

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

Matter 2 Statement – Spatial Strategy

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 2 of the examination into the King's Lynn and West Norfolk Local Plan relating to the Spatial Strategy.
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 2 Questions

Issue 2: Is the spatial strategy of the Plan positively prepared, justified, effective and consistent national policy in enabling the delivery of sustainable development, including in respect of the proposed housing requirement?

Plan Period

Q16. Is the Council's proposal to modify the Plan period from 2016-2036 to 2021-2038 justified in order to comply with national policy¹³? If so, should the revised plan period end in 2038 or 2039, as indicated in the Revised Housing Trajectory?

In relation to our proposal to modify the Plan start date from 2016 to 2021 we have considered national planning policy and guidance. Paragraph 31 to 33 of the NPPF deal with preparing and reviewing plans. Paragraph 33 is especially worth noting as it states that '...local plans and spatial development strategies *should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.*' Reviews should be completed no later than five years from the adoption date of a plan...' (our emphasis).

'Review' in this context means an exercise of considering whether the plan should be reviewed and to then make a decision to embark on the regulatory steps required to prepare the Plan. This points to the conclusion that the start date of the Plan does not need to be 5 years after the adoption of the Core Strategy i.e., 2016.

In reaching its view BCKLWN believe that upon going through the exercise of assessing the plan's continued relevance (i.e., the review as set out in the NPPF) the conclusion may have been that the Plan and policies were up to date, therefore no further action would be required. Therefore, the NPPF cannot be requiring LPAs to adopt a plan every 5 years.

Paragraph 004 (Reference ID: 2a-004-20201216) of the Planning Practice Guidance on Housing and Economic Needs Assessment states that in setting the baseline in calculating the minimum annual local housing need figure that:

'the current year being used as the starting point from which to calculate growth'.

Paragraph 011(Reference ID: 2a-011-20190220) of the Planning Practice Guidance on Housing and Economic Needs Assessment also states that:

'The affordability adjustment is applied to take account of past under-delivery. The standard method identifies the minimum uplift that will be required and therefore it is not a requirement to specifically address under-delivery separately.'

Given that the Council published and submitted the Plan in 2021, the LHN has been calculated using the most up to date affordability ratios, that there is nothing in national

policy or regulations that stipulate what the start date of a Plan should be and that local plans do not have to address under-delivery separately as this is accounted for in the affordability adjustment, we have concluded that the start date of this Plan should be 2021.

In determining the end date, Paragraph 22 of the NPPF requires that Plans should look ahead over a minimum 15-year period. The end date of the Plan should reflect the programmed adoption date of Oct/Dec 2023 as set out in the LDS [A10] which means that the end date of the Plan should be at the end of the financial year 2038/2039.

- Q17. Given that the Revised Housing Trajectory anticipates the majority of development from larger scale developments being delivered by 2036, is the Plan positively prepared and consistent with national policy in not setting a spatial strategy to look at least 30 years ahead?**

Yes, as set out in our response to Question 2 of the Inspectors' Initial Questions Part 2 [F18] Planning Practice Guidance was updated in October 2021 and clarifies that Paragraph 22 of the NPPF should apply where most of the development arising from larger scale developments proposed in the plan will be delivered *well beyond* the plan period, and where delivery of those developments extends 30 years or longer from the start of the plan period. (Our emphasis).

Given that Housing Trajectory [F22] anticipates the majority of development from larger scale developments being delivered by 2036, we consider the Plan positively prepared and consistent with national policy in not setting a spatial strategy to look at least 30 years ahead.

Housing Need and Requirement (Policy LP01)

- Q18. In the light of the most up to date calculation of local housing need (LHN) for Kings Lynn and West Norfolk set out in the Council's response to Initial Questions14, and the proposed change to the Plan period, what should the housing requirement in Policy LP01 of the Plan be?**

The housing requirement in Policy LPO1 of the Plan should be 10,278 which is based on an annual LHN of 571 over the proposed 18-year Plan period (2021 – 2038) as set out in our response to Question 6 of the Inspector's Initial Questions Part 2 [F18] and in accordance with Paragraph 012 of Planning Practice Guidance on Housing and Economic Needs Assessment that states that the standard method provides authorities with an annual number which can be applied to the whole plan period.

- Q19. Is there a need to increase the housing requirement above the LHN to take account of economic growth forecasts, address the need for affordable housing in the Borough, or provide for the unmet needs of neighbouring local authorities?**

No. As there is no step change in economic growth, the Plan does not need to provide for any unmet needs of neighbouring authorities (see response to Question 7 in [F18]) and the provision of affordable housing strikes a realistic balance between projected needs and site viability [D1] there is no need to increase the LHN.

Spatial Strategy (Policy LP01)

- Q20. Is the spatial strategy justified and effective in respect of its focus on a Strategic Growth Corridor along the A10 and Mainline Railway, given that the rail line only connects to two stations within the corridor and parts of the A10 are heavily congested?**

Yes. The chosen spatial strategy, for the Strategic Growth Corridor (A10 / Main Rail Line) is sufficiently justified and effective. The Sustainability Appraisal (SA) report [B4] systematically scores six reasonable alternative spatial strategies. It concludes a hybrid option (2A), which focuses development on King's Lynn (55%) and the Strategic Growth Corridor achieves the highest positive scoring. The updated (2020) SA report considered a seventh option; continuation of the previous Local Plan, "which represents what is most likely to occur" [B3, p29], albeit closely aligned to option 2A.

The SA process found the A10/ Rail Line Growth Corridor to be, by far, the most sustainable approach [B3, options 2A/ 7]. This would maximise the potential for sustainable travel by rail and benefits likely to be realised by investment in the strategic road infrastructure along the A10 at West Winch, coordinated with proposals for housing and employment development along the corridor (focused on the West Winch Growth Area). This approach is also aligned to the New Anglia Local Enterprise Partnership (LEP) Strategic Economic Plan (SEP). The LEP identifies King's Lynn and Downham Market as Growth Points, and the area between the two settlements, which includes Watlington, as a Growth Corridor [B3, p32].

The NSPF [D13, section 5.4.6, p47] also emphasises the importance of the A10 and parallel rail line as a strategic transport corridor. This highlights recent and forthcoming improvements to the rail network for the Ely area to enable more frequent rail services to operate in future, e.g. completion of works to enable longer trains to run from King's Lynn from December 2020. NSPF Agreement 10 requires the Local Plan to recognise the importance of specific cross boundary issues, including the A10 corridor.

The growth corridor connects three stations (rather than two) within the Borough (King's Lynn; Watlington; Downham Market), plus Littleport to the south (near the Borough boundary). It is recognised that the A10 is congested and that is reflected in the identification of the A10 West Winch Housing Access Road as a Key Infrastructure Project [D13, Table 12, p83; D18, p36; F23, p6] (about which, see below).

Q21. Does the submitted evidence base demonstrate whether or not the Borough's transport network would have the capacity to support the proposed spatial distribution of development in the Plan?

