

**Examination of the
King's Lynn & West Norfolk
Local Plan Review 2016-2036**

**MATTERS, ISSUES AND QUESTIONS
FOR THE EXAMINATION (MIQs)
Part 1**

Inspectors: Karen L Baker DipTP MA DipMP MRTPI
Mike Hayden BSc (Hons) DipTP MRTPI
Programme Officer: Annette Feeney
annette.feeney@ipswich.gov.uk
07775 771026

INTRODUCTION

The purpose of this independent Examination of the King's Lynn & West Norfolk Local Plan Review 2016-2036 (the Plan) is to determine whether the Plan:

- has been prepared in accordance with the Duty to Co-operate and the legal and procedural requirements in the Planning and Compulsory Purchase Act 2004 (the PCPA 2004) and the Town and Country Planning (Local Plan) (England) Regulations 2012 (the 2012 Regulations); and
- is sound, as defined in paragraph 35 of the National Planning Policy Framework (the NPPF).

A Hearing has been arranged to enable discussion of the matters, issues and questions (MIQs) for the Examination based on our initial reading of the Plan, the evidence base and the representations. The Hearing is scheduled to open on 6 December 2022 and is programmed to run for 8 days until 26 January 2023. A timetable for matters to be discussed on each day is set out in the *Draft Hearing Programme [Document G1]*.

This document contains Part 1 of the MIQs, based on our initial reading of the Plan, the evidence base and the representations. It includes the questions that will be dealt with in the first week of the Hearing, covering legal and procedural compliance issues, the spatial strategy, development needs, employment and transport policies, and the settlement policies and site allocations for King's Lynn and its surrounding areas.

Part 2 of the MIQs will be published on 8 November 2022. It will contain questions on the remaining settlement policies and site allocations, and the other policy matters in the Plan. These are to be discussed in the second and third weeks of the Hearing, due to take place in January 2023.

It may be necessary to publish a Part 3 of the MIQs to deal with provision for the accommodation needs of Gypsies, Travellers and Travelling Showpeople under Policy LP28 of the Plan, following the submission of further evidence on this by the Council in March 2023.

The MIQs should also be read alongside our *Examination Guidance Note [G2]* which contains information on the Hearing procedure, what you will need to do if you wish to participate and the format of any Hearing statements.

Document References in footnotes or square brackets are to the Examination Library List which can be viewed on the Examination webpage at the link below or obtained from the Programme Officer.

https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents

Abbreviations used in this document:

DtC – Duty to Co-operate
HELAA – Housing and Economic Land Availability Assessment
HLS – Housing Land Supply
HNA – Housing Needs Assessment
HRA – Habitat Regulations Assessment
KRSCs – Key Rural Service Centres
NP – Neighbourhood Plan
NPPF – National Planning Policy Framework;
NSPF – Norfolk Strategic Planning Framework
LDS – Local Development Scheme
LHN – Local Housing Needs
MM – Main Modification
PPG – Planning Practice Guidance
RAMS – Recreational Avoidance and Mitigation Strategy
RV – Rural Village
SA – Sustainability Appraisal
SCI – Statement of Community Involvement
SoCG – Statement of Common Ground
SFRA – Strategic Flood Risk Assessment
SVHs - Smaller Villages and Hamlets
WWGA – West Winch Growth Area

MATTER 1 - DUTY TO CO-OPERATE AND LEGAL COMPLIANCE

Issue 1a: Has the Council complied with the Duty to Co-operate (DtC) in preparing the King's Lynn and West Norfolk Local Plan Review (the Plan)?

1. Does the Plan give rise to any strategic cross-boundary issues for which there is a duty to co-operate?
2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the 'strategic matters' applicable to the Plan and have they been resolved?
3. Is this adequately evidenced by the DtC Statement¹ and supporting Statements of Common Ground (SoCG)? In particular, have the outstanding objections from the Environment Agency and Historic England to various policies and site allocations been resolved?
4. Does the evidence contained in the DtC Statement and in the Council's Position Statement on Wisbech Fringe² adequately demonstrate that the Council has met the duty to co-operate in respect of Policy F3.1 for the cross-boundary strategic site allocation at land east of Wisbech?
5. Are there any 'strategic matters' on which the DtC has not been met? If so, what is the evidence to support this?

