3 Elements of this review began in 2016 and continued in 2017 including the Sustainability Appraisal Scoping Consultation with statutory consultees (Environment Agency, Natural England and Historic England), and the 'Call for Sites and Policy Suggestions' Consultation (Regulation 18). The latter ran for 6 weeks, between the

17 October and 28 November 2016, and offered an opportunity for developers, agents, landowners, individuals, and other interested parties to promote sites located within the Borough for future development, suggest locations/areas for special policy treatment, and put forward policy suggestions. The HELAA process also commenced.

3.4 The draft Local Plan Review was published for an eight week consultation period from 4 March to 29 April 2019 (Regulation 18) and the Pre-submission publication and consultation was undertaken between 2 August and 27 September 2021.

3.5 The timetable for the production of the Local Plan review is set out overleaf. This outlines the process and the timetable of the Local Plan review and the role and content of each element.

Local Plan review Programme 2021-2023

Local Plan Documents	2021				2022				2023			
	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec
Local Plan review (2016 – 2036)	A	A	B	C	C/D	E	E	E	E	E/F	G	H

	Key Stages of Local Plan Preparation	Regulation
A	Pre-Submission plan development	
B	Pre-Submission publication and consultation	Regulation 19 & 20
C	Submission plan development	
D	Submission of document to Secretary of State	Regulation 22
E	Examination (Including Hearing Sessions)	Regulation 24
F	Receipt of Inspectors Fact Check Report	
G	Receipt of final Inspector's Report	Regulation 25
H	Adoption	Regulation 26

Indicative Schedule of Proposed Local Plan review

Development Plan Documents (Title)	Role and Content	Chain of conformity	Geographical coverage	Timetable Milestones			
				Publication of DPD	Submission of DPD	Hearing Sessions	Adoption
Local Plan Review	Will update the strategic planning policies for the borough, allocate land for housing and employment and up to date development planning policies	To conform with NPPF	Whole authority area	2021	2022	2022	2023

4. RISK MANAGEMENT AND RESOURCES

4.1 The Planning Policy team at the Borough Council currently consists of:

- Planning Policy Manager (1FTE)
- Principal Planner (1FTE)
- Senior Planner (1FTE) – Position Currently vacant
- Graduate Planner / Planner (1FTE) – Position currently vacant

4.2 Assistance is also provided by a number of teams elsewhere in the Borough Council including Regeneration, Housing, Planning Technical Support, Environmental Health and Leisure. Consultants may also be used where there is insufficient resource / expertise within the authority. Advice will also be sought and guidance provided from Norfolk County Council, the Environment Agency etc., where necessary.

4.3 The budget for Planning Policy makes allowance for the anticipated costs of development plan production, including examination. However, the timing set out in this document is indicative and based on assumptions. It may therefore be necessary to make further amendments to the timetable. The table below considers potential areas of risk which could cause the programme to slip and details their impact and likelihood of occurrence alongside contingency and mitigation measures.

Risk	Likelihood	Impact	Contingency	Mitigation
A team member may leave / Long term sickness absence	High	High	Spread knowledge throughout the team	Re-appoint as soon as possible. Alternatively, seek to re-deploy staff from within the Planning department or use consultants / agency staff if necessary
New national legislation	High	High	Delays in the delivery of plans may occur in terms of compliance with the NPPF and PPG as a result of future changes / revisions. This is also dependent upon the political composition of the Government	Some flexibility has been included in the timescales for Local Plan production, although these may need to be revised deepening upon the nature of any potential future changes Revise LDS where necessary.
Legal challenge	Medium	High	Post adoption of a Local Plan, there is a six week challenge period.	To reduce risk of challenge, ensure the Local Plan legally compliant, is based on robust evidence and been subject to extensive consultation.
Problems arising from joint working; compliance with	Medium	High	Close working with other authorities and Council	Some flexibility is included in the Local Plan timescales.

the duty to co-operate and Statement of Common Ground			Members to detect issues early in the process	
Programme slippage	Medium	Medium	Contingency time is built into the LDS programme, which includes sufficient time to deal with a large number of representations.	Sufficient flexibility is included in the Local Plan review timescale. Revise LDS where necessary. Ensure sufficient resources available to complete future stages.
Local Plan found not to be 'sound'	Low	High	Seek advice from PINS at key stages (e.g. advisory visits) and be prepared to make modifications. Develop and take account of sound evidence.	Develop sound technical evidence base. If necessary, go back to an earlier stage, revise the plan and re-submit.
Timely provision of infrastructure	High	High	Discussions with infrastructure providers have been focused through the Infrastructure Study, as the development strategy and impact on infrastructure has become clearer.	Continuing engagement with infrastructure providers and development of the study will ensure timely provision.
Failure to secure agreement of full Council to Local Plan review	Low	High	It is important to work closely with all elected Members and to raise awareness of the Local Plan, and to secure an up to date development plan that complies with the NPPF.	Build sufficient flexibility into the strategy and timescales. The impact of elections cannot be predicted and mitigation is limited.
Inspector's report includes recommendations that the Council finds difficult to accept	Medium	Medium	Although the Inspector's recommendations are no longer binding (except for any modifications proposed by the Council), the Plan may not be 'sound' unless it is modified. The Council will need to consider all recommendations if it wishes to have an up to date development plan in place as required by the NPPF.	Keep Council Members up to date on issues arising and likely recommendations.

5. Monitoring and Review

5.1 The Local Development Scheme will be monitored on an ongoing basis through the Authority Monitoring Report. The latest version is available on the Council's website. The Monitoring Report will also monitor the delivery and effectiveness of policies in line with the Monitoring Framework outlined in the Core Strategy and Site Allocations and Development Management Policies Plan documents.