Yes. The submitted evidence base demonstrates that the Borough's transport network would have the capacity to support the proposed spatial distribution of development. This assertion is supported by the following evidence base documents:

- D18 – Norfolk Strategic Infrastructure Delivery Plan (SIP) 2020
- D23 – Local Transport Plan
- D24 – King's Lynn Transport Strategy
- F24 – Infrastructure Delivery Plan (IDP) 2022

The majority of growth is proposed to take place within the Strategic Growth Corridor (Policy LP01(9)(c)). The corridor incorporates King's Lynn, Downham Market and Growth Key Rural Service Centres (Marham and Watlington). Nearly all other growth is proposed to take place at other Main Towns (Hunstanton and Wisbech Fringe), which are served by the A149 and A47 Trunk Road respectively.

The Strategic Growth Corridor (SGC) is served by the A10, plus the main rail line (see Q20 answer, above). Unlocking development within the SGC requires new infrastructure; most significantly delivery of the A10 West Winch Housing Access Road, costing £30-50m [D18, p28; p36-37], to allow the West Winch Growth Area to come forward. This would be supplemented

by improvements to the rail line (see Q20 answer above), that could support growth at Downham Market and Watlington.

Elsewhere, other significant developments are proposed at the other Main Towns (Hunstanton and Wisbech Fringe). The SIP [D18] identifies improvements to the A149 and A47 that are necessary to service growth proposals at these locations.

It is emphasised that specified strategic transport improvements would serve development that is already committed, in the adopted Local Plan (2016 Site Allocations and Development Management Policies (SADMP) Plan). Delivery of necessary transport infrastructure is already identified and/ or committed (as appropriate) to serve these extant commitments.

The replacement Local Plan represents a continuation from its predecessor, in terms of site-specific infrastructure requirements. The infrastructure plans [D18; F24] highlight specific projects necessary to service the established spatial distribution of development. This growth (and associated infrastructure) is already in the pipeline, so successful delivery of the infrastructure strategy should not be prejudiced, delayed or disrupted by infrastructure constraints.

Q22. Would a broader distribution of growth across a wider range of settlements, both within and outside of the Strategic Growth Corridor, represent a more sustainable spatial strategy to meet the needs of the Borough?

No. The SA [B3 and B4] assessed a total of seven different growth options (potential spatial strategies). The chosen approach [B3, Option 2A; modified as Option 7], with development focused upon the SGC, was found to be the most sustainable spatial strategy. The SA also assessed the following alternative approaches, all of which could represent a broader distribution of growth across a wider range of settlements, both within and outside the SGC:

- Option 2 – Spread Development;
- Option 3 – Rural Focus;
- Option 4 – New Settlement;
- Option 5 – Wisbech Fringe;

The SA found these alternatives all inferior to the SGC focused spatial strategy, in terms of delivering sustainable development to meet the needs of the Borough.

Q23. Should the policy disaggregate the overall housing and employment land requirements for the Borough in line with the spatial strategy and the settlement hierarchy in Policy LP02?

Yes. It may be appropriate to consider disaggregation of the overall housing and employment land requirements for the Borough in line with the spatial strategy and settlement hierarchy (LP02). Approaches to disaggregation are considered below.

Housing

Housing requirements are already disaggregated, in line with the spatial strategy. This (Policy LP01(9)(c)) specifies that over 70% of housing growth should take place within the Strategic Growth Corridor (SGC). The Main Modification (revised housing Nos) [F21] already shows housing requirements for named settlements within the SGC, plus other tiers within the settlement hierarchy (LP02) elsewhere in the Borough.

The proportion of growth within the SGC (Kings Lynn, North Wootton, South Wootton, West Lynn, West Winch, Downham Market, Marham/Upper (RAF) Marham and Watlington) has reduced to 65% [F21, MM 28]. This is due to delivery forecasts for the West Winch Growth

Area (WWGA) being reduced by 900 dwellings and sites that have been completed to be removed from the plan.

The revised disaggregated SGC growth figures do not preclude higher delivery rates at WWGA. Therefore, the distribution of development remains in alignment with the spatial strategy and settlement hierarchy.

Employment land

The suggested Main Modification to LP01 [F21, Policy LP01(9)(d)] proposes that Borough-wide employment land growth figures should be shown, alongside forecast jobs growth that could arise from these allocations. The table below how figures could be disaggregated (by settlement) for the distribution of employment land allocations and consequent forecast job numbers.

Location	Gross site area (ha)	% overall employment land	Jobs (calculated with reference to F19, Q14)
King's Lynn	55.8	78%	9,932
Downham Market	14.7	21%	2,617
Hunstanton	1.0	1%	178
TOTAL	71.5	100%	12,727

This shows that 99% of employment land allocations are situated within the SGC, compared to 65% of housing land. However, section 5.1/ Policy LP07 provide further explanation for the distribution of employment land.

It is not considered necessary for the distribution of employment land and housing to exactly replicate one another. The employment land and jobs markets are multi-faceted. Policy LP10 recognises that three of the major employers within the Borough (section 5.4: total approximately 5,000 jobs) are situated in rural locations. Policy LP10 supports the retention of these operations as centres of excellence (LP10(1)).

Overall, disaggregated figures are helpful in explaining the distribution of housing, employment land allocations and jobs. However, it is considered that Policy LP01(9) (as amended: [F21] MM 28), and policies LP07 and LP10, sufficiently secure this objective.

Q24. Is the policy of major urban expansion effective in meeting the Borough's housing needs? Should more small scale allocations be proposed to increase flexibility in the housing land supply and provide more choice for homeowners and developers?

Yes. The allocated housing land supply consists of a mixed portfolio of small, medium and large sites.

Of the proposed site allocations, out of a revised total allocation for 4,980 dwellings [F21, MM 28], 2,700 units are proposed on urban extensions for 200 dwellings or more (large sites), equating to 54% of site allocations), as follows:

	Location	Policy Ref	Site Name	Capacity/ anticipated delivery (2021 - 2038/39)
King's Lynn & Surrounding Area	West Winch	E2.1	West Winch Growth Area	1,600
	South Wootton	E3.1	Hall Lane	300
Main Towns	Downham Market	F1.3	Land east of Lynn Road in vicinity of Bridle Lane	250

	Wisbech Fringe	F3.1	Land east of Wisbech (west of Burrettgate Road)	550
TOTAL MAJOR URBAN EXTENSIONS				2,700

The larger sites at South Wootton and Downham Market already have outline permission, for 575 and 230 dwellings respectively (total 805 dwellings). Reserved matters are already granted and/ or submitted (reference 20/01954/RMM and 21/01121/RMM, respectively), illustrating that of the total 2,700 units from major urban expansion, 30% are already consented. These are therefore already well advanced in terms of identifying infrastructure requirements and securing its provision and controlled by housebuilders. Much of the infrastructure requirements for the sites at South Wootton and Downham Market has already been secured through these permissions and this is reflected in the trajectories for these sites [F22].

Notwithstanding small and medium sized site allocations (<200 dwellings) equate to a significant proportion (46%) of the total supply. The submission Plan (paragraphs 4.1.28-4.1.30) explains how the Plan makes provision for small scale allocations. The latest figures ([F21], MM, p28) indicate that 15% of site allocations are small sites (5-10 units) within the rural area (777 dwellings), a balanced mix of sites.