Issue 1b: Has the Council complied in all other respects with the legal and procedural requirements in preparing the Plan, as defined in Part 2 of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Conservation of Habitats and Species Regulations 2017 (as amended)?

Local Development Scheme

6. Has the Plan been prepared in accordance with the Council's Local Development Scheme (LDS)³? Are there any obvious omissions from the submitted Plan, in terms its overall scope as described in the LDS?

Consultation

7. Has consultation on the Plan been undertaken in accordance with the Council's adopted Statement of Community Involvement (SCI)⁴ and the minimum consultation requirements in the Regulations⁵? What evidence is there to demonstrate this and that representations submitted in response to the first Draft Plan have been taken into account as required by Regulation 18(3)?

¹ Core Document A6

² Examination document F23

³ Required by section 19(1) of Part 2 of the Planning and Compulsory Purchase Act 2004

⁴ Core Document A9

⁵ Regulations 18 and 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

Sustainability Appraisal

8. Has the formulation of the Plan been based on a sound process of sustainability appraisal (SA), as set out in the Sustainability Appraisal incorporating Strategic Environmental Assessment for the Local Plan Review, dated August 2020⁶ and the SA Addendum, dated July 2022⁷? In particular:
- a. Is the baseline evidence sufficiently up-to-date and therefore adequate?
 - b. Does the SA test the policies and site allocations in the Plan against reasonable alternatives?
 - c. Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?
 - d. Is the SA decision making and scoring robust, justified and transparent?
 - e. Has the Council provided clear reasons for not selecting reasonable alternatives?
 - f. Is it clear how the SA has influenced the policies and allocations in the Plan and how mitigation measures have been taken account of?
 - g. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the Plan?

Equalities Impact Assessment

9. Is the Equalities Impact Assessment Screening Report⁸ robust and adequate? Does it demonstrate whether the policies and allocations of the Plan would have any negative effects on people with protected characteristics in King's Lynn and West Norfolk? Are further mitigation measures required?

Habitats Regulations Assessment

10. Is the Plan legally compliant with respect to the Habitats Regulations⁹ and Habitats Directive, as interpreted by recent case law¹⁰, and any requirement for appropriate assessment? Does the Habitats Regulations Assessment (HRA), dated May 2021¹¹ ensure compliance?
11. Given the conclusion of the HRA that the Norfolk-wide Green Infrastructure and Recreational Avoidance and Mitigation Strategy (RAMS) will provide the means to secure the necessary mitigation to avoid adverse impacts on the integrity of a number of European sites,

⁶ Core Document B3

⁷ Core Document B7

⁸ Core Document A5

⁹ Conservation of Habitats and Species Regulations 2010 (as amended)

¹⁰ People over Wind & Sweetman v Coillte Teoranta C-323/17

¹¹ Core Document A4

should criterion 2 of Policy LP27 make clear that the Norfolk-wide RAMS will apply from the adoption of the Plan?

12. The HRA states that the Council is preparing an air quality strategy, which will include mitigation measures necessary to address any adverse effects for air quality resulting from development in the Plan on the integrity of the Roydon Common and Dersingham Bog Special Area of Conservation and Ramsar sites. If such development can only take place with the strategy in place:
 - a. When will the strategy be prepared and what will its status be once it is adopted?
 - b. Should Policy LP27 make clear that the strategy will apply from the adoption of the Plan and that development proposals will be required to take into account the strategy and any monitoring and mitigation requirements it specifies?
13. Are any other Main Modifications to the Plan necessary to ensure it would not have any likely significant impacts in the light of the HRA?

Climate Change Policies

14. Does the Plan, taken as a whole, include policies designed to ensure that the development and use of land in King's Lynn and West Norfolk contributes to the mitigation of, and adaptation to, climate change in accordance with the Act¹²?

Superseded Policies

15. Does the Plan make it clear which policies of the adopted development plan it will supersede, as required by Part 4, paragraph 8(5) of the Regulations? Will the Council's proposed modifications to the Introduction to the Plan in chapter 2 and to Appendix D make this clear?

¹² Section 19(A) of the Planning and Compulsory Purchase Act 2004 (as amended)

MATTER 2 – SPATIAL STRATEGY

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

16. 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?
17. 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?

Housing Need and Requirement (Policy LP01)

18. 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?
19. 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?

