

Borough Council of King's Lynn and West Norfolk Local Plan Examination

Matter 3 Statement – Economy

18 NOVEMBER 2022

Introduction

1. This statement is a response from the Borough Council of King's Lynn and West Norfolk Council (BCKLWN) to the following issues and questions raised by the Inspectors relating to Matter 3 of the examination into the King's Lynn and West Norfolk Local Plan relating to the Economy.
2. References used in this statement (e.g.[F10] [D10]) relate to documents held in the examination library as either a submission document or as part of the wider evidence base.

Borough Council of King's Lynn and West Norfolk Responses to Matter 3 Questions

Issue 3: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the economy of King's Lynn and West Norfolk?

The Economy and Employment Land (Policy LP07)

Q60. Taking into account the Council's answer to IQ14 and the evidence in the Employment Land Review¹⁹ and the Housing and Economic Needs Availability Assessment (HELAA)²⁰, does Policy LP07 make adequate provision for employment land to meet the forecast growth in jobs, satisfy the market demand for the take up of employment floorspace and match the demand for employment arising from the proposed housing requirement over the Plan period?

Yes, policy LP07 makes adequate provision for employment land to meet the forecast growth in jobs. 71.5ha of employment land is proposed for allocation in line with the recommendations of the Employment Land Review. The review, that considers the proposed increase in housing requirement over the plan period, suggested no large allocations were required as the Borough has 19.6 years of employment supply and the demand for employment land/floorspace was forecast to reduce.

Q61. Is the distribution of employment land to Kings Lynn, Downham Market and Hunstanton set out in criterion 3 of Policy LP07, and the choice of allocations for employment land at these three settlements in Policies E1.12, F1.2 and F2.5, justified as an appropriate strategy, taking account of the reasonable alternatives and based on proportionate evidence?

Yes. The distribution of employment land at King's Lynn, Downham Market and Hunstanton in criterion 3 of Policy LP07, and the choice of allocations for employment land at these three settlements in Policies E1.12, F1.2 and F2.5, is justified as an appropriate strategy.

The distribution of growth for the spatial strategy was assessed for Policy LP01, with seven separate growth options considered (see Q20-Q23 answers). The consideration of reasonable alternatives in the Sustainability Appraisal ([B3], p29-39) focuses upon the distribution of housing, but recognises that the spatial strategy needs to take account of extant large-scale employment land commitments/ permissions, e.g. Bexwell ([B3], p29). Furthermore, the spatial strategy clearly specifies that the quantum of housing and employment growth within the Strategic Growth Corridor should be regarded as minima. The concentration of employment sites at King's Lynn, Downham Market and Hunstanton is therefore an appropriate strategy.

The Sustainable Appraisal [B3] provides the evidence and justification for the distribution of employment land as an appropriate strategy, having taken account of the reasonable alternatives.

Q62. To ensure Policy LP07 is justified, clear and effective, are main modifications necessary to include the allocation for employment land within the West Winch Growth Area and to accurately record the area of land allocated at Downham Market for employment purposes?

Yes. Main Modifications to the employment land figures at Policy LP07 are necessary, to ensure consistency between employment site areas at policies E1.5 (Boal Quay – mixture of housing and employment); E1.12 (King’s Lynn employment site allocations); E2.1 (West Winch Growth Area), and F1.2 (Downham Market).

The figure of 71.5ha employment land cited as a suggested Main Modification [F21, MM p61] incorporates updated employment land figures for King’s Lynn and Downham Market, which needs to be reflected elsewhere in the Plan, for consistency. The following suggested Main Modifications are necessary to Policy LP07 and supporting text, to ensure that the policy is justified, clear and effective.

