



Examination of Kings Lynn and West Norfolk Local Plan

Matter 5, Issue 5 Settlements and Sites Questions AQ22 and 32 Historic England, Hearing Statement March 2024

Historic England is the principal Government adviser on the historic environment, advising it on planning and listed building consent applications, appeals and other matters generally affecting the historic environment. Historic England is consulted on Local Development Plans under the provisions of the duty to co-operate and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice.

The tests of soundness require that Local Development Plans should be positively prepared, justified, effective and consistent with national policy. Historic England's representations on the Publication Draft Local Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development.

Historic England Hearing Statement

Introduction

- 1.1 This statement addresses the Inspector's questions with regards Matter 5 of the Local Plan.
- 1.2 This hearing statement should be read alongside Historic England's comments submitted at previous consultation stages of the Local Plan on 29th April 2019 and 27th September 2021, our hearing Statement dated November 2022, Statement of Common Ground dated November 2022 and response to additional evidence dated 18th October 2023.

Matters and Issues for Kings Lynn and West Norfolk Local Plan Review

MATTER 5 – SETTLEMENTS AND SITES

Issue 5: Are the proposed settlement and site allocations policies justified, taking into account the reasonable alternatives, and are they positively prepared in meeting the Borough’s development needs, effective in terms of deliverability over the Plan period and consistent with national policy in enabling sustainable development?

Matter 5 – Settlements & Sites: King’s Lynn & Surrounding Area

To cover Policies E2.1 (West Winch Growth Area) and E2.2 (Development in existing built-up areas of West Winch) following the consultation on the West Winch Growth Area Topic Paper (April 2023) [F51]

West Winch Growth Area (WWGA) (Policy E2.1)

AQ22. Do the suggested MMs to Policy E2.1 in respect of the mitigation of heritage impacts, as suggested in the Topic Paper, adequately reflect the recommendations of the Heritage Impact Assessment (HIA) for West Winch [F27], and the advice of Historic England as the statutory body for heritage advice, particularly in respect of the following:

- a). The completion of archaeological investigation for the remainder of the site and a mitigation strategy for archaeological features;
- b). Specific mitigation measures for the Church of St Mary, the moated site, the Windmill, the Old Dairy Farmhouse and Green Dyke, including heritage buffers, landscaping, preserving key views and heritage interpretation?

SUMMARY

- 2.1 Historic England is broadly supportive of the principle of development at West Winch. The site was allocated in the previous Local Plan and the principle of development has already been established. Through this Local Plan review, Historic England has sought to work with the Council to seek to ensure that the policy for West Winch is clearer in relation to potential impacts on nearby heritage assets and identifies appropriate mitigation and enhancement measures.
- 2.2 Historic England welcomed the preparation of the [Heritage Impact Assessment \(HIA\) \[F27\]](#) in 2022. However, in our [Statement of Common Ground \(SOCG\) \[F28\]](#), our hearing statement and our oral evidence at the EiP we stated that it is Historic England’s view that the HIA is insufficient in some areas. The HIA identified harm to heritage assets. In particular for the land around the church, this included a **high level of harm**. However, it is our view

that the HIA does not provide appropriate/sufficient recommendations with sufficient detail for mitigation and enhancement. Therefore, overall, we consider that the HIA is insufficient.

- 2.3 Furthermore, we stated in our SOCG and at the EiP in 2022 that the policy wording was not detailed enough to provide sufficient protection for the historic environment. It is therefore disappointing that there has been no further HIA work such as refinement of recommendations in the HIA, and no additional proposals for the policy wording in relation to heritage since the adjournment of the hearings in January 2023.
- 2.4 Whilst we acknowledge that the proposed main modifications set out in our SOCG with the Council and in the [West Winch Topic Paper](#) [F51] at criterion 7 on page 5 represent an improvement on the previous wording for the policy in relation to heritage, they do not fully address our concerns as expressed at the Examination in Public.
- 2.5 In essence, we are seeking **effective policy wording for the protection of the historic environment consistent with national policy, justified by proportionate evidence in the form of a heritage impact assessment.**

What is the Heritage sensitivity of site?