Spatial Strategy (Policy LP01)

20. 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?
21. 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?
22. 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?
23. 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?

¹³ In BKLWN response to Regulation 19 representations on Policy LP01 in Core document A8-1

¹⁴ Core Document F18

24. 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?
25. 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?
26. 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?
27. 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?
28. 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?
29. 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?
30. 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?
31. 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?
32. 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?
33. 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

¹⁵ Examination document F23

consistent with national policy in not doing so for each parish and/or each KRSC and Rural Village (RV) in the Borough?

34. 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?
35. 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?
36. 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?
37. 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?
38. 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?

Settlement Hierarchy (Policy LP02)

39. 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 evidence¹⁷?

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

40. 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

¹⁶ Examination document F21

¹⁷ Consideration and Further Consideration of the Settlement Hierarchy (Core Document D21)

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?

41. 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?
42. 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?
43. 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?

Sustainable Development (Policy LP03)

44. 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?

Development Boundaries (Policy LP04)

45. 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?
46. 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?
47. 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?
48. 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?

Implementation (Policy LP05)

49. 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?
50. 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 2021¹⁸?
51. 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?
52. 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?
 - 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?
 - 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?
 - 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?

Climate Change (Policy LP06)

53. 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?
54. 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?
55. 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?

¹⁸ Core document D1

56. 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?
57. 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?
58. Would Policy LP06 be effective in supporting the movement towards the Borough becoming carbon neutral by 2050?
59. 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?

MATTER 3 – ECONOMY

Issue 3: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for the economy of King’s Lynn and West Norfolk?

The Economy and Employment Land (Policy LP07)

60. Taking into account the Council’s answer to IQ14 and the evidence in the Employment Land Review¹⁹ and the Housing and Economic Needs Availability Assessment (HELAA)²⁰, does Policy LP07 make adequate provision for employment land to meet the forecast growth in jobs, satisfy the market demand for the take up of employment floorspace and match the demand for employment arising from the proposed housing requirement over the Plan period?
61. Is the distribution of employment land to Kings Lynn, Downham Market and Hunstanton set out in criterion 3 of Policy LP07, and the choice of allocations for employment land at these three settlements in Policies E1.12, F1.2 and F2.5, justified as an appropriate strategy, taking account of the reasonable alternatives and based on proportionate evidence?
62. To ensure Policy LP07 is justified, clear and effective, are main modifications necessary to include the allocation for employment land within the West Winch Growth Area and to accurately record the area of land allocated at Downham Market for employment purposes?
63. Should Policy LP07 make specific reference to the development needs of major employment sites in the countryside, including the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham, given their importance to the economy of the Borough, to ensure the Plan’s strategy for the economy is positively prepared, justified and effective?
64. Is part 9 of Policy LP07 consistent with national policy in respect of the following criteria for the retention of employment land:
 - a) Criterion a: Is the requirement to retain land in employment use unless this is ‘no longer viable’ consistent with the expectation in paragraph 122 of the NPPF that applications for alternative uses should be supported where there is ‘no reasonable prospect of an application for its current use coming forward’?
 - b) Criterion c: Would it be clear to a decision maker what is meant by ‘delivering the Council’s regeneration agenda’ in determining whether an alternative use offered greater benefits to the community?

¹⁹ Core document D19

²⁰ Core documents C1 and C2

Retail Development (Policy LP08)

65. Are the following limits on retail and service use development in the Borough, defined in Policy LP08, consistent with national policy and justified as appropriate on the basis of proportionate evidence of their potential impact on the vitality and viability of town centres:
- a) new retail uses of any size and scale in the Hardwick area of King's Lynn in criterion 3?
 - b) small scale local retail and service facilities not exceeding 280 sqm, as suggested by the Council's in main modifications to criterion 4?

What is the evidence of harmful impacts arising from previous developments to support imposing these limits and thresholds?

Touring and Permanent Holiday Sites (Policy LP09)

66. Is Policy LP09 consistent with the expectation of national policy that planning policies should support sustainable rural tourism? Would this be more evident if criterion 1 of the policy were positively worded, setting out the circumstances in which proposals for holiday accommodation would be supported, including where this would enable the improvement of existing holiday accommodation sites?
67. Is criterion 2 of Policy LP09 clear and consistent with national policy regarding minor development proposals for holiday accommodation 'within the setting of' the Area of Outstanding Natural Beauty (AONB)?
68. Are the following main modifications to Policy LP09 suggested by the Council justified and necessary for soundness:
- a) to require all proposals for new holiday accommodation to submit a transport assessment to demonstrate safe access; and
 - b) to restrict proposals within all international and national wildlife site designations?

