

21st June 2015

**Borough Council of Kings Lynn and West Norfolk: Site Allocations and Development Management Policies Document.
Issue 4: Kings Lynn and West Lynn (E.1) - Wednesday 8th July – 14.00
Policy E1.7 King's Lynn – Land at Lynnsport**

Dear Mr Hogger

I would like to formally object to the Borough Council King's Lynn and West Norfolk's current plans to build on Public Park in King's Lynn known as Lynnsport Park (E1.7). I have made representations in the LDF, but would in particular like to propose in this particular letter that the BC interpretation of this development meeting the criteria of 'presumption in favour of sustainable development's is critically flawed. Equally the BC ecology surveys have not been done correctly or in a way that has provided local people with all the information.

I have serious concerns that BCKLWN as effectively landowner, developer and the body that grants planning permission cannot and has not acted objectively. Local people have asked BCKLWN twice if we can have a public referendum to find out what exactly local people feel about the development. The Leader of the council Cllr Nick Daubney replied with a simple no. Considering this is public land local people have not been given the chance to decide its future, a Conservative majority that effectively controls all stages of proposal, planning and approval is forcing this on them. BCKLWN have now weighted the Scrutiny Panel to hold a Conservative majority. There have been a number of procedural and human errors that have just been ignored by the council. Essentially I propose (E1) Lynnsport development exhibits a clear predetermination on behalf of the BCKLWN and this particular part of the LDF is financially driven rather than by critical need.

4.1 Is there evidence that any of the following proposed residential development sites in King's Lynn and West Lynn are not justified, sustainable, viable, available or deliverable:

The proposed Lynnsport development will only provide only a small amount of housing in relative terms to the overall potential five-year housing plan. However, the consequences of its loss would seriously threaten the long-term sustainability of the area for local people in relation to the described criteria

laid down in the NPPF (section 9). Development will also greatly affect the long-term sustainability of the Lynnsport sports complex by limiting its potential for future growth and consequently its future viability as a regional centre for sporting activities. One of the most serious consequences of the loss of greenspace is that it reduces the already 'insufficient' open areas in King's Lynn, as determined by the council's own assessment of available greenspace. Even with the removal of Lynnsport 2 from the development there will still be a net decrease in available open space in a heavily populated urban area. Therefore the proposed development makes the open space available per person worse even by current population figures. Made a good deal worse once the houses are built and more people live in the town, resulting in a worse ratio of open space to population. I would like to suggest that this is a very unsound plan and does not represent a long-term sustainable vision. I would argue the current plans do not meet the criteria of 'presumption in favour of sustainable development (*NPPF p.13*)

The council's interpretation of this development being sustainable is unsound and not justified. The building of a major housing scheme on a significant part of a public park, which, provides thousands of town based people access the open space and wildlife, is fundamentally wrong. The facts are that the most limited and not replaceable resource is the open space, which cannot ever be replaced. They cannot provide evidence of support in any 'Statement of Community Involvement'.

There is also a significant amount of brown field land (*NPPF sections 110 & 111*) at Lynnsport (south of Greenpark Avenue, which was a former rubbish tip), which the council has rejected as unsuitable. They consider it financially unviable; instead they intend to build on green field sites at Lynnsport as shown on the Site Assessment Tables, Site Assessment - King's Lynn. Although on other heavily contaminated land, for example at South Lynn the ground, which was contained with heavy metals has been cleaned up. Land beside Edward Benefer Way (a former petrol storage facility) is in planning for housing. Therefore using the financially unviable rationale I would argue is flawed, as precedents already exist. They have tried to class Lynnsport 3 and 1 as brown field sites even though no clear evidence exists to validate this claim. Land off Grimston Road was equally cleaned up for residential development.

The fact is that the development is on what is considered a Level 3 flood risk area (*NPPF Sections 99, 100 & 103*) and that they have granted themselves planning permission before resolving flood risk concerns as described by the Internal Drainage Board. BCKWN cannot build bungalows, as these would not be able to offer safe areas in the event of a flood.