Land around the Church and other designated heritage assets

- 2.6 For clarity, Historic England's greatest area of concern in relation to the site is the land around the **grade II* listed St Mary's Church**. We have raised consistent objections to development of the fields east of the church in 2011, 2013 and 2015 and more recently on Application 18/02289/OM in February 2019 and 2022 (where we objected on heritage grounds unless development is removed from the northern part of this application site to the east of the church). In addition, we have set out our concerns in our response to the draft Supplementary Planning Document in September 2022.
- 2.7 The grade II* listed St Marys church stands in a large churchyard and faces open countryside to its east side. Immediately south is Manor Farm, an historic farmstead containing a group of traditional farm buildings. South of this is a substantial moat. The three sites create an interesting group with the church relating to the historic farmstead and the moat being a possible manorial site contemporary with St Mary's.
- 2.8 All three heritage assets have a long-standing relationship to agricultural land which contributes to an understanding of them as buildings in a rural community. In addition, the church is a landmark building in this rural setting, emphasising its pre-eminent status in the community.

- 2.9 The relationship of the church and manor with the farmland has survived despite the extensive modern development on the west side of the main road. The strategic concept plan in the Local Plan (and proposed masterplan in the SPD) would introduce modern housing to the east of the church, building beyond the established historic pattern of development and separating the church from the fields at this point.
- 2.10 This would result in **harm to the historic significance** of the parish church by diminishing the quality of its setting that contributes to that significance. The farm and moat would also be separated from the fields by housing to the east.
- 2.11 We therefore remain of the view that to develop these fields, would be harmful to the historic significance of the grade II* listed church.
- 2.12 Consistent with our advice on the emerging SPD and planning application over a year ago, we therefore strongly recommend that there is an area of open space and set back to around the church to provide some breathing space for the heritage asset and to enhance the significance of the asset.
- 2.13 We have suggested that key views from within the site to the church should be protected and maintained. Such views can act as important landmarks and way markers within a new development and help to give the new development a sense of place and anchor it to its historical context.

Other areas of heritage sensitivity

- 2.14 Whilst the area around the church is our principal area of concern, there are other areas of the site that are also sensitive in terms of impact on heritage, including the **grade II listed Mill, Old Dairy Farmhouse, War Memorial, Old Rectory** and, further afield, **the grade I Church of All Saints, North Runcton**. Whilst these are the main designated heritage assets near the site, there are also non-designated heritage assets nearby.

Potentially schedulable moated site near church

- 2.15 The HIA produced by Place Services has recommended that the moated site should be put forward for assessment for scheduling. We have advised the Council that the application should ideally be made by them. For now, however, the moat should be treated as if it were of schedulable quality in accordance with footnote 68 of the NPPF. This further **adds to the case for the land around the church and moat to be carefully protected**.

The Importance of Effective Policy Wording

- 2.16 For policies to be effective, it is important that policies include sufficient information regarding criteria for development. Paragraph 16d of the **NPPF** states that policies should provide *‘a clear indication of how a decision maker should react to a development proposal’*.
- 2.17 **Planning Practice Guidance** Paragraph: 002 Reference ID: 61-002-20190315 Revision date: 15 03 2019 also makes it clear that, *‘Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development.’*
- 2.18 **Historic England’s Advice Note on Site Allocations** [HEAN3](#) (referenced in Planning Practice Guidance Paragraph: 045 Reference ID: 61-045-20190315 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.
- 2.19 The advice note also includes a section on site allocation policies at paragraphs 3.1 – 3.2. It states, *‘The level of detail required in a site allocation policy will depend on aspects such as the nature of the development proposed and the size and complexity of the site. However, it ought to be detailed enough to provide information on what is expected, where it will happen on the site and when development will come forward including phasing. **Mitigation and enhancement measures identified as part of the site selection process and evidence gathering are best set out within the policy to ensure that these are implemented.**’*

Does the MM reflect the HIA and Historic England’s advice?