The Plan therefore provides sufficient flexibility and a good mix of sites, in accordance with NPPF requirements.

Q25. Is the spatial strategy defined in Policy LP01 consistent with national policy in maximising opportunities for sustainable transport solutions? Is the strategy too reliant on road transport solutions? Should it do more to reduce carbon emissions and improve air quality?

National policy (NPPF paragraph 105) requires that: “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes”. The requirement has been applied to the Borough through the focus upon the Strategic Growth Corridor (SGC), tested through the Sustainability Appraisal as Option 2A [B3, p32] which was found to be the most sustainable approach [B3, p38-39], albeit slightly modified as the chosen spatial strategy (see Q22 response).

The Sustainability Appraisal found, in relation to the SGC, that this (Option 2A):

- “...could reduce the vulnerability to the effects of climate change (including flooding) when compared to other options”
- “...maintain human health; improve the quantity and quality of publicly accessible open space”
- “Improve the quality, range and associability of services and facilities” and
- “Assist in the population gaining access to satisfying work” [B3, p36]

It is emphasised that A10 is not the most significant strategic road within the Borough. Rather, the A47 (east/ west Midlands/ East Anglia) route is the designated Trunk Road, with the A10 (a County Road) a secondary strategic route. Options tested through the Sustainability Appraisal (most significantly Option 5: Wisbech Fringe), with a greater focus upon growth along the A47, scored less favourably than the chosen strategy.

The spatial strategy, focusing upon the A10 & Rail Line Growth Corridor (rather than the A47 Trunk Road), scored favourably due to this offering the greatest opportunity to both mitigate

the effects of climate change and deliver improvements in terms of accessibility to services and facilities.

Overall, the Sustainability Appraisal [B3, p36] demonstrates that the spatial strategy was chosen for its overall sustainability, including reduced reliance upon road transport solutions. It should minimise the effects of climate change and risks to public health arising from emissions and air quality.

Q26. Given that the Plan does not allocate any land for development at North Wootton, is criterion 4b of Policy LP01 justified in identifying it as one of the settlements adjoining King's Lynn where provision will be made for new homes through brownfield regeneration and urban expansion?

No. The Plan does not allocate any land for development at North Wootton, as criterion 4b of Policy LP01 and Policy LP02 (Settlement Hierarchy) in the submission Plan are inconsistent with respect to the spatial strategy for that village. This inconsistency prompted a suggested Main Modification to Policy LP02 [F21, MM 33] in response to the Initial Inspector's Questions [F18, Q3] to identify the four settlements (including North Wootton) as part of King's Lynn, giving recognition that the largest quantum of growth will be delivered through sustainable urban extensions at South Wootton and West Winch.

It is emphasised that North Wootton and South Wootton (although separate parishes and communities) both form part of the contiguous King's Lynn urban area, to the north. No potential development sites at North or South Wootton were put forward through the HELAA [C3], other than existing commitments at South Wootton. This is a function of development constraints beyond the existing built-up areas of both villages (AONB to the north and east; EA Flood Zones to the west) ([A1-2], Policies Map 5).

North Wootton forms part of the broader King's Lynn urban area. There is no physical separation of the built-up area from South Wootton, so both villages should be regarded equally as forming part of the main Sub-Regional centre (LP02). There may be opportunities for redevelopment or brownfield regeneration within the existing built-up area, as there are elsewhere within King's Lynn.

Q27. Should more growth be provided for at Downham Market given its status as a Main Town and its accessibility within the Strategic Growth Corridor? Is it clear what is meant by 'appropriate housing growth' in criterion 5(b)(iii) of Policy LP01?

No. It is considered that the Local Plan makes sufficient provision for growth at Downham Market, given its status as a Main Town and its accessibility within the Strategic Growth Corridor.

The Sustainability Appraisal [B3, p29-39] assessed different quanta of growth at Downham Market, as follows:

- Option 1 – 15%
- Option 2 – 20%
- Option 2A – 18%
- Option 3 – 15%
- Option 4 – 5%
- Option 5 – 10%
- Chosen (7th) option (continuation of adopted Local Plan growth distribution; modified from 2A) – 6%

The chosen (7th) option for the Downham Market proposes a quantum of development at the lower end of the range. The previously proposed spatial strategy (Option 2A), set out in the 2019 1st draft Plan, was modified in light of a reduced local housing need, i.e. a continuation of the adopted spatial strategy resulting in no absolute need to make further allocations [B3, p36]. Option 2A and the chosen (7th) option scored equally in the Sustainability Appraisal, thereby justifying the spatial strategy an appropriate strategy (NPPF paragraph 35(b)).

Notwithstanding, Downham Market is already accommodating significant growth, over and above the 390 dwellings allocated. The table below demonstrates actual numbers anticipated to be delivered from the proposed site allocations, based upon current commitments:

Local Plan reference	Site Name	Allocation	Planning history	Commitments/ Outstanding capacity
10.1.4 F1.3	Land east of Lynn Road in vicinity of Bridle Lane (Phase 1)	250	16/00610/OM; 21/01388/F; 21/01863/F	244
10.1.4 F1.3	Land east of Lynn Road in vicinity of Bridle Lane (Phase 2)			150
10.1.5 F1.4	Land north of southern bypass in vicinity of Nightingale Lane	140	16/01322/OM & 21/00152/RMM (pending)	300
TOTAL		390		694
	Difference between commitments and allocations			304

The quantum coming forward on allocated sites is nearly 700 dwellings, already demonstrating significantly higher levels of growth than stated in the Plan. The Sustainability Appraisal [B3] assessed higher levels of growth, finding Option 2A (18% of total growth at Downham Market) to be equivalent in sustainability terms to the chosen approach. These demonstrate that Downham Market could accommodate additional growth, although this is not necessarily desirable, due to concerns that it could have implications for the timely delivery of West Winch.

Policy LP01(5)(b)(iii) sets a strategy to: “Provide appropriate housing growth for the town”. A definition for “appropriate housing growth” is provided in the housing requirement calculation at LP01(9); i.e., delivery of at least 390 dwellings from allocated sites.

Notwithstanding, given that a definition for “appropriate housing growth” is provided elsewhere within LP01, deletion of LP01(5)(b)(iii) would be appropriate as a Main Modification.

Q28. Criterion 6(b)(ii) of Policy LP01 seeks to improve visitor accessibility and public transport in Hunstanton, but how does the Plan propose that this would be achieved?

Hunstanton’s regeneration needs have been long recognised, as are the challenges in achieving these and other outcomes such as improved visitor accessibility and public transport. The Hunstanton Regeneration Masterplan [D38] provides a framework for:

- enhancement of the built environment
- promotion of development opportunities in the area
- the attraction of new investment
- a programme of enhancement to the visitor

The initial Masterplan is now being updated through the Southern Seafront Masterplan (SSM) [D39]. Policy LP01(6) should be considered in conjunction with the more detailed strategy for the town set out at LP40; particularly LP40(6), which sets a framework for a transport and movement strategy for the town. This would be supported by successful implementation of the SSM [D39]. Potential mechanisms for improving public transport are also set out in the Local Transport Plan/ Implementation Plan [D23], which should be considered alongside the SSM.