I would like to suggest that true sustainability resides to the long-term legacy of plans that maintain or improve the quality of life, healthy living and access to natural resources for the town's residents. These areas of green infrastructure especially when in limited supply and cannot be replaced are more critical in the long-term than the benefits of a short-term financial gain. The BCKLWN plans are not in the long-term sustainable interest of the town. I

would like to propose that maintaining an open green space is in fact more sustainable, when you consider it's in the middle of an already large sprawling urban area. It acts as green infrastructure hub and also in the event of extreme weather conditions acts natural flood defence that slows down water dissemination into river catchments. However, the main sustainable role for the whole site is that it provides a whole range of free but valuable environmental services for the people of King's Lynn. Especially thousands of people who have very limited access to alternative open space. These people who need free and unpolluted access to green space are going to be denied it. Parts of North Lynn and St Margarets are in the most deprived 10% wards in the country in England and in the middle index of Multiple Deprivation, and also in most cases in Income, employment, Health Deprivation and Disability, Education Skills and training domains and the Income deprivation affecting children index (according to the English Indices of deprivation 2010 (*Health and Well Being Profile 2012 King's Lynn and Central Electoral Division, NCC P1*)). Lynnsport has natural open space and is connected by a pollutions free cycle path, which is part of the national cycle network. I suggest that increasing housing and adding a through road into such an area is unsound. Especially as the number of houses being proposed can be built on other brown field sites in the town.

If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?

I believe that there is an alternative site and that this has not been fully investigated and would offer a more robust longer-term sustainable option. King's Lynn being bordered on its western side by the River Ouse has over developed eastwards, effectively isolating the town centre. This growth effectively unbalances the town's development increasingly favoring the development of out of town retail development. In West Lynn, which is on the west side of the River Ouse there is a large brown field site which formerly housed the Del Monty factory. This could be developed offering an alternative site for the Lynnsport housing. If chosen this site would offer substantial benefits both in infrastructure and a rebalancing of town development. The ferry that has existed since medieval times could transport people across the river direct into the town centre, which is according to the BCKLWN own data the main location of employment. This would mean that increased housing would not mean a net increase in car congestion or pollution.

One further point once the green field sites are built upon development will have to take place on other out of own sites, so the question is why not look at long-terms solutions now and develop longer and more sustained approaches to housing needs, rather a than a one off quick financial gain that does not meet the Governments NPPF criteria? The BCKLWN even state this:

4.2 Is sufficient weight attached by the Council to matters of transport, heritage, green infrastructure provision and flood risk in King's Lynn and West Lynn?

After the BCKLWN granted themselves permission to put Lynnsport into the

planning stages Lynnsport Area Residents Association (LARA) proposed some ideas that, while accepting some of the housing, would see a more greener infrastructure plan developed. LARA suggested ideas that included a circular cycle/ walking path around the outside of Lynnsport Park. LARA was particularly keen on basing this around the Norfolk Wildlife Trust vision of using Lynnsport Park as the centre of a town green infrastructure hub.

LARA presented this to the BCKLWN Project Officer who dismissed it out of hand further to that no response was ever received. The only response was in the local paper rejecting it. At the same time we asked about setting up a Neighbourhood Plan and the Project Officer actively discouraged us and said Cllr Beales had said no. A few months later Cllr Beales said the council would support us, but that had the effect of us losing time and momentum.

In the Ministerial Forward Gregg Clarke highlight our view 'our natural environment is essential to our well being' NPPF p.11

On March 4th 2015 the council began clearance work on the area around the Stock Pond, which under their plans will be filled in and turned into a car park for the so-called Access Road.

In terms of habitat disturbance in relation to the Wildlife and Countryside Act 1981 (amended) the BCKLWN ecology report does clearly specify dates.

However, any vegetation clearance should be undertaken outside of the bird nesting season (from 1st March to the 31st August, inclusive) where appropriate. If this is not possible a detailed inspection for nesting birds must be carried out by an ecologist no more than 24 hours prior to any works being undertaken. Any active nests must remain 'in situ' with an appropriate vegetative buffer until such time as the young have fledged. Lynnsport, King's Lynn / Phase 2 Ecology Surveys / Mott MacDonald p2 The Ecology Consultancy

Even though I accept this is not the height of the breeding season, the ecologist report they provided fails to report the methodology by which the statement of 'no breeding birds present' is made. To make this statement there should have been some sort of actual survey carried out with the results published. At least a transect survey inside the perimeter of the affected area should have been carried out. There is no mention of any nesting bird census techniques as described by the BTO. Early nesting birds such as blackbirds and ducks could have been on eggs and unless a search was done no one would know. An ecology survey does not need to record the number of developers present or members of the public, unless their presence affected the survey.

Water Voles

I have asked for a copy of the Phase 1 ecology survey report to which the Project Officer has stated in writing that 'no Phase 1 report exists as such' all details are included in the online reports. The Phase 1 survey consists of a few maps and no documentary information regarding the Stock Pond. Normally a Phase 1 should be extended to include noted species.

