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



By email via the Programme Officer

Geoff Hall
Executive Director

Stuart Ashworth
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Planning

Date
22 July 2022

Dear Ms Baker and Mr Hayden

Examination of King's Lynn & West Norfolk Local Plan Review: Initial Questions Part 2

Further to my letter dated 15 July 2022, I can now provide a response to questions 1 and questions 14-18. Our response to question 10 is supplied separately.

Plan Period

- 1. We note the Council's proposal, in response to representations on the Regulation 19 pre-submission Plan, to extend the Plan period to 2038 and increase the housing requirement in Policy LP01 accordingly, to ensure compliance with paragraph 22 of the National Planning Policy Framework (NPPF) in respect of the need for strategic policies to look ahead over a minimum 15-year period from adoption. Is there a need to revisit other development requirements in the Plan, including employment land and retail floorspace needs, and other strategic policies, in the light of the suggested change to the Plan period?**

The following considerations have been given to employment needs and retail floorspace in light of the suggested change to the Plan period 2016 – 2038:

Employment Land

Policy LP07 states that there is approximately 71ha of employment land. There is in fact a total of 71.5 hectares (ha) of employment land allocated in the Plan. We propose to correct this by way of a main modification. Of the 71.5 ha, currently 1.8 ha have been completed, 29.35 ha have planning permission and 38.35ha (available employment land) do not have permission yet. In comparison to completions of the previous years, the current available employment land (38.35 ha) presents a supply of employment land for 21.3 years. Therefore, the current allocations should satisfy the need until the end of the proposed Plan period (2038).

Retail

The Plan does not specify any targets for retail floorspace as a result of the impact of the Pandemic on the Town's Centre and instead focusses on policy measures aiming for a qualitative improvement focussing on redevelopment of existing vacant units as set out in 5.1.7 (page 60) of the Plan.

Therefore, we consider that there is no need to make any changes to the strategic policies in relation to employment land and retail floorspace in light of the suggested change to the end date of the Plan.

Economy and Employment Land – Policy LP07

14. Policy LP07 allocates 71 hectares of employment land for the period to 2036, which we note amounts to 19.6 years' supply, based on take up rates over the 5 year period to 2019. However, it is unclear from the evidence what the relationship is between this land supply and the forecast growth of 3,400 jobs in King's Lynn and West Norfolk between 2016-2036 derived from the East of England Forecasting Model 20172 or the housing requirement of 10,780 dwellings. Given that one of the strategic economic objectives of the Norfolk Spatial Framework is for jobs growth to broadly match increases in housing provision, please would the Council explain the relationship between the employment land allocation, the forecast jobs growth and the housing requirement for the Plan period. Should the employment land requirement also be set out in Policy LP01 as part of the spatial strategy for the Borough?

The forecast growth of 3,400 jobs for the period 2021 to 2036 (D19, page 19) equates to 227 jobs per year. Applying this to the proposed Plan period (2016 – 2038), equates to a forecast jobs growth of 4,987.

Policy LP07 allocates 71.5ha of employment land for business, industrial and distribution uses, but does not specify the amount of land for each use. The Employment Land Review (D19, page 9) refers to 1 ha of employment land being able to accommodate 4,640 sq. m of employment floorspace. On this basis the site allocation of 71.5 ha of employment land would equate to 330,760 sq. m of employment floorspace. The table below assumes an equal split of employment floorspace between uses and the estimates the number of jobs the allocated employment land could accommodate:

	Employment Floorspace Sqm	Sqm per Full Time Equivalent (FTE)	Source	No.of Jobs
Business	110,587	11.6	Employment Densities Guide (publishing.service.gov.uk) (Average of Area per FTE (general office) page 12 para 4.47)	9,533
Industrial	110,587	56.7	Employment Land Review (D19)	1,950
Warehousing	110,587	88.9	Employment Land Review (D19)	1,244
TOTAL Jobs				12,727

The housing requirement for the Plan has been updated to 12,396 (see BCKLWN response to Q6). Therefore, the housing requirement and estimated number of jobs are closely aligned as required by the objectives of the Norfolk Strategic Framework.

In the interests of clarity, we propose to provide additional wording to the supporting text of Policy LP07 to explain the relationship between employment land supply, jobs growth and the housing requirement by way of a main modification.

We agree that the employment land figure should be included in LP01 and we propose to do this by way of a main modification.

Retail Development – Policy LP08

15. What is the evidence to justify the thresholds for impact tests in Policy LP08 for: a) any amount of new retail floorspace at the Hardwick Road area in King's Lynn? b) units exceeding 500sqm of local scale retail and service provision as part of larger residential-led schemes?