- 2.20 It is Historic England’s view that whilst the MM to Policy E2.1 as suggested in the West Winch Topic Paper on page 5 represents an improvement on the previous wording for the policy in relation to heritage, they do not fully address our concerns as expressed at the Examination in Public.
- 2.21 As currently drafted the MM policy wording is not effective in protecting and enhancing the historic environment and so is not consistent with national policy. Nor is the policy wording justified by the HIA.

2.22 There are two key areas where the MM is lacking:

a) Archaeological Investigation and Mitigation Strategy

2.23 The proposed wording does not really set out in sufficient detail what is required for archaeology.

2.24 Paragraphs 7.16 and 7.17 of the [Heritage Impact Assessment \(HIA\) \[F27\]](#) give clear recommendations for archaeology including the need for a detailed mitigation strategy for archaeological features, potentially including preservation in situ or preservation by record, and the completion of an archaeological evaluation for the remainder of the Site via geophysical survey and/or trial trenching will be required to define the archaeological potential.

2.25 Although the HIA states that this should be part of any planning application, it is our view that this work should be done early enough to inform the masterplanning of the site.

2.26 In order to make the plan policy wording **effective**, these requirements should be included in the policy. Our suggested policy wording is at para 2.33.

b) Specific Mitigation

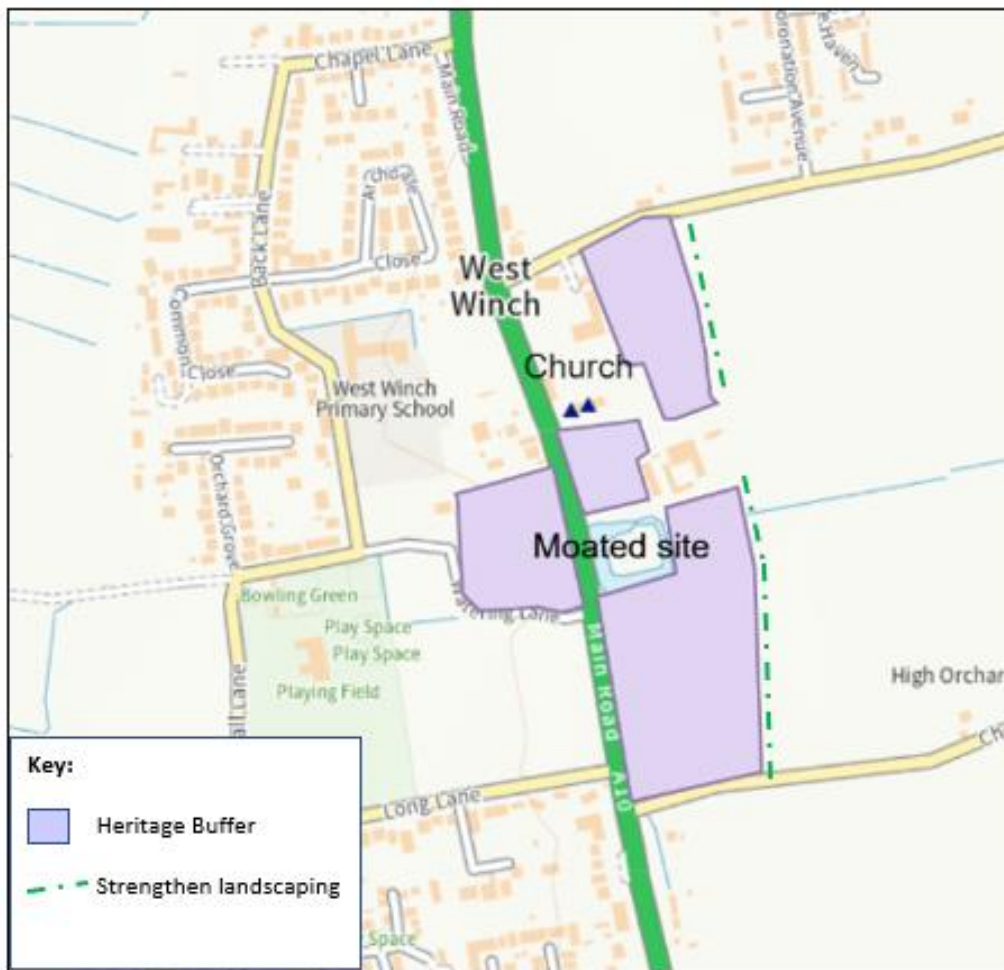
2.27 At EiP Historic England highlighted our concerns in relation to the HIA and also set out our suggestions in relation to appropriate heritage mitigation that should be included in the policy.