Q29. Is the proposal to delete Policy F3.1 allocating land east of Wisbech for 550 dwellings justified, based on the evidence in the Council's position statement¹⁵, and would the spatial strategy be effective without it?

Whilst the Council's position statement [F23] concludes that retaining all or part of the allocation F3.1 would not result in sustainable development in its own right and is only sustainable as part of the larger comprehensive development to include land within Fenland District Council, there have been a number of planning applications and/or screening opinions to Fenland District Council (see response to Matter 1 Q4). In light of the strong interest in the development of the site that has been stimulated by the Fenland's Regulation 18 consultation, which directly counters the reason for FDC's deletion of the allocation, there is a good prospect the allocation will be reinstated.

The question whether the site ought to be allocated in the new Local Plan will be a matter for the Inspectors to determine.

As set out in [F23], the removal of site F3.1 from the submitted Plan would have positive effect on the Spatial Strategy as the proposals would distribute a higher proportion of growth at the most sustainable locations relative to the Borough Council of King's Lynn and West Norfolk.

Q30. Given that criterion 8(a)(iii) of Policy LP01 identifies the Key Rural Service Centres (KRSCs) as a focus for new development within the rural areas of the Borough, is the Plan positively prepared and justified in not allocating land for housing development at all of the KRSCs?

Policy LP01 criterion (8)(a)(iii) is proposed for deletion as a Main Modification [F21, MM 28], to strengthen policy wording and ensure that the Plan is positively prepared and justified.

While the Local Plan makes some provision for growth at KRSCs, there is no need to allocate further sites (except for Terrington St Clements/ TSC1), as site allocations retained from the 2016 Site Allocations and Development Management Policies (SADMP) provide sufficient capacity to deliver the rural housing requirement.

Accordingly, Policy LP01(9) does not set development requirements for individual KRSCs, instead setting an overall allocation for 662 dwellings out of 4,980 [F21, MM28]. This equates to 13% of the overall growth, in line with the chosen spatial strategy which proposed 12% [B3, p37-39].

Where Neighbourhood Plans are being prepared these may provide additional opportunities for windfall development at KRSCs. However, there is no obligation to do so, nor is there any obligation for Neighbourhood Plans to allocate land for development.

Overall, the quantum of growth proposed for KRSCs remains aligned to the chosen spatial strategy. The Plan provides further explanation and reasoning for not allocating land for housing development at all KRSCs. Paragraph 4.1.23 explains the role of Neighbourhood Plans in delivering additional growth; that: "The Borough Council will not...seek to make specific allocations for those areas with or preparing a Neighbourhood Plan" (paragraph 4.1.23).

However, given that sufficient development land is already committed at KRSCs there is no compulsion to allocate further land, either through the Local Plan or a Neighbourhood Plan.

- Q31. Is criterion 8(a) of Policy LP01 positively prepared, effective and consistent with national policy in promoting sustainable development in rural areas and maintaining the vitality of rural communities as part of the spatial strategy for the Borough?**

Yes. Criterion 8(a) of Policy LP01 is positively prepared in accordance with policy 35 of the NPPF and effective, as it focuses the area's housing needs to the most sustainable places within the Borough where it is practical to do so.

Yes. Criterion 8(a) of Policy LP01 as amended in F21 October 2022 is consistent with national policy. According to NPPF paragraph 79, sustainable development should be located where it will enhance or maintain the vitality of rural communities and policies should identify opportunities for villages to grow and thrive. The spatial strategy as amended in the main modification relating to paragraph 4.2.1 of the plan [F21], plans for and allows for development to be admitted where it is consistent with the principle of sustainable development, particularly where growth is appropriate to enable the village to thrive, namely in tiers 3 -6.

Criterion 8(a)iv helps to achieve policy 80 of the NPPF in that it avoids the development of isolated homes in the countryside, instead, focussing on enhancing the countryside. However, on reflection, the aim of this criterion could be made clearer if it were slightly modified as shown below. This proposed amendment would help make it clear that the criterion is not preventing development in the countryside which the word 'conserve' seems to imply in this instance, but instead, the policy avoids isolated development except for in exceptional circumstances.

Suggested main modification to Policy LPO1 criterion 8(a) iv:

iv. Beyond the villages and in the countryside isolated homes will be avoided except for in exceptional circumstances as set out in national policy. the strategy will be to ~~conserve~~ and enhance the countryside recognising its intrinsic character and beauty, the diversity of its landscapes, historic environment and wildlife, and its natural resources to be enjoyed by all.

- Q32. Is the Plan clear and unambiguous on the policy towards development in the Smaller Villages and Hamlets (SVHs) in the Borough, whereby criterion 3(e) of Policy LP01 seeks to ensure that 'opportunities are given for small scale housing development', Policy LP02 specifies 'only very limited development' will take place, and Policy LP41 allows 'more modest levels of development'? What is meant by 'small scale' housing development and should this be defined in the Plan?**

Yes, the modifications proposed to the Plan thus far make clear the policy towards development in the smaller villages and hamlets. Criterion 3(e) of Policy LP01 has been proposed for removal as has LP41 [F21]. This results in Policy LP02 defining what type of development is suitable in smaller villages and hamlets, specifically, very limited development.

- Q33. Given that paragraph 66 of the NPPF expects strategic policies to set out the housing requirements for designated neighbourhood areas, is the Plan, in particular Policy LP01 and its supporting text, justified and consistent with national policy in not doing so for each parish and/or each KRSC and Rural Village (RV) in the Borough?**

The requirement within NPPF paragraph 66 for the Local Plan to set housing targets for designated neighbourhood areas is given due consideration in the Plan (paragraphs 4.1.21-4.1.23). This provides an explanation and justification for not including specific targets for

designated neighbourhood areas, insofar as “there is no absolute need for further allocations to meet the [Local Housing Need] LHN”.

Instead, the Plan suggests an alternative approach, allowing Neighbourhood Plans to “assess sites within their Area and make appropriate land use allocations providing that this isn’t at a scale which could impact negatively upon the strategic direction of growth established through the Local Plan” (paragraph 4.1.22). Further analysis of this approach is set out in the Sustainability Appraisal [B3, p78-79].

Given that the LHN is already entirely met through extant Local Plan allocations (rolled forward into the replacement Plan), there is no outstanding requirement. Accordingly, there is no need for any emerging Neighbourhood Plan to allocate any land for housing, although the Plan allows these to do so if desired. Housing need across the district has been identified and accommodated for in full by the emerging Local Plan review, reflecting the overall strategy for the pattern and scale of development and any relevant allocations (LP01).

Several ‘made’ Neighbourhood Plans (Castle Acre; Holme Next The Sea; Sedgford; Snettisham; Upwell) have allocated land for development, totalling around 100 additional units. These Plans have allocated land despite there being no specific local requirement and these allocations effectively form an additional source of supply. In accordance with NPPF paragraph 67, the Borough Council could provide a requirement figure for a neighbourhood area, if requested, although in all cases this would be zero.