- a) The Local Plan reiterates the NPPF “town centres first” approach, requiring the application of the sequential test for main town centre uses (paragraphs 5.2.4-5.2.8). However, the Retail Overview (D19) recognises the role of the Campbells Meadow/ Hardwick Road out of centre retailing area, referencing the 2014 Retail and Leisure Impact Statement, the latter of which states that “King’s Lynn is the primary location for comparison shopping, particularly the Town Centre but also the established retail units along Hardwick Road” (p3).

The analysis in the Retail Overview (p4) highlights the “decreasing number of units and retailers, while the required floor space for each retailer is increasing”. This emphasises the challenges for attracting new retailers to King’s Lynn town centre, given that it is more difficult to meet their requirements due to physical constraints, compared to out of centre locations such as Hardwick Road.

The Retail Overview therefore recognises the acute challenges that King’s Lynn town centre faces in attracting and/ or retaining its retail offer. It is therefore necessary for the Local Plan to use any available measures to protect services within the town centre. The retail impact assessment threshold requirement provides an additional check on out of centre retailing at Hardwick Road, requiring applicants to demonstrate that this does not adversely affect the King’s Lynn town centre.

- b) The 500m² standard for retail impact tests (Policy LP08(4)) was introduced in response to a representation received during the 2019 1st draft Plan (Regulation 18) consultation (March/ April 2019). The addition of this Policy criterion and supporting text was agreed by the Local Plan Task Group on 4th December 2019, to allow for the creation of local services and facilities including appropriate scale retail provision in locations well related to new residential development (E3).

Since the 500m² threshold was proposed, the 2020 Use Classes Order introduced a new differentiation between Main Town Centre retailing (Class E) and community facilities (Class F2). The Use Classes order distinguishes between main town centre retailing (Class E: >280m² floorspace) and single freestanding convenience retail units (Class F2: 280m² floorspace or smaller). In light of the legislative change, a Main Modification to LP08(4) should be made, to amend the impact test threshold from 500m² to 280m², bringing this into line with the Use Classes Order.

Kings Lynn Policies

16. Policy LP01 4. King's Lynn and Policy LP38 6. for the Kings Lynn Area refer to a number of strategies and proposals within them, including for the Nar-Ouse Regeneration Area, Nelson Quay, the Town Centre and the Heritage Action Zone (in Policy LP01), and the Urban Development Strategy, Riverfront Delivery Plan, St Margaret's Conservation Area Management Plan, and Town Centre Extension Development Framework (in Policy LP38). What status do these documents have and were they subject to public consultation? Should the areas covered by these strategies be shown on the Policies Map, given that the two policies refer to development within them? Two of these strategies appear to be included within the core documents [D31 and D33], but please would the Council add the remaining documents to the Examination Library.

We have reviewed the status of the documents referred to in LP01 and LP38 and considered whether they remain relevant and/or need to be cited in policy or supporting text.

Nar-Ouse Regeneration Area

Nar-Ouse Regeneration Area refers to a long-term regeneration project, predating the current Local Plan (2016 SADMP) with implementation currently continuing.

It covers the area of the [Nar Ouse Business Park](#) (which is an enterprise zone which benefited from a reserved matters application) and the [Nar Valley Park development](#) (already developed) and neither are proposed for allocation in the Plan.

Therefore, reference to the Nar-Ouse Regeneration Area is not considered relevant in LP01 but it is considered that additional text referencing the Nar Ouse Business Park should be added to the supporting text of LP07 (paragraph 5.1.8). As this is not an allocation, we are of the opinion that the area does not need to be shown on the policies map

Riverfront Delivery Plan/ and Nelson Quay LP38 and LP01

The Riverfront Delivery Plan and Nelson Quay relate to the King's Lynn Riverfront Regeneration Area (set out in policy E1.KLR) that covers sites E1.8, E1.5 E1.10 and E1.1.

Both documents were consulted on and details can be viewed at the following links:
https://www.west-norfolk.gov.uk/download/downloads/id/2954/public_consultation_report.pdf
https://www.west-norfolk.gov.uk/download/downloads/id/5293/kings_lynn_nelson_quay_-_public_boards_-_nov_2018.pdf

It is desirable to maintain reference to the Riverfront Delivery Plan and Nelson Quay although we would suggest that they are referred to as 'King's Lynn Riverfront Regeneration Area' and additional wording added to the supporting text to refer to both documents. Although the sites are on the policies map, an additional layer can be added to show the extent of the King's Lynn Riverfront Regeneration Area

Town Centre/ Town Centre Extension Development Framework LP01(4)(l) and LP38(6)(e)

The Town Centre or the “Town Centre Extension Development Framework” have been carried forward from the previous local plans are no longer relevant. Therefore, reference to these should be removed.

