

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



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Local Plan Review (submitted March 2022)

Statement of Common Ground between Historic England and Borough Council of King's Lynn and West Norfolk

November 2022

Introduction

- 1.0 Section 110 of the Localism Act (2011) established a duty to cooperate in relation to Local Plans and sustainable development, or use of the land. The duty to cooperate requires cooperation during the preparation of development plan documents and other local development documents between relevant bodies including, among others, Historic England.
- 2.0 Paragraph 27 of the NPPF sets out the requirement to produce one or more Statement(s) of Common Ground to form part of the evidence required to demonstrate compliance with the duty to cooperate. Such a document should be a written record of the collaboration and progress made between authorities, detailing where agreement has been reached and where there are outstanding issues.
- 3.0 Since the launch of the Local Plan Review in 2016, the Borough Council of King's Lynn and West Norfolk (BCKLWN) has actively engaged with statutory bodies in accordance with the requirements of the Duty to Cooperate. Strategic issues identified through this process, together with the outcomes of ongoing engagement with the relevant consultation bodies, are highlighted and summarised in the DtC Statement, May 2021.
- 4.0 Furthermore, the Norfolk Strategic Planning Framework (NSPF) was prepared as a SoCG for Norfolk planning authorities. The document contains 31 Agreements (for which the Borough Council is a signatory) which allow plan-making across Norfolk to be coordinated, to the benefit of all partners. It does not address cross-boundary issues that extend beyond Norfolk; i.e. to the west and south of the Borough. Three principal matters are identified as going beyond the scope of the NSPF (Norfolk County boundary):
 - Green Infrastructure (GI) RAMS;
 - Coastal Management; and
 - Wisbech Fringe.
- 5.0 Combined, the NSPF and DtC statements (references D13 and A6/ D20) demonstrate that the plan has been prepared in accordance with the DtC.

Statement of common ground

- 6.0 This statement of common ground (SoCG) relates to ongoing effective joint working between Kings Lynn and West Norfolk Council (BCKLWN) and Historic England.
- 7.0 Though the authorities have worked closely together during the plan making process ensuring mutually beneficial objectives for both parties, a small number of matters remained unresolved at the time the local plan was approved by Council for consultation and submission to the Secretary of State (8 July 2021).
- 8.0 An agreed position between Historic England and BCKLWN was produced and submitted in advance of submission of the Plan in March 2022 (A12-2¹). This set out an agreed position, allowing the parties to agree detailed responses to Historic England's Regulation 19 representation, post-submission. It is emphasised that the statutory DtC is not necessarily a duty to achieve full agreement on all matters.

¹ https://www.west-norfolk.gov.uk/download/downloads/id/7085/a12-2_historic_england_final_socg_-_28_march_2022.pdf

- 9.0 This Statement of Common Ground is intended to be a written record of further progress made on planning for strategic matters between the two authorities, providing evidence that the duty to cooperate has been fulfilled. It is intended to provide clarity to the inspector on the resolution of remaining issues between the two parties.

Policy/ Map/ Para no. etc	Main Issues Raised at Reg 19	Modifications proposed	BCKLWN response	Historic England Comments	Remaining unresolved issues
Policy LP01 -Spatial Strategy	Criterion 2e to be amended to use the term 'historic environment' as it is considered the most appropriate term to use as it encompasses all aspects of heritage	Main Modification to Criterion 2e: Protect and enhance the heritage historic environment , cultural and environmental assets;	Proposed main modification directly addresses concern. No further action required.	Welcome proposed change	
Policy LP20 – Historic Environment	As currently drafted, there is insufficient detail within Policy LP20 (Historic Environment Policy) for the conservation and enhancement of the historic environment. Therefore, LP20 is not sound.	Policy LP20 has been comprehensively re-drafted by BCKLWN officers in association with Historic England, to accord with the NPPF and proposed as a main modification. The re-drafted policy and supporting text, is set out in the Annex below.	Proposed modification directly addresses concern. No further action required.	Welcome proposed change in Annex	
	Reference to 'key buildings, structures and features which contribute to the Borough's character and distinctiveness' – unclear what these assets are, therefore the Policy / supporting text should be amended to specifically identify these by name				
	Unclear whether this Policy applies to: <ul style="list-style-type: none"> • all heritage assets (designated and non-designated) • all archaeology (designated and non-designated), or only designated archaeology and non-designated archaeology of equivalent significance to scheduled monuments only 				