National Construction College, British Sugar Factory and RAF Marham sites (Policy LP10)

69. Given the importance of the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham to the economy of the Borough, is Policy LP10 positively prepared, justified and effective in not expressly providing for further expansion of employment uses at these sites?
70. Without clearly defining development boundaries for the National Construction College, British Sugar Factory and RAF Marham sites on the Policies Map, is Policy LP10 clear and unambiguous and will it be evident how decision makers should react to development proposals at the three sites? In the absence of a geographic illustration of its application on the Policies Map, does Policy LP10 comply with the Regulations²¹?

²¹ Regulation 9(1)(c) of the Town and Country Planning (Local Planning) (England) Regulations 2012

MATTER 4 - TRANSPORT

Issue 4: Has the Plan been positively prepared and is it justified, effective and consistent with national policy in respect of its policies and proposals for transport in King's Lynn and West Norfolk?

Policy LP11 – Strategic and Major Road Network

71. Is criterion 1(b) of Policy LP11 consistent with national policy in paragraph 111 of the NPPF, which provides that development should only be refused on highway grounds where it would result in:
- an unacceptable rather than a severe impact on highway safety?
 - a severe cumulative impact on the road network, rather than on the amenity and access of adjoining occupiers?
72. Are criteria 2 and 3 clear and unambiguous in respect of the types of development for which Transport Assessments will be required?

Policy LP12 – Disused Railway Track Sidings

73. Is the Plan justified in seeking to safeguard land within the British Sugar Factory at Wissington as part of the Denver to Wissington disused railway track? If so what is the evidence on which this part of the route is based? Would its designation as a disused trackway affect the operational safety and efficiency of the British Sugar Factory?

Policy LP13 – Transportation

74. Does criterion 4(b)(v) of Policy LP13 duplicate the requirement in criterion 2 of Policy LP11 for transport assessments for proposals likely to have significant transport implications? For clarity and effectiveness should the two policies be modified to ensure consistency?
75. Is the main modification suggested by the Council to criterion 2(f) of Policy LP13 to ensure the integration of bus and rail services necessary for soundness?

Policy LP14 – Parking Provision in New Development

76. Is Policy LP14 consistent with national policy in paragraph 107 of the NPPF, which expects policies setting local parking standards to take into account the accessibility of development, the availability of public transport and local car ownership levels?
77. Is the requirement in criterion 5 of Policy LP14 to provide one electric vehicle charging point for each new dwelling necessary and consistent with national policy, given the standards and technical requirements for this are now contained in Part S of the Building Regulations, which came into effect in June 2022?

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?

King’s Lynn & Surrounding Area

King’s Lynn (Policy LP38)

78. Are the proposed dwelling numbers in criteria 1 and 2 of Policy LP38 justified in relation to and consistent with the capacity of the housing sites allocated in King’s Lynn and the surrounding area?
79. Does the King’s Lynn Transport Study and Strategy (2019)²² provide a robust model of traffic generation from the proposed housing and employment growth in King’s Lynn and the surrounding area, as identified in Policy LP38, over the whole of the Plan period? Does it demonstrate that the impacts on highway safety, air quality and the operation of the road network can be acceptably mitigated and that the proposed mitigation measures are deliverable? Overall, is the strategy consistent with national policy in limiting the need to travel and maximising sustainable transport solutions?
80. Is criterion 12 of Policy LP38 effective in ensuring an appropriate level of open space and recreational facilities is provided to support the increase in residential development in King’s Lynn proposed in the Plan?
81. Are the main modifications suggested by the Council to remove the references to the Urban Development Strategy, Riverfront Delivery Strategy, St Margaret’s Conservation Area Management Plan, the Heritage Action Zone, and the Town Centre Extension Development Framework from Policy LP38 necessary for soundness to ensure the policy is up to date and effective? Do any of these supplementary planning documents remain relevant to the development of King’s Lynn over the Plan period and should they be referenced in the supporting text to the policy?