Supporting Text suggested main modifications:

King’s Lynn

5.1.12 Allocated employment locations are the:

- [E1.12](#) land adjacent to the Hardwick Industrial Estate (27ha);
- [E1.12-SAD](#) land adjacent to the Saddlebow roundabout (23ha);
- [E1.12-Est](#) and land off Estuary Road (3ha);
- [E1.5 Boal Quay](#) (1.8ha)
- [E2.1 West Winch Growth Area](#) (1ha)

5.1.13 The employment allocations in King’s Lynn total ~~53~~ [55.8](#) ha.

Downham Market

5.1.15 A location for employment is allocated to the south west of the town off St. John's Way (17 ha in total area) [This 16.5ha site was allocated in the previous Local Plan. Phase 1 of the development \(1.8ha\) was completed around 2017, with the remaining 14.7ha anticipated to be completed by the end of this Plan period.](#)

Policy LP07 table at criterion 3 suggested main modification:

3. The distribution of employment land will be approximately as follows:

Area	Approx. Total land
King’s Lynn	53ha 55.8ha
Downham Market	17ha 14.7ha
Hunstanton	1ha
Total	71ha 71.5ha

Q63. Should Policy LP07 make specific reference to the development needs of major employment sites in the countryside, including the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham, given their importance to the economy of the Borough, to ensure the Plan’s strategy for the economy is positively prepared, justified and effective?

No. There is no need for Policy LP07 make specific reference to the development needs of major employment sites in the countryside, including the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham, as this is separately addressed in Policy LP10. The Plan differentiates between new employment land allocations (LP07) and established major employers within the Borough (LP10). This differentiation is necessary, as new sites are allocated in accordance with the spatial strategy, while the three major established employers are all situated in rural areas.

The Plan is asserted to be positively prepared, justified and effective, as Policies LP07 and LP10 fully complement one another. However, it would be helpful to cross reference LP07 and LP10 in the written justification to LP07 as follows:

Three of the Borough's main employers are situated in the rural area: the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham. Given the strategic importance of these major established employment sites, the Local Plan includes a separate policy (LP10), to address the needs of these economic hubs.

Q64. Is part 9 of Policy LP07 consistent with national policy in respect of the following criteria for the retention of employment land:

a) Criterion a: Is the requirement to retain land in employment use unless this is 'no longer viable' consistent with the expectation in paragraph 122 of the NPPF that applications for alternative uses should be supported where there is 'no reasonable prospect of an application for its current use coming forward'?

Yes. Part 9 of Policy LP07 is consistent with national policy. NPPF paragraph 122 requires that: "Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan", it should be either reallocated for a more deliverable use, or approved (supported), where the proposed use would contribute to meeting an unmet need for development in the area. If the planning authority concludes that retention of land in employment use is 'no longer viable' then, by definition, there would be no reasonable prospect of an application coming forward. Therefore, Policy LP07(9) does comply with NPPF paragraph 122, insofar as this emphasises the importance of development viability in assessing deliverability.

Notwithstanding, it may also be argued that NPPF paragraph 122 specifically refers to employment land that is "allocated in a plan". The current Local Plan (2016 Site Allocations and Development Management Policies Plan) does not allocate any "land or premises currently or last used for employment purposes" (i.e. existing employment sites for protection). Therefore, it is asserted that paragraph 122, which relates to existing employment land allocations, is not a relevant consideration for employment sites that are currently operational.

b) Criterion c: Would it be clear to a decision maker what is meant by 'delivering the Council's regeneration agenda' in determining whether an alternative use offered greater benefits to the community?

The Borough Council's 'regeneration agenda' has evolved over the past 15-20 years. It consists of a suite of projects, proposals and/ or strategies, dating back as far as the 2006 King's Lynn Urban Development Strategy [D31] and 2008 Hunstanton Regeneration Masterplan [D35]. These regeneration plans are typically devised in consultation with local groups and residents, setting out a vision/ blueprint for future development to benefit local communities.

The Borough Council has developed/ continues to develop a range of regeneration Plans and strategies. These tend to be non-statutory policy documents but could still be material considerations in decision making. Relevant documents were submitted with the Plan [D31-D37], but new strategies and proposals are being continuously developed, coordinated by the Regeneration team (through the Portfolio Holder for Regeneration and Development); e.g. during October 2022 the Borough Council consulted upon the next stage of the Southgates Masterplan Survey¹.