The combined KRSC and RV housing requirements are wholly addressed by Plan allocations. Although this approach is not entirely consistent with NPPF paragraph 66, in the absence of any need for further development at these locations and the potential to accommodate further growth within settlement boundaries and through neighbourhood plans, that departure from policy will be effective and is justified.

Q34. What is meant by an ‘appropriate’ allocation for housing, ‘appropriate’ housing growth or ‘locally appropriate’ levels of growth in criteria 2(b), 3(d), 5(b)iii and 6(b)(iv) of Policy LP01?

Criteria 2(b) and 3(d) have been proposed for removal in the main modifications document [F21]. Criterion’s 5(b)iii and 6(b)(iv) refers to ‘appropriate housing growth’ which means growth in accordance with the settlement hierarchy and the provision of housing as allocated in this local plan. The wording could be made clearer through a modifications such as that outlined below:

Suggested main modification to LPO1 criterion 5(b) iii:

iii. Provide appropriate housing growth for the town delivering new homes in accordance with Downham Market’s role as a key town in the settlement hierarchy and through allocations made in this plan and;

Suggested main modification to LPO1 criterion 6 (b) iv.

iv. Provide ~~decision will be made for appropriate~~ housing growth for the town delivering new homes in accordance with Hunstanton’s role in the settlement hierarchy and through allocations made in this plan and;

Q35. Paragraph 4.1.13 states that all allocation policies include the words ‘at least’ in respect of the number of dwellings proposed, but this is not the case for site allocations E1.5, E1.6, E1.8, E1.10 and E1.11 – should the paragraph be reworded to more accurately reflect this?

Yes. Main modifications have already been proposed to specify that the respective requirements for these site allocations are 'at least' the specified figure. ([F21] MM p205, MM p208, MM p212, MM p216 and MM p218).

Q36. Is part 4 of Policy LP01 consistent with national policy and guidance in giving precedence to strategies for King's Lynn which do not form part of the development plan, including those for the Nar-Ouse Regeneration Area, Nelson Quay, the Town Centre and Heritage Action Zone? Are MMs necessary to ensure references to any such strategies are up to date and that they are regarded as material considerations in decision making?

Yes, main modifications are necessary to ensure the information referred to is up to date. Modifications were proposed in F21 October 2022 - main modifications and F19 - Council's response to Inspectors' Questions Part 2 which are both brought together into one proposed modification as shown below.

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

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

The Heritage Action Zone 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).

Suggested main modifications to LP01 Part 4 criterion f to j:

~~f. To achieve these outcomes, precedence will be given to the Borough Council~~ the following strategies will be treated as important material considerations, which will usually be accorded substantial weight provided each remains up to date, they are: set out for:

- ~~g. i. The Nar-Ouse Regeneration Area; and~~
- ~~h. Nelson Quay;~~ ii. King's Lynn Riverfront Regeneration Area which will combine to provide a balanced mix of housing; employment sites; educational facilities and local services;
- ~~i. The Town Centre to promote the town's role as a sub-regional attractor with an expanded retail offer and improved accessibility to cultural, tourism and leisure uses;~~
- ~~j. The Heritage Action Zone – ensuring that new development works with historic Lynn reinforcing the economic, social and environmental vitality of this modern medieval town.~~

Q37. Would Criterion 8(b) of Policy LP01, as proposed to be modified, be consistent with national policy in respect of the weight to be given to conserving and enhancing the landscape and scenic beauty of the Norfolk Coast AONB?

Yes. The modification proposed to LP01 in F21 is required to clarify AONB considerations and ensure sufficient weight is given to landscape, character and ecology within the coastal AONB.

Q38. Are the changes to Policy LP01 and the Local Plan Strategy Diagram proposed by the Council in the Schedule of Suggested MMs16 necessary for soundness?

Yes. In order to adhere to NPPF paragraph 35 d), the modifications are required to ensure the delivery of sustainable development; reducing the need to travel by providing development in locations with sufficient facilities and service and thereby according with paragraph 154 of the framework and reducing greenhouse gas emissions and paragraph 12 c) limiting future car use.

In addition to this, the modifications are in the interest of clarity to ensure the plan accords with NPPF paragraph 16 d) in that they are clearly written and unambiguous policies to enable decision makers to react to development.

Settlement Hierarchy (Policy LP02)

Q39. Is the Settlement Hierarchy in Policy LP02 justified as appropriate, based on proportionate evidence? Is the change in status of the following settlements from that defined the hierarchy in Policy CS02 of the adopted Core Strategy, justified by the evidence?

Proposed as Growth KRSCs: Marham and Watlington

Changed from RVs to KRSCs: Marshland St. James/St. John's Fen End with Tilney Fen End Walpole St. Peter/Walpole St. Andrew/Walpole Marsh

Changed from SVH to RV: Stow Bridge

Changed from KRSC to RV: Walton Highway

Changed from RV to SVH: Ashwicken

Proposed as SVHs: Methwold Hythe and West Acre

Removed from list of SVHs: Bircham Newton, Choseley, Fring, Fordham, Setchey, Shernbourne, Stow Bardolph and Wolferton

Yes. The evidence base for the Settlement Hierarchy in Policy LP02 is considered justified, based on proportionate evidence. Policy LP02 was developed as a review of the hierarchy specified in the 2011 Core Strategy (Policy CS02). A background paper was duly prepared [D21], to consider whether Policy CS02 remains appropriate or if it requires an element of refining (“Consideration of the Settlement Hierarchy”, paragraph 1.3), with scorings based on numbers of local services.

A follow up paper, “Further Consideration of the Settlement Hierarchy” [D21] was subsequently produced, to present results from a more detailed survey of settlements. This included consultation with Parish Councils/Meetings to gather data on the services and facilities present today in each of the named settlements listed within the settlement hierarchy ([D21], “Further Consideration Paper”, p1), informing the detailed findings for each settlement. The Further Consideration paper provides the following justifications for changes to the status of individual settlements:

- Designation of Marham and Watlington as Growth KRSCs – p3
- Other changes were made with reference to the scorings at Appendix 1:
 - KRSCs – 7 or more services
 - Rural Villages –4-6 services
 - Smaller Villages and Hamlets (SVHs) – 1-3 services

The Settlement Hierarchy papers provide a systematic explanation and justification for the categorisation of individual settlements or groups of settlements within the hierarchy.

Certain villages were removed from the list of designated settlements due to the decision to define settlement boundaries for SVHs. This is principally due to the built form and/ or character of these settlements such that a workable development boundary could not be drawn.

Q40. Is the proposal set out in the schedule of Suggested MMs16 , to alter the status of West Winch in Policy LP02, from a ‘settlement adjacent to King’s Lynn’ to part of the sub-regional centre of King’s Lynn, justified by the evidence? Should the status of West Winch reflect its current role as a separate settlement or its future proposed role as part of a sustainable urban extension to King’s Lynn?

Yes. The decision to alter the status of West Winch within the settlement hierarchy was explained and justified in the Borough Council’s response to the Inspector’s Initial Questions [F18, Q3]. This change was necessitated due to concerns raised by the Inspector regarding inconsistency between policies LP01 Spatial Strategy and LP02.