King’s Lynn Town Centre (Policy E1.1)

82. In the absence of specific guidance on flood risk mitigation for commercial development in Policy LP25, for clarity and effectiveness, should Policy E1.1 provide this for commercial development in King’s Lynn Town Centre, given that parts of the Town Centre are located within Flood Zones 2 and 3a?

²² Document D24

83. So that it is positively prepared and effective, should the Plan include a commercial strategy for West Lynn and seek measures to improve the accessibility of the West Lynn Ferry?
84. Is it evident which are the 'main retail streets' of the Town Centre to which the requirements of criterion (g) of Policy E1.1 apply? To ensure the policy is clear and unambiguous in respect of where active frontages should be retained and where their removal is not precluded, should the main retail streets be identified on the Policies Map?
85. Is the main modification to criterion (f) of Policy E1.1 suggested by the Council necessary to ensure the policy is consistent with national policy in conserving and enhancing heritage assets?

King's Lynn Port (Policy E1.2)

86. Would the main modification to the supporting text of Policy E1.2, suggested by the Council, ensure that the policy is justified as an appropriate strategy for King's Lynn Port?

Gaywood Clock (Policy E1.3)

87. Is the main modification to criterion 1(b) of Policy E1.3, suggested by the Council, necessary to ensure the policy is consistent with national policy in conserving and enhancing heritage assets?
88. Would the main modification to the supporting text of Policy E1.3, suggested by the Council, ensure that the policy is clearly justified in seeking to protect the primary retail role of the Gaywood Clock Area as an accessible local shopping centre?
89. Should the Additional Modification to the supporting text at paragraph 9.1.4.2 of the Plan, proposed by the Council²³, be treated as a suggested Main Modification, as guidance on how traffic generated by development in Gaywood Clock area should be managed would be material to the determination of planning applications there?

King's Lynn Riverfront Regeneration Area (Policy E1.KLR)

90. In the light of outstanding objection from the Environment Agency (EA) to Policy E1.KLR and its supporting text, and the presence of key flood defences within the Regeneration Area, which act as a constraint on development, is the policy consistent with national policy for planning and flood risk, in taking account of the advice of the EA?
91. Should the extent of the King's Lynn Riverside Regeneration Area be shown on the Policies Map, to ensure that the geographic application of the policy is clearly illustrated?

²³ Core document A2

Boal Quay, King's Lynn (Policy E1.5)

92. In the light of the outstanding objection from the EA, to ensure consistency with national policy for planning and flood risk, should Policy E1.5 and/or its supporting text specify the need for development proposals to contribute to maintaining the online surface water storage capacity of the Nar-Ouse Regeneration Area?
93. Does the available evidence demonstrate that there is a reasonable prospect the site at Boal Quay will be available and housing delivered at the point envisaged in the Housing Trajectory²⁴ by 2028/29?
94. Does Policy E1.5 make adequate provision for additional informal recreation space to support its future residents? Should it require a project level HRA be undertaken to ensure appropriate mitigation is provided to avoid additional recreational pressure on Roydon Common SAC?
95. Are the main modifications suggested by the Council to Policy E1.5, its supporting text and site allocation map, necessary for soundness?

South of Parkway, King's Lynn (Policy E1.6)

96. What is the housing capacity of site E1.6, given that the policy states it is allocated for 260 dwellings, but the Housing Trajectory states the site can accommodate a further 125 homes?
97. What is the current delivery status of the site? What evidence is there that development will commence in 2022/23?
98. In case the extant planning permission is not implemented, is there a need for the policy to specify a project level HRA be undertaken to ensure appropriate mitigation is provided to avoid additional recreational pressure on Roydon Common SAC?
99. Are the main modifications suggested by the Council to Policy E1.6, its supporting text and site allocation map, necessary for soundness?

Land at Lynnsport, King's Lynn (Policy E1.7)

100. Given the advanced stage of construction of site E1.7, with two phases complete and the final phase under construction, is the Plan justified in continuing to allocate the site for 297 dwellings?

South Quay, King's Lynn (Policy E1.8)

101. In the light of the outstanding objection from the EA, to ensure consistency with national policy for planning and flood risk, should Policy E1.8 and/or its supporting text specify that development proposals will need to ensure the protection, maintenance or enhancement of the existing flood defences, as identified through a site specific Flood Risk Assessment?