The Council's regeneration agenda is expected to evolve constantly over the lifetime of the Plan. Current priorities, cited in the Corporate Business Plan 2021-23 include the Town Investment Plan, for which the Southgates area is a priority strategic location. To future proof the Local Plan and ensure it is sufficiently clear in defining the 'regeneration agenda', but does not become quickly dated in cross referencing specific regeneration documents, a Main Modification is proposed to Policy LP07(9) criterion (c), as follows:

- c) An alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's ~~regeneration agenda~~ regeneration priorities such as the Town Investment Plan or similar future replacement or equivalent strategies.

Retail Development (Policy LP08)

Q65. Are the following limits on retail and service use development in the Borough, defined in Policy LP08, consistent with national policy and justified as appropriate on the basis of proportionate evidence of their potential impact on the vitality and viability of town centres:

- a) new retail uses of any size and scale in the Hardwick area of King's Lynn in criterion 3?**

Yes. The limit for new retail uses (exclusively retailing; not other main town centre uses) in the Hardwick area is derived with reference to the latest available analysis, as set out in the Retail Overview Background Paper [D19b]. The Retail Overview [D19b] explains the acute challenges that King's Lynn town centre faces in attracting and/ or retaining its retail offer. There is evidence (identified in the next paragraph) that such adverse impacts on the vitality and viability of King's Lynn town centre may be further exacerbated by unchecked Retail development in/ around Hardwick, the principal out of centre retail area.

Justification for the limits on new retail uses at the Hardwick area (LP08(3)) is also summarised and explained in the Borough Council's answer to the Inspector's Initial Questions [F19, Q15(a)]. The evidence base [D19b, supported by F19] is considered appropriate and proportionate.

- b) small scale local retail and service facilities not exceeding 280 sqm, as suggested by the Council's in main modifications to criterion 4?**

Yes. The 280m² maximum threshold for small scale local retail and service facilities is consistent with national policy and justified as appropriate.

The 280m² floorspace threshold for local scale retail and service is proposed as a Main Modification to the Plan, replacing the proposed 500m² threshold in the submission Local Plan. This change was necessary to align to the 2020 Use Classes Order, which introduced a differentiation between Main Town Centre retailing (Class E) and community facilities,

¹ [Southgates Masterplan Survey | Southgates Masterplan Survey | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](https://www.west-norfolk.gov.uk)

including single freestanding convenience retail units of 280m² floorspace or less (Class F2). This is explained in the Borough Council's answer to the Inspector's Initial Questions [F19, Q15(b)].

What is the evidence of harmful impacts arising from previous developments to support imposing these limits and thresholds?

The evidence for harmful impacts arising from out of centre retail developments is set out in the analysis in the Retail Overview. This is explained in the Borough Council's previous response to the Inspector's Initial Questions [F19, Q15(a)].

Touring and Permanent Holiday Sites (Policy LP09)

Q66. Is Policy LP09 consistent with the expectation of national policy that planning policies should support sustainable rural tourism? Would this be more evident if criterion 1 of the policy were positively worded, setting out the circumstances in which proposals for holiday accommodation would be supported, including where this would enable the improvement of existing holiday accommodation sites?

Yes, Policy LP09 recognises national policy requirements, that policies should enable sustainable rural tourism and leisure developments (NPPF paragraph 84(c)). It is critical that the development of holiday accommodation (caravan-based accommodation and holiday lets) is done in the most sustainable way possible.

Section 5.3 recognises that tourist accommodation plays an important role in the local economy and viability of local tourist attractions. However, this also recognises the impacts on the landscape, particularly in designated areas (Norfolk Coast AONB; SSSIs; Coastal Change Management Area). Policy LP09(1) sets out the circumstances where proposals for new, or extensions to existing, holiday accommodation sites could be supported.