Given that the largest single development and quantum of growth in the Plan is allocated at West Winch, and this is driven in part by its close physical and functional relationship with the King’s Lynn urban area, a suggested Main Modification has been put forward to remove the “Settlements adjacent to King’s Lynn and the Main Towns” category from LP02, to ensure consistency with the spatial strategy LP01.

The allocated West Winch Growth Area (WWGA) will be supported by a Framework Masterplan Supplementary Planning Document (SPD). The draft Framework Masterplan, recently subject to consultation, was entitled the “South East King’s Lynn Growth Area Framework Masterplan”. This reflects the status of the WWGA as a functional part of the sub-regional centre of King’s Lynn.

Notwithstanding, the Plan recognises that the established West Winch has a separate identity. Policy E2.2 therefore provides separate direction for managing development within the existing built-up areas of West Winch, recognising its distinction from the WWGA. In short, the approach is to recognise West Winch has a strategic role to accommodate substantial new development as a sustainable urban extension to the main King’s Lynn urban area, which must be implemented in a way which maintains the separate identity of West Winch as a component of that wider urban area.

Q41. Is Policy LP02 justified and consistent with national policy in limiting growth in Rural Villages (RVs) to ‘small-scale infilling or affordable housing’, where a greater level of housing development may help to support local services? Should this explicitly apply where RVs form part of a functional cluster with higher order settlements, and opportunities for more housing development in the RVs would support services in the higher order settlements?

Yes. As submitted Policy LP02 justified and consistent with national policy in limiting growth in Rural Villages (RVs) to ‘small-scale infilling or affordable housing’. This is consistent with national policy, which states that: “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities” (NPPF paragraph 79). Suggested Main Modifications are proposed ([F21], MM p33), whereby explanatory text regarding the settlement hierarchy is proposed to be moved from Policy LP02 itself into a new paragraph 4.2.2 (supporting text).

The Plan differentiates between RVs and Key Rural Service Centres (KRSCs), the latter being distinguished by their specified role in the submission version of Policy LP02; helping to sustain the wider rural community. By contrast, RVs have a limited but locally important role meeting

the needs of the immediate village. Therefore, the distinction between RVs and KRSCs complies with national policy, in recognising the role of KRSCs as providing the greatest opportunities to enhance or maintain the vitality of the rural area.

The Plan recognises that clusters of settlements may form part of a functional cluster of RVs which, in combination, constitute a KRSC. The following such clusters of settlements are specified:

- Brancaster with Brancaster Staithe/ Burnham Deepdale;
- Feltwell with Hockwold-cum-Wilton;
- Grimston/ Pott Row with Gayton;
- Methwold with Northwold;
- Marshland St James/ St John's Fen End with Tilney Fen End;
- Terrington St John with St Johns Highway/ Tilney St Lawrence;
- Upwell/ Outwell; and
- Walpole St Peter/ Walpole St Andrew/ Walpole Marsh.

Designation of functional clusters was considered in the Further Consideration of the Settlement Hierarchy paper [D21, p9-10]. This approach explicitly recognises that opportunities for more housing development individual villages within a cluster could come forward to support services in the higher order settlements.

Q42. Is Policy LP02 justified and consistent with national policy on development in rural areas, in identifying Smaller Villages and Hamlets as being suitable for 'very limited development'? If so, how should this phrase be understood in terms of the scale or type of development this should be limited to?

Yes. Policy LP02 is considered justified and consistent with national policy. Smaller Villages and Hamlets (SVHs) vary significantly in character, built form and functional relationships. The assessment in the Settlement Hierarchy papers [D21] recognises that some include a small number of local services. Accordingly, the Local Plan distinguishes these named settlements from the open countryside, whereby 'very limited development' may be appropriate in some circumstances. The Neighbourhood Plan for Holme Next The Sea (designated SVH) was made in 2021 and includes a new housing site allocation for 5 dwellings.

However, it is not considered appropriate to specify a quantum for 'very limited development'. This is because such an approach would be insufficiently inflexible, not recognising individual local circumstances (especially where Neighbourhood Plans are being prepared).

As explained at paragraphs 4.1.21-4.1.23, the Local Plan needs to provide a sufficiently flexible framework to allow Neighbourhood Plans to be prepared. Notwithstanding, the threshold for site allocations at RVs is 5 dwellings, while the DLUHC definition for reporting 'minor' consents is <10 dwellings. On this basis, an implicit/ generic definition for 'very limited development' for SVHs could be 9 units or fewer, although an explicit definition within the Plan is not considered to be sufficiently flexible.

Q43. Are Policies LP02 and LP01 consistent in respect of the role of each settlement tier in accommodating development? Would the changes to Policy LP02 proposed by the Council in the Schedule of Suggested MMs ensure the two policies are consistent and unambiguous in this regard?

Yes. The changes to LP01 and LP02 as set out in [F21] help ensure consistency between the spatial strategy and the settlement hierarchy. Policy LP01 becomes a focus for the strategy of windfall development and allocated sites, setting out the development priorities for windfall

and allocations in the Borough providing detailed policy for areas with specific needs. Policy LP02 sets out the settlement hierarchy and how the strategy will be achieved.

Sustainable Development (Policy LP03)

Q44. Is Policy LP03 consistent with national policy in respect of the presumption in favour of sustainable development? Does it serve a clear purpose and avoid unnecessary duplication of policies in the NPPF?

Yes, policy LP03 is consistent with national policy in respect of the presumption in favour of sustainable development. Criterion one of LP03 requires planning applications that accord with the local plan and neighbourhood plans are approved without delay. Though this policy adds 'unless material considerations indicate otherwise' this is still consistent with the NPPF Paragraph 12 that adds detail to the presumption in favour of sustainable development and acknowledges that decisions can depart from a development plan if material considerations indicate the plan should not be followed.

Policy LP04 serves a clear purpose however it does duplicate policies in the NPPF

Development Boundaries (Policy LP04)

Q45. Are the proposed Development Boundaries identified on the revised Policies Map justified as appropriate, based on proportionate evidence? If so, what is the evidence and are they consistent with that evidence?

Yes. The proposed Development Boundaries identified on the revised Policies Map are considered justified, appropriate and based on proportionate evidence.

The Development Boundaries from the adopted 2016 Site Allocations and Development Management Policies (SADMP) Plan were the start point in reviewing boundaries.

The approach and process to considering Development Boundaries was undertaken at an early stage of the process, being discussed extensively through the Local Plan Task Group (LPTG) in 2017¹. A discussion paper, presented to the LPTG on 8 August 2017, explains the approach, that: "The provision of development boundaries is intended to ensure a consistent approach across the Borough and Settlement Hierarchy" (p11).

Draft boundaries for SVHs, together with those for other settlements (taken forward from the SADMP) were consulted upon during the first draft Local Plan consultation (spring 2019). This prompted many representations, with objections raised in response to proposed boundaries at 27 settlements ([E8], p1).

This feedback was presented to the LPTG on 2 December 2020 (Local Plan Review Version 2 Update paper²). This explains that a number of sites or proposals to move the boundary lines in a range of settlements were proposed in the draft submission stage (Reg.18) of the Local Plan Review, to be added and reflected in the pre-submission stage (Reg.19) of the Local Plan Review and moving forward (p31). Reg. 18 (spring 2019) responses re Development Boundaries were systematically considered and, where appropriate, boundaries were amended.

