

Updated Statement of Common Ground relating to West Winch Growth Area Policy E2.1 – Kings Lynn and West Norfolk with Historic England – April 2024

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



Borough Council of King's Lynn and West Norfolk

Local Plan Review (submitted March 2022)

Updated Statement of Common Ground between Historic England and Borough Council of King's Lynn and West Norfolk relating to Policy E2.1

April 2024

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 2021 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.

Statement of Common Ground

- 3.0 This statement of common ground (SoCG) relates to ongoing effective joint working between Kings Lynn and West Norfolk Council (BCKLWN) and Historic England. This follows the November 2022 statement of common ground, Historic England Hearing Statement March 2024, BCKLWN Additional Matter 5 Statement 12 March 2024 and the Local Plan Examination Hearing Session that took place on 28th March 2024.
- 4.0 The table below indicates the position at November 2022 and the updated position - April 2024.
- 5.0 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 (Nov 22)	Modifications proposed	BCKLWN response	Historic England Comments	Remaining unresolved issues
<p>Policy E2.1</p> <p>West Winch Growth Area Strategic Policy</p>	<p><u>Position at November 22</u></p> <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 	<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 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.</p> <p>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.</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).</p> <p>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: 61-045-20190315 Revision date: 15 03 2019) makes it clear that assessment</p>	<p>Unresolved</p>

Updated Statement of Common Ground pertaining to West Winch Growth Area Policy E2.1– Kings Lynn and West Norfolk with Historic England – April 2024

	<p>assets identified should be incorporated policy text</p>			<p>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>	
--	---	--	--	--	--

				<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/ Map/ Para no. etc	Main Issues Raised by HE March 2024, BCKLWN March 2043 and Hearing Session 28 th March 2024	Modifications proposed	BCKLWN response	Historic England Comments	Remaining unresolved issues
	<p><u>Position at April 2024</u></p> <p>Historic England is broadly supportive of the principle of development at West Winch.</p> <p>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.</p> <p>However, in their Statement of Common Ground (SOCG) [F28], hearing statement and oral evidence at the EiP, it was 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.</p> <p>It is Historic England’s view that the HIA does not provide appropriate/sufficient recommendations with sufficient detail for mitigation and enhancement. Therefore, overall, it is considered that the HIA is insufficient.</p>	<p>Policy E2.1 Part B, criterion 7</p> <p>A detailed Heritage Impact Assessment should be provided and used to inform the layout of any application for planning permission that identifies any heritage assets (including archaeology) potentially affected by the proposed development, and intended measures for their protection, recording, enhancement and setting treatment as appropriate .</p> <p>The Heritage Impact Assessment should identify, in advance, any necessary mitigation and enhancement measures and be sufficiently detailed and proportionate to satisfy the requirements of the NPPF. This should include (but is not exclusive of);</p> <ul style="list-style-type: none"> • Survey and investigation of the archaeological potential of the application site in accordance with a scheme of investigation agreed in advance; • An LVIA of the application site that includes views to and from the heritage assets identified in the Council's HIA (2022) and in the course of the applicant's own 	<p>Following the Hearing on 28th March 2024, we have worked proactively with Historic England to:</p> <p>i) identify suitable buffer areas (based on HIA, site visits and professional judgment) around the Church and moat and identified these areas on the indicative diagrammatic Heritage Buffer Concept plan; and</p> <p>ii) reword the policy to take into account other heritage assets that could be affected by planning applications, therefore seeking to address Historic England’s remaining concerns.</p>	<p>Historic England welcomes and agrees the proposed modifications to policy wording and heritage buffer concept diagram to be included in the Plan.</p>	<p>Resolved.</p>

	<p>Historic England stated in their SOCG and at the EiP that the policy wording was not detailed enough to provide sufficient protection for the historic environment.</p> <p>Historic England acknowledge that the proposed main modifications set out in the 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, but the proposed modifications do not fully address Historic England’s concerns.</p> <p>Historic England are seeking effective policy wording for the protection of the historic environment (including the identification of appropriate buffers) consistent with national policy, justified by proportionate evidence in the form of a heritage impact assessment.</p>	<p>research, in both summer and winter views and the establishment of any key views of or from the heritage assets;</p> <ul style="list-style-type: none"> • An assessment of how the proposed layout and design have been informed by the Council's HIA (2022) as well as the information contained within the above documents; and, • An assessment of how the application takes into account the cumulative impacts of the development alongside others proposed. <p>Mitigation and enhancement should;</p> <ul style="list-style-type: none"> • Include a Heritage Buffer as shown on the indicative diagrammatic Concept plan which identifies areas that shall remain open (e.g. informal open space, pasture, village green or other such green infrastructure) along with supplementary planting/landscaping; • Maintain key views of the Church of St Mary and Mill from within the West Winch Growth Area • Include appropriate planting around the Mill; 			
--	---	---	--	--	--

		<ul style="list-style-type: none">• Include appropriate siting and buffering around Old Dairy Farmhouse;• Include heritage interpretation;• Conserve and enhance Green Dyke			
--	--	---	--	--	--



Borough Council of
**King's Lynn &
West Norfolk**
Tel. 01553 616200

**West Winch growth area heritage
buffer concept plan**

© Crown copyright and database rights 2024
Ordnance Survey AC0000819234

Heritage Buffer
Landscape Buffer



1:4,500

05/04/2024

Signatures

A handwritten signature in cursive script, appearing to read 'D Mack'.

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

Date 5.4.23

A handwritten signature in cursive script, appearing to read 'S Ashworth'.

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

Date 5.4.23