Policy/ Map/ Para no. etc	Main Issues Raised at Reg 19	Modifications proposed	BCKLWN response	Historic England Comments	Remaining unresolved issues
	<p>the policy will need to be explicit that the harm or loss is necessary. It is not enough for substantial public benefits to outweigh the substantial harm, the harm itself needs to be necessary to achieve the public benefits.</p> <p>Policy is silent on what supporting information the Council would expect to accompany proposals affecting the historic environment, and when this requirement would be triggered</p>				
Policy E1.1 King's Lynn – Town Centre	paragraph 'f' is amended to read "... the provision of "larger, modern format retail units will need to be carefully located and designed to avoid harm to heritage assets, and where this can be achieved....".	Suggested MM to Policy E1.1 in F21 addresses this issue: f. redevelopment to increase the provision of larger, modern format retail units <u>will need to be carefully located and designed to avoid harm to heritage assets, and where this can be achieved</u> will be encouraged where this can be achieved in a way that is consistent with the other objectives for the town centre.	No further amendments required	Welcome proposed change	
Policy E1.3 King's Lynn – Gaywood Clock	the grade II listed buildings and the grade II* Church of St Faith in supporting text but recommend that ideally these should be referenced in the Policy	Suggested MM to Policy E1.3 criterion 1 b in F21 addresses this issue. b. of an appropriate scale to serve the population of their catchment without harming <u>the setting of heritage assets</u> , or the vitality and viability of other centres	Further discussions – slight amendment to MM to read as follows: b. of an appropriate scale to serve the population of their catchment without harming <u>the significance of heritage</u>	Welcome proposed change	

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			<u>assets</u> , or the vitality and viability of other centres		
Policy E2.1 West Winch Growth Area Strategic Policy	<p>E2.1 is not justified and not effective in relation the historic environment and is therefore not sound.</p> <ul style="list-style-type: none"> No designated heritage assets within the growth site, but a number of listed buildings nearby; e.g. Grade I listed Church of All Saints in North Runcton and Grade II* listed Church of St Mary in West Winch <p>Need for Heritage Impact Assessment (HIA) to support Policy E2.1:</p> <ul style="list-style-type: none"> Should be completed now so that it can inform site masterplanning, otherwise historic environment is vulnerable to inappropriate development Any specific measures required to remove or mitigate any harm to assets identified should 	<p>Propose main modification to Policy E2.1 Part B Criterion 7 to ensure that a detailed Heritage Impact Assessment is submitted with any planning applications and that consideration is given to the findings of the Council’s Heritage Impact Assessment for West Winch.</p> <p>7. A <u>detailed Heritage Impact Assessment (HIA)</u> that identifies any heritage assets (including archaeology) potentially affected by the proposed development, and intended measures for their protection, recording, enhancement, setting treatment, etc. as appropriate. <u>The Heritage Impact Assessment should identify any necessary mitigation measures and be sufficiently detailed and proportionate to satisfy the requirements of Historic England in terms of the requirements of the NPPF. The detailed HIA must also take account of the Councils’ Heritage Impact assessment for West Winch and its recommendations.</u></p>	<p>A Heritage Impact Assessment has been prepared. This assessment follows best practice procedures produced by Historic England the Chartered Institute for Archaeologists and is designed to meet the requirements of heritage planning policy contained in Section 16 of the National Planning Policy Framework (NPPF). Bearing in mind that this is an existing allocation which was tested at the examination of the previous local plan, and that the proposed modifications to Policy E2.1 will require a detailed HIA prepared taking account of the Council’s HIA to be submitted with a planning application the Council is satisfied there is sufficient and proportionate evidence that this allocation can be delivered in full and that it is in all other respects sound.</p>	<p>Historic England has advised that a Heritage Impact Assessment (HIA) should be prepared for this site over several years.</p> <p>Whilst we welcome the very recent preparation of an HIA, it is Historic England’s view that the assessment is insufficient in some areas.</p> <p>The HIA identifies harm to heritage assets. It does not provide appropriate/sufficient recommendations with sufficient detail for mitigation and enhancement.</p> <p>Historic England’s Advice Note Site Allocations in Local Plans (referenced in Planning Practice Guidance Paragraph: 045 Reference ID: 61-</p>	Unresolved