The assessments at [E8] provide a systematic and consistent analysis for changes to Development Boundaries, beyond the Reg 18 Plan consultation (spring 2019). On this basis,

¹ [Browse meetings - Local Plan Task Group \(west-norfolk.gov.uk\)](https://www.west-norfolk.gov.uk/Local-Plan-Task-Group/Meetings)

² [Public Pack\)Item 10 List of amendments prepared following the recent set of Task Group Meetings \(August to November\) Agenda Supplement for Local Plan Task Group, 02/12/2020 11:00 \(west-norfolk.gov.uk\)](https://www.west-norfolk.gov.uk/Local-Plan-Task-Group/Meetings/Agenda-Supplement-for-Local-Plan-Task-Group-02-12-2020-11-00)

the Council is satisfied the development boundaries are justified and consistent with the evidence base.

Q46. Are the proposed Development Boundaries positively prepared and effective? Should they be adjusted to include recently completed development, sites with planning permission and land allocated in the Plan for development?

Yes. Development Boundaries should be duly amended on the Policies Map to incorporate site specific allocations. This would be appropriate, given that these remain extant for the duration that the Plan is in force. By contrast, unimplemented windfall permissions should not be included within boundaries in the event that these subsequently lapse.

Q47. Is Policy LP04 and its supporting text clear and unambiguous? Are the main modifications proposed by the Council to make clear that allocations will become part of the built-up area once implemented and to clarify the relationship with Policy LP31, necessary for soundness?

Yes. Policy LP04 (with suggested Main Modifications [F21, MM 42]) is clear and unambiguous, setting out three criteria to explain the role of Development Boundaries, as follows:

1. The area within Development Boundaries represents the extent of the defined built-up area, where there is a general presumption in favour of development;
2. The area outside Development Boundaries and beyond the built-up area are subject to countryside policies (acceptable development typologies, with relevant policy cross references included);
3. The area at the periphery (outside, but adjacent to) Development Boundaries is subject to Policy LP31.

To provide additional clarity, the supporting text (with suggested Main Modifications ([F21], MM 40-41)) provides further explanation for the role of Development Boundaries. Paragraphs 4.4.1-4.4.6 explain why these are included as part of the Plan. It is considered that this, together with LP04 itself, are sufficiently clear and unambiguous in explaining the function of Development Boundaries.

Site specific allocations and/ or implemented windfall planning permissions (e.g., Rural Exceptions schemes or those granted in accordance with LP31) would, by default become part of the physical extent of the existing built form of the settlement. They could subsequently be incorporated into the designated Development Boundaries as part of the next Local Plan Review.

Main Modifications to LP04 and the supporting text are necessary to explain how development should be treated (once implemented) for development management purposes by reference to its relationship with established built-up area.

Q48. Should housing for older people be included in criterion 2 of Policy LP04 as one of the types of development considered to be suitable in rural areas, subject to the provisions of Policy LP29?

No. The development of housing for older people as a suitable use for countryside locations is not considered appropriate in isolated locations away from established settlements. However, housing for older people would be appropriate under Policy LP04, criterion 3 and Policy LP31 where this is closely related or adjacent to existing settlements.

Implementation (Policy LP05)

Q49. Is Policy LP05 justified as appropriate, based on proportionate evidence of the infrastructure required to support planned development over the Plan period, and is it consistent with national policy in terms of the range of infrastructure for which it seeks contributions?

Yes. The policy sets out the strategy for delivering infrastructure starting with the requirement for CIL to fund Borough wide infrastructure needs relating to an increasing population. The policy then explains that Section 106's will be used to fund infrastructure directly related to the development. The details of such requirements are set out either in allocation policies of the plan, or, in the context of windfall development, guided by the principles of the remaining criteria in Policy LP05.

The policy is based on proportionate, appropriate evidence of infrastructure required to support the planned development over the Plan period. This evidence was developed in conversation with stakeholders, incorporating consultation responses and is set out in the Infrastructure Delivery Plan [F24], and the Norfolk Strategic Infrastructure Delivery Plan [D18]. Furthermore paragraph 4.5.6 of the Plan makes it clear that engagement with utility providers will continue.

Yes. Policy LP05 is consistent with national policy, in particular, paragraphs 20 and 34, in terms of the range of infrastructure for which it seeks contributions. The table below sets out where Policy LP05 is consistent with the NPPF.

Requirement in NPPF	Para 20 a) Affordable housing	Para 20 c) Education	Para 20 c) Health	Para 34 Transport	Para 34 Flood and water management	Para 34 Green and digital infrastructure	Para 20 b) Security	Para 34 Waste management	Para 20 d) Historic environment	Pg. 20 - Cultural infrastructure
a. Community and recreation facilities		*	*							
b. Improved public transport facilities				*						
c. Other transport infrastructure			*	*						
d. affordable or supports housing	*		*							
e. Sustainable Drainage Systems					*	*				
f. Flood management infrastructure					*					
g. green infrastructure...						*				
h. water conservation measures					*					
i. Emergency services including crime prevention							*			
j. Recycling / composting facilities								*		
k. Improvements to public realm...									*	
l. utilities					*	*				
m. public art										*

n. next generation mobile technology (e.g. 5G) and full fibre broadband						*				
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Q50. Have the implications of the infrastructure listed in criterion 3 of Policy LP05, on the viability of development proposed in the Plan, been assessed as part of the Viability Update published in April 2021?

Yes. Paragraph 8.8 of the Viability Update confirms a certain level of uncertainty relating to infrastructure needs and delivery and confirms that sensitivity testing was carried out to account for this uncertainty.

Q51. Is criterion 9 of Policy LP05 consistent with national policy in allowing infrastructure contributions to be varied on viability grounds, but only where development would be in the wider public interest?

Yes, however clarification is proposed as an amendment to Policy LP05 criterion 9 as follows:

9. The Council will take account of the impact of non-CIL contributions on the viability of a scheme (particularly on brownfield sites) and where appropriate agree a lower or nil contribution provided:

- a. the development of the site accords with the policies and proposals of this Plan ~~is in the wider public interest;~~ and
- b. ~~the developer is prepared to share information on development costs and margins with the Council prior to consent being granted.~~ Where an applicant considers there are significant economic viability constraints that would prevent the provision of infrastructure in accordance with the policy, they will be required to provide full justification of the particular circumstances to the Council's satisfaction. Where a viability assessment is required, it should refer back to the viability assessment that informed the plan, providing evidence of what has changed since then. Any viability assessment will be funded by the applicant and should reflect the government's recommended approach as set out in National Planning Practice Guidance. The applicant will be expected to fund the independent verification of the submitted viability assessment by a person appointed by the Council.

Q52. Is Policy LP05 otherwise positively prepared, clear and effective in ensuring the infrastructure requirements of new development are met? In particular:

a) Does the first sentence of criterion 4 make sense?

No. Amendments are sought in the interests of clarity and to enable the plan to accord with paragraph 16 of the NPPF and contain policies that are clearly written and unambiguous. Proposed amendments are shown below.