2.28 In particular we explored the need for there to be an area protected from development around the church and the moated site and that this should be identified in the Local Plan

2.29 At EiP we also recommended the following heritage mitigation measures, in part based on some of the recommendations in the HIA at paragraphs 4.15,4.16 and 4.18 of the HIA but also based on site visits, and our own professional judgement.

- Heritage buffer around the church and moated site (leaving the field to east of church, south west of church and east and south of the moat open and in pasture/informal open space). Strengthen landscaping along eastern field boundary.
- Maintaining key views of the church and mill from the site
- Careful lower density design and planting in the area around the mill
- Careful siting and buffering around the Old Dairy Farmhouse.
- Heritage interpretation
- Conserve and enhance Green Dyke

- 2.30 We maintain our position and continue to advise that these requirements should be included in the policy wording for the site at criterion 7.
- 2.31 For clarity, the diagram below sets out the heritage buffer that we are recommending around the church and moated site, based on the HIA, together with site visits and professional judgement.



Heritage buffer around West Winch Church and Moated site to be kept open in pasture/informal open space.

Historic England's Suggested Policy Wording

2.32 We have set out our recommendations for archaeology and specific mitigation and enhancement of heritage assets above and continue to advise that these should be included in criterion 7. Inclusion of the diagram showing the heritage buffer in the Local Plan would also be beneficial for the reasons set out above.

2.33 We suggest the following modifications to Policy E2.1 Criterion 7:

Black text – current MM

Red text – Historic England's recommended changes to policy wording

Policy E2.1 Part B criterion 7

A detailed Heritage Impact Assessment (HIA) 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. The Heritage Impact Assessment should identify any necessary mitigation and enhancement 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 (2022) and its recommendations.

Mitigation and enhancement should include:

- Heritage buffer around church and moated site as shown on diagram (open and in pasture/informal open space). Strengthen landscaping along eastern boundary.
- Maintain key views of church and mill from site
- Careful lower density design and planting around the mill
- Careful siting and buffering around Old Dairy Farmhouse.
- Heritage interpretation
- Conserve and enhance Green Dyke

A detailed mitigation strategy for archaeological features, potentially including preservation in situ or preservation by record, and completion of an archaeological evaluation for the remainder of the Site via geophysical survey and/or trial trenching will be required to define the archaeological potential and inform the masterplanning of the site.

Include the following diagram showing proposed heritage asset buffer zone in Plan.



2.34 To conclude, we consider that the Council’s current draft policy for West Winch (including their MM to E2.1 as set out in their topic paper) 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.

2.35 The inclusion of the changes to policy wording which we have suggested in paragraph 2.33 would help to deliver sustainable development at West Winch whilst ensuring that the policy is **justified** by the evidence, **consistent with national policy** and **effective** in conserving and enhancing the historic environment.

2.36 We confirm that we would be happy to work with KLWN to agree suitable wording.

AQ32. What is the cumulative effect of the mitigation measures required to address infrastructure, landscape, heritage, ecological, flood risk, noise and air quality constraints on the overall development capacity of the WWGA site?

2.37 The known mitigation measures to address heritage constraints will inevitably reduce the developable area of the site which may in turn reduce the capacity of the site.

2.38 Furthermore, it should be appreciated that it is possible that archaeology may be discovered through archaeological assessment and evaluation which may further reduce the developable area.