However, it is accepted that the wording in the preamble to criterion 1 may be negatively worded and should instead set out the circumstances in which proposals for holiday accommodation could be supported, including where this would enable the improvement of existing sites. Accordingly, a Main Modification to Policy LP01 criterion 1 is proposed:

~~Proposals for new holiday accommodation sites or units or extension or intensification to existing holiday accommodation will not normally be permitted unless~~ Proposals for new holiday accommodation (new sites or extensions to, or intensification of, existing accommodation) will be supported where it can be demonstrated that these could deliver a sustainable tourism, whereby:

Q67. Is criterion 2 of Policy LP09 clear and consistent with national policy regarding minor development proposals for holiday accommodation 'within the setting of' the Area of Outstanding Natural Beauty (AONB)?

Yes. Policy LP09(2) is consistent with national policy, insofar as this recognises the need for sustainable rural leisure and tourism developments to respect the character of the countryside (NPPF paragraph 84(c)). The coastal belt/ northern part of the Borough is nationally designated and AONB criterion 2 giving recognition to the national policy requirement that: "Great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural Beauty" (NPPF paragraph 176).

The NPPF requirement to give great weight to enhancing the beauty of the AONB is considered an obligation for the Local Plan to apply whatever policy tools are necessary to achieve this

end. The AONB functions primarily as a national landscape designation, with national policy stating that development within the setting of the AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Criterion 2, as submitted, is written to achieve this outcome, so it is asserted that this is consistent with national policy.

Q68. Are the following main modifications to Policy LP09 suggested by the Council justified and necessary for soundness:

a) to require all proposals for new holiday accommodation to submit a transport assessment to demonstrate safe access; and

Yes. The representation by West Winch Parish Council [A8-1, rep 220] was given due consideration. In response, BCKLWN agreed with the representation that Policy LP09(1)(c) could be strengthened through a requirement for “a suitable and proportionate transport assessment” to demonstrate that sites could be accessed safely. It is asserted that this additional requirement is justified, insofar as it accords to NPPF paragraph 110(c), which specifies that: “...it should be ensured that...any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree”.

The submission of a “suitable and proportionate transport assessment” could assist an applicant in demonstrating that their proposals would not have an unacceptable impact on highway safety (NPPF paragraph 111).

b) to restrict proposals within all international and national wildlife site designations?

Yes. Representations from Natural England and the RSPB were given due consideration [A8-1, reps 468 and 432, respectively]. Natural England supported the submission version policy, but the RSPB noted an omission at paragraph 5.3.4. The submission Plan stated that “new sites and extensions to and intensification of existing sites will not normally be permitted within the Norfolk Coast AONB, SSSIs and the coastal change management area”.

The RSPB correctly observed that paragraph 5.3.4 does not reference other international and national designated sites. Accordingly, the text was amended, to add explicit references to internationally designated sites including Natura 2000 sites (SAC, SPA and/ or Ramsar sites), as well as SSSIs.

National Construction College, British Sugar Factory and RAF Marham sites (Policy LP10)

Q69. Given the importance of the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham to the economy of the Borough, is Policy LP10 positively prepared, justified and effective in not expressly providing for further expansion of employment uses at these sites?

Yes. The Plan is positively prepared, justified and effective, recognising the importance of the National Construction College at Bircham Newton, the British Sugar Factory at Wissington and RAF Marham to the economy of the Borough by including a separate policy for managing development at these locations. Policy LP10(criterion 1) specifies that: “The Council strongly supports the roles that [the three sites] play as centres of excellence for construction and advanced engineering. This emphasises the importance of the three sites and therefore clearly allows for expansion to meet their specific requirements.

Policy LP10 goes further than just providing for further expansion, with reference to: “Non-operational development” (criterion 2). It is asserted that Policy LP10 is sufficiently clear in providing for further expansion of employment uses at the three sites.

Q70. Without clearly defining development boundaries for the National Construction College, British Sugar Factory and RAF Marham sites on the Policies Map, is Policy LP10 clear and unambiguous and will it be evident how decision makers should react to development proposals at the three sites? In the absence of a geographic illustration of its application on the Policies Map, does Policy LP10 comply with the Regulations?

We acknowledge that the development boundaries for the National Construction College, British Sugar Factory and RAF Marham sites should be included in the Policies Map and propose a main modification to address this issue.