Heritage Action Zone LP01(4)(j) and LP38(6)(d)

The HAZ was a five-year Historic England programme (started 2017), researching the history of key sites in King’s Lynn. This project finished around spring 2022, culminating in the preparation of additional studies and supporting evidence for strategic town centre brownfield sites and the King’s Lynn Urban Archaeological Database Project (UADP).

The Plan should reference the “Unlocking Brownfield Sites” (February 2019) and UADP studies, through the supporting text to Policy LP38 and LP20 (Historic Environment) respectively.

Urban Development Strategy LP38(6)(a)

The Urban Development Strategy (D31) was first prepared in 2006. It was prepared with extensive public consultation and engagement at the time and has informed many subsequent strategies, projects and studies, including the Riverfront Regeneration area/ Nelson Quay.

Despite being dated, it continues to provide a blueprint for the ongoing regeneration of King’s Lynn. Notwithstanding, it is not considered appropriate to reference this within Policy LP38, although it may be appropriate to include a cross reference within the supporting text.

St Margaret’s Conservation Area Management Plan LP38(6)(c)

A Conservation Area Management Plan was being prepared for St Margaret’s Conservation Area. However, this has not been taken forward. Accordingly, it is proposed that the reference to the St Margaret’s Conservation Area Management Plan at LP38(6)(c) should be deleted. Conservation areas are being added to the policies map.

Flood Risk

17. Given that the Strategic Flood Risk Assessment [D11] was prepared in 2019, in preparing the pre-submission Plan, what account has been taken of the July 2021 update to the NPPF in respect of flood risk, in particular the requirement to apply a sequential approach to site selection, taking into account all sources of flood risk?

Parts 1 and 2 of the finalised SFRA, were published in November 2018 and March 2019 respectively. The SFRA (Part 1) specifies that this work takes into account flood risk from all sources. The Non-Technical Summary states: “The key objectives of the 2018 Strategic Flood Risk Assessment are:

- To provide up to date information and guidance on flood risk for King's Lynn and West Norfolk Borough, taking into account the latest flood risk information and the current state of national planning policy;
- To determine the variations in risk **from all sources of flooding** in King's Lynn and West Norfolk Borough, taking into account climate change..."

The SFRA pre-dated the Sustainability Appraisal/ HELAA, so has systematically fed into the site selection process, in line with the following chronology:

- January 2019 – Publication of Draft Sustainability Appraisal (SA) (B4) and initial HELAA, with 149 sites assessed (C1)
- February 2019 – 1st draft Local Plan published for consultation
- June 2020 – HELAA update – 168 sites assessed (C2)
- August 2020 – Publication of updated SA report, incorporating settlement by settlement assessments of site options (B3)

Sites have been chosen, with reference to sustainability considerations (e.g. flood risk) and a need to manage housing delivery to meet Local Housing Need (LHN) and maintain a 5-year housing land supply throughout the Plan period. Critically, the site assessment and selection process has had regard to the SFRA throughout, including specifically to **all** sources of flooding.

Flood risk Sequential and Exception Tests

The PPG (Flood risk and coastal change¹) advises that, for plan-making, "the Sequential Test should be applied to the **whole** local planning authority area" (paragraph 020). Therefore, if the Sequential Test is exclusively applied, large areas of the Borough would be precluded from hosting new development in view of their overall flood risk status.

Through the SA process it was concluded that application of the Sequential Test alone is not appropriate or reasonable. Therefore, the Exception Test should be applied, requiring "proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk" (PPG, paragraph 023).

The SA report (B4, paragraph 4.3.4/ B3, p22) reflects the Exception Test, explaining that "decisions to allocate sites in those large parts of the Borough which are at a higher risk of flooding, where the need for development to sustain the local community and its services has been judged to outweigh the presumption against development in higher flood risk areas". This allows for sequential testing to be undertaken on a settlement-by-settlement basis, comparing potential site options for each settlement.

Suggested Main Modifications

- 18. We note the Council has suggested a number of main modifications (MMs) to the submitted Plan, in response to representations made at the Regulation 19 pre-submission consultation on the Plan. Does the Council wish us to consider these under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 as modifications necessary to make the Plan legally compliant or sound? If so, we would be grateful if the Council would submit the suggested wording for these changes in the form of a**

¹ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

draft MMs schedule, to which other MMs can be added as the Examination progresses. This document should also be added to the Examination Library.

The Council would like you to consider the suggested main modifications to the submitted Plan under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 as modifications necessary to make the Plan legally compliant or sound.

A Draft Main Modifications Schedule has been submitted with this response and will be added to the Examination Library.

Yours sincerely

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