Phase 2 surveys are informed by the results of the Phase 1 habitat survey. Both water voles and great crested newts are protected species and yet only one is mentioned as a being surveyed for during the Phase 2. The only reference to water voles is a mention under the great crested newt section. Even though historically great crested newts were not present and water voles were. The BCKLWN commissioned the Internal Drainage Board in 2010 to carry out a survey of the Stock Pond for water voles, which were found to be present. I requested this under FOI the council has not published this freely. The IDB had to conduct the survey by boat, installing temporary floating platforms as land-based access was too difficult. Indeed this begs the question could accurate surveys be conducted from the land for either species as g. c newt survey techniques requires access to open water for the standard torch search. You can't search open water when you can't get to it.

In the BCKLWN Ecology Report it clearly states which areas Mott MacDonald asked the ecologists to survey. I draw your attention to the late addition of the one of the 'drainage ditches'. No mention of any directions to a survey the pond which is in the Access Road Zone of Influence.

*1.3 A Preliminary Ecological Assessment was carried out by Mott MacDonald and identified the requirement for further surveys. Initially Mott MacDonald instructed the Ecology Consultancy to carry out great crested newt presence/absence surveys, breeding bird surveys and bat surveys, **but later also requested that a water vole survey of one of the drainage ditches was also undertaken.***

Lynnport, King's Lynn / Phase 2 Ecology Surveys / Mott MacDonald p2 The Ecology Consultancy p.12

It would seem by this KLWNBC published report, that the Ecology Consultancy were not asked to survey the ponds for water voles. The methodology of the IDB survey should have been repeated for the new survey. Repeating the approach would ensure accurate population numbers were assessed. I fail to understand why in the 2010 survey there is a mention of the absence of great crested newts in previous surveys but these creatures are apparently the only species that Mott MacDonald were asked to be survey for in the stock pond? Historically water voles were present and I draw your attention to the below guidance from Natural England. I would expect the BCKLWN to have fully published all conducted surveys, as it is a public body and is accountable and that they would have been made public by now in light of the concerns I am raising.

- ***Decide if you need to survey***
- ***Survey for water voles***
- *if distribution and historical records suggest they may be present*
- *if the habitat is suitable for water voles, eg if there's silt-shored banks for burrowing or slow-flowing and relatively deep water courses*

- *The absence of a record doesn't mean there are no water voles in the area but could be a result of there being no survey data available for that location.*

I do not understand the logic of the argument that while a Phase 1 Survey revealed no great crested newts or water voles and yet a Phase 2 survey for one of these absent species was carried out and details published but not the other? Full surveys are required to be completed before commencement of work and not prepared retrospectively. In regards to survey techniques covering both species, it is not the recommended approach according to the JNNC. The survey techniques are completely different, for instance one of the main survey approaches for great crested newts is at night with torches and water vole being mainly diurnal cannot be surveyed at the same time. The survey techniques carried out in the 2010 IDB survey should have been replicated to establish water vole presence or not. Employing a single survey technique for two completely different creatures, one being aquatic and one terrestrial cannot be considered accurate and I doubt this would comply with Natural England requirements. Considering that water voles were present in 2010 the onus should be on the BCKLWN to prove they were absent in 2014. This can only be done with industry standard survey techniques appropriate to water voles.

The BCKLWN have stated that they stopped any new water voles from moving from Bawsey Drain by installing a 'obstruction' over the interconnecting pipe. However, the Stock Pond connects to the fishing pond and not Bawsey Drain directly. The fishing pond then feeds into Bawsey Drain. In reference to this as a device to prevent post-juvenile distribution assumes that the pipe is the only access to and from the pond. The important point omitted from the BCKLWN argument is that they were already present in 2010 (historically) therefore it could be argued that the BCKLWN prevented a legally protected species from leaving the pond?

The Project Officer has stated the presence of the cycle path prevents the movement of water voles between watercourses, which is unproven. Water voles are well known to be very tolerant of human activity. Secondly, the geographical location of the pond to the cycle path does not support this argument as it runs roughly on a north south axis, as does the cycle path. The cycle path does not run between the Stock Pond and Bawsey Drain and is therefore not a barrier. Between Bawsey Drain and the Stock Pond there is approximately 10 metres of rough grassland, which is no barrier. On the west side of the pond are acres of playing field. Human activity during the summer months, which is the peak time for post-juvenile distribution, considering it is light before 6 am and light until late, leaves plenty of time for animal translocation.

I am sorry to say the council have at many stages been unclear about the presented information and have I feel misled people presenting information that is misleading. I feel the Lynnsport Development is unsound as a sustainable entity for the long-term benefit of the town.

Yours Sincerely

Stuart Hall