4. Key borough wide infrastructure projects will be funded by ~~from CIL, they will be used~~ include:-

b) Does the Viability Update support the expectation in criterion 5(f) that community or social development would be viably able to support a reduced developer contribution?

Yes, at paragraph 8.7 of the Viability update it is stated that strategic infrastructure and mitigation is primarily delivered via CIL but that major development sites have been allowed

an additional £2,000 per unit to accommodate for additional infrastructure costs that may be required through a S106.

The viability report also acknowledges that accuracy of developer contributions for strategic infrastructure and mitigation is at this stage uncertain and as such they carried out sensitivity testing to mitigate for this level of uncertainty.

c) Does criterion 8 allow sufficient flexibility for the provision of infrastructure off site if it is not possible for it to be located on site in new developments?

Yes. The policy states where appropriate provision will be firstly appropriate on-site, but where it is not possible, a commuted payment will be sought.

d) Is Policy LP05 effective in ensuring that the infrastructure required to support new development will be implemented in time to provide the additional capacity needed to accommodate the demands of future development, to avoid increasing pressure on existing infrastructure?

Policy LP05 could be strengthened by mention of the Infrastructure Delivery Plan [F24] and subsequent updates. This would support the timely implementation of infrastructure required to accommodate the needs of future development.

Suggested main modification to Policy LP05 criterion 3:

3. In addition, obligations will be sought from developers through Section 106 Legal Agreements or other successor mechanisms. These contributions will be sought for specific on-site infrastructure (or otherwise directly related to the development). Details of required provision ~~will be~~ is listed in the Infrastructure Delivery Plan and its subsequent updates, set out in either allocation policies in this plan or negotiated at planning application stage if it is not an allocation. This will apply to but is not limited to infrastructure, including, where applicable:...

Climate Change (Policy LP06)

Q53. Is Policy LP06 necessary given that most of its requirements are also contained in other policies in the Plan? As such, is it consistent with paragraph 16 of the NPPF which expects policies to serve a clear purpose and avoid the unnecessary duplication of other policies?

Policy LP06 is considered necessary to emphasise the Borough Council's commitment, including through the Local Plan, to "Protecting and enhancing the environment including tackling climate change", to: "Deliver on our commitment to be carbon neutral by 2035, or earlier, by implementing the council's carbon reduction strategy and encourage and collaborate with our partners, communities and local businesses to reduce their environmental impact" (Corporate Business Plan 2021-23).

While there may be some degree of overlap between LP06 and other policies within the Plan, in response to NPPF paragraph 16 it is considered desirable to set out the possible ways that climate change may be tackled through the planning system through a single "one stop shop" Policy. This approach was tested through the Sustainability Appraisal, which found that "a highly positive scoring for the sustainability objectives with this new climate change policy suggests that having this policy in place will allow a more focused requirement for dealing with climate change" [B3, p43].

This approach is considered necessary to ensure that the Plan accords with the NPPF, for the strategic Plan policies to make sufficient provision for planning measures to address climate change mitigation and adaptation (paragraph 20).

Q54. Is the requirement to make provision for electric vehicle charging points in criterion 4 of Policy LP06 necessary, given that the standards and technical requirements for this are now contained in Part S of the Building Regulations, which came into effect in June 2022?

The Local Plan (including LP06) was signed off by the Borough Council for submission in July 2021 and submitted in March 2022, before the implementation of the updated Part S of the Building Regulations.

A Main Modification may be put forward to remove criterion 4 and/ or replace with additional supporting text, to explain that the requirement to make provision for electric vehicle charging points is now an obligation under the new Part S of the Building Regulations (June 2022).

Q55. Are the requirements in criterion 6 of Policy LP06 for reduced carbon emissions in new residential development consistent with the June 2022 update to Part L of the Building Regulations, which require all new homes to produce 31% less carbon emissions than the previous Part L standard?

The Local Plan (including LP06) was signed off by the Borough Council for submission in July 2021 and submitted in March 2022, before the implementation of the updated Part L of the Building Regulations.

A Main Modification may be put forward to remove criterion 6 and/ or replace with additional supporting text, to explain that previous 'Merton Rule' requirements in Policy LP06(6) for 10% of all energy to come from onsite renewable resources on all major application schemes (20% for schemes over 100 dwellings) are in practice superseded by an obligation for all new homes to produce 31% less carbon emissions (than the previous Part L standard) under the updated Part L of the Building Regulations (June 2022).

Q56. Are the suggested MMs to Policy LP06 proposed by the Council in respect of flood risk and the protection of carbon capture habitats necessary for soundness?

Suggested Main Modifications to Policy LP06(11) and (15), and the supporting text (paragraph 4.6.15) have been put forward in response to specific Regulation 19 representations (Lead Local Flood Authority, rep 97; RSPB rep 431).

These are considered necessary in the interests of soundness, to ensure that Policy LP06 is as effective as it can be and is in accordance with national policy.

Q57. Is the requirement for Sustainability and Climate Change Statements to be submitted with planning applications justified as an appropriate tool to assist in tackling the impacts of the Plan on climate change? If so, what is the evidence to demonstrate that thresholds of 5 dwellings and 500sqm of non-residential floorspace are justified? What alternatives were considered?

The requirement (final section of LP06) for the submission of Sustainability and Climate Change Statements to be submitted to support planning applications is considered to be a useful addition to the Borough Council's local validation checklist. This additional requirement for applicants is justified, as part of fulfilling the Borough Council's corporate objective to: "Deliver on our commitment to be carbon neutral by 2035, or earlier, by implementing the council's carbon reduction strategy" (Corporate Business Plan 2021-23).

The 5 dwellings and 500m² thresholds have been applied to ensure that validation requirements for small/ minor schemes do not become excessively onerous; e.g. for self and custom housebuilding projects.

Q58. Would Policy LP06 be effective in supporting the movement towards the Borough becoming carbon neutral by 2050?

Under the Council's Corporate Priority: Protecting and enhancing the environment including tackling climate change, the Borough Council has set an objective to "Deliver on our commitment to be carbon neutral by 2035, or earlier, by implementing the council's carbon reduction strategy" (Corporate Business Plan 2021-23).

The Borough Council therefore now seeks to go above and beyond becoming carbon neutral by 2050, instead seeking to achieve this outcome by 2035, 15 years ahead. Policy LP06 seeks to identify opportunities to achieve these goals through the planning system, as one way to: "encourage and collaborate with our partners, communities and local businesses to reduce their environmental impact" (Corporate Business Plan).

Q59. Is the entirety of the supporting text to Policy LP06 necessary to provide a reasoned justification for the policy, and is it clearly written and effective?

The Policy LP06, in its entirety, is quite extensive and lengthy. This is necessary to provide a reasoned justification for LP06 and is a function of the complicated and multi-faceted nature of climate change.

The supporting text (paragraphs 4.6.1-4.6.29) has been written to explain and take account of the range of mechanisms by which the Local Plan can/ should respond to the challenges of climate change. In this regard it is argued that this text is as clearly written and as effective as it can be, given the complicated nature of this topic.