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	<p>be incorporated policy text</p>			<p>045-20190315 Revision date: 15 03 2019) makes it clear that assessment should consider maximising enhancements and avoiding harm through (amongst other things) identifying design requirements including open space, landscaping, protection of key views, design, layout etc.</p> <p>The advice note also states that allocation policy 'should be detailed enough to provide information on what is expected...Mitigation enhancements identified as part of the site selection process and evidence gathering are best set out within the policy to ensure that these are implemented'.</p> <p>Therefore, it is Historic England's view that the HIA is insufficient and the policy wording not detailed enough to</p>	

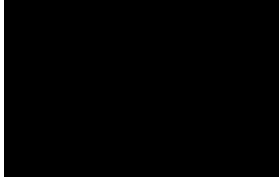
Policy/ Map/ Para no. etc	Main Issues Raised at Reg 19	Modifications proposed	BCKLWN response	Historic England Comments	Remaining unresolved issues
				<p>provide sufficient protection for the historic environment.</p> <p>We consider that the policy is not justified by an appropriate, sufficient proportionate evidence base, and the wording is not effective in securing sufficient protection for the historic environment and so is not consistent with the NPPF.</p>	
Policy F1.1 Downham Market Town Centre and Retailing	The policy could be improved by making more detailed reference to the specific character and vernacular of Downham Market within the policy as in paragraphs 10.2.4 and 5.	<p>Proposed Additional Modification to supporting text paragraph 10.1.4</p> <p>10.1.4 The town has a wealth of historic buildings and other heritage assets, reflected in an extensive Conservation Area and numerous listed buildings. The distinctive Victorian Clock Tower provides a focal point in the handsome Town Square. Further information is available through the Conservation Area Character Statement for Downham Market (link to document)</p>	Not considered necessary for soundness but additional modification proposed to direct readers to Conservation Character Appraisal to address issue. No further action required.	Welcome proposed change	
G22.1 Castle Acre Land West of Massingha m Road	that G22.1 is amended to include a requirement that development should retain and conserve the important unlisted building.	<p>Addition to paragraph 10.1.4, as follows:</p> <p>12.3.2 Castle Acre has a number of historic character buildings and a large part of the village is designated a Conservation Area to preserve and</p>	Not considered necessary to include wording in policy as development proposals relating to heritage assets will be assessed in accordance with revised Policy LP20 and NPPF. Additional reference to	Welcome proposed change	

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		<p>enhance its special historic and architectural quality. In the main the older buildings are of two storeys with pitched roofs, and the predominant building material is rough knapped flint with orange / red brick quoin and also red brick itself. Roofs are normally in orange / red clay pantiles. Further information, regarding designated and significant non-designated heritage assets is available through the Conservation Area Character Statement for Castle Acre (add link).</p>	<p>conservation character appraisal added. No further action required</p>		

Signatures

- Debbie Mack, Historic Environmental Planning Advisor, Historic England, Brooklands, 24 Brooklands Avenue, Cambridge, CB2 8BU

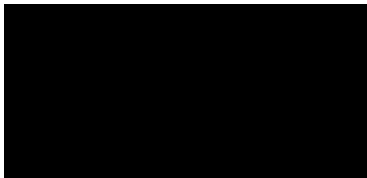
Signature



Date 22.11.22

- Stuart Ashworth, Assistant Director, Borough Council of Kings Lynn and West Norfolk (Environment and Planning)

Signature



Date 30.11.'22