²⁴ Examination document F22

102. Does the available evidence demonstrate that there is a reasonable prospect the site at South Quay will be available and that it could be viably developed at the point envisaged in the Housing Trajectory by 2028/29?

103. Are the main modifications suggested by the Council to Policy E1.8, its supporting text and site allocation map, necessary for soundness?

Land West of Columbia Way, King's Lynn (Policy E1.9)

104. Given that the site E1.9 has planning permission for 78 dwellings and is under construction, is the Plan justified in continuing to allocate the site for 100 dwellings?

105. Does Policy E1.9 make adequate provision for additional informal recreation space to support its future residents? Should it require a project level HRA be undertaken to ensure appropriate mitigation is provided to avoid additional recreational pressure on Roydon Common SAC?

106. Are the main modifications suggested by the Council to Policy E1.9, its supporting text and site allocation map, necessary for soundness?

North of Wisbech Road, King's Lynn (Policy E1.10)

107. Is the inclusion of the greenfield land either side of Hardings Way between the River Great Ouse and the River Nar within the Policy E1.10 allocation justified, taking into account the reasonable alternatives and the projected surplus in the housing land supply?

108. Does the available evidence demonstrate that there is a reasonable prospect the site North of Wisbech Road will be available and that it could be viably developed at the point envisaged in the Housing Trajectory by 2028/29?

109. In the light of the outstanding objection from the EA, to ensure consistency with national policy for planning and flood risk, should Policy E1.10 and/or its supporting text specify the need for development proposals to contribute to maintaining the online surface water storage capacity of the Nar-Ouse Regeneration Area?

110. Does Policy E1.10 make adequate provision for additional informal recreation space to support its future residents? Should it require a project level HRA be undertaken to ensure appropriate mitigation is provided to avoid additional recreational pressure on Roydon Common SAC?

111. Are the main modifications suggested by the Council to Policy E1.10, its supporting text and site allocation map, necessary for soundness?

Southgates, King's Lynn (Policy E1.11)

112. Does the available evidence demonstrate that there is a reasonable prospect the site at Southgates will be available and that it could be viably developed at the point envisaged in the Housing Trajectory by 2028/29?

113. Are the main modifications suggested by the Council to Policy E1.11, its supporting text and site allocation map, necessary for soundness?

Employment Land, King's Lynn (Policy E1.12)

114. In the light of the Council's response (A8-1) to the representation from King's Lynn Civic Society about site E1.12-HAR at Hardwick, for clarity and effectiveness, does Policy E1.12 need to set out how proposals for retail uses on the three employment sites should be considered?

115. Are the main modifications suggested by the Council to Policy E1.12, its supporting text and site allocation map, necessary for soundness?

Green Infrastructure, King's Lynn (Policy E1.13)

116. To ensure the Policy E1.13 is positively prepared and effective in protecting, enhancing and extending Strategic Green Infrastructure (SGI) in the Borough, should criterion 1 also require the replacement of SGI where it is lost to development?

117. Are the main modifications suggested by the Council to the supporting text to Policy E1.13 necessary for soundness?

118. Should the Additional Modification to the supporting text at paragraph 9.1.14.2 of the Plan, proposed by the Council, be treated as a suggested Main Modification, as identification of important habitat sites which are sensitive to recreational pressures caused by new development would be material to the determination of planning applications?

West of St Peter's Road, West Lynn (Policy E1.14)

119. What is the current delivery status of site E1.14 West of St Peter's Road in West Lynn? What evidence is there that development of the first phase will commence in 2022/23?

120. Are the main modifications suggested by the Council to the supporting text to Policy E1.14 necessary for soundness?

Land at Bankside, West Lynn (Policy E1.15)

121. Is the proposed allocation of the land at Bankside, West Lynn for housing consistent with national policy with regard to the sequential and exception tests for flood risk? Does the evidence demonstrate that there are no reasonably available sites appropriate for the development of 120 homes at lower risk of flooding?

122. Based on the evidence, is the allocation of site E1.15 for residential development justified as an appropriate strategy, taking into account the reasonable alternatives?

123. What is the status of the Statement of Common Ground between the Council and the Environment Agency²⁵ regarding their objection to the site's allocation for housing (Representation 510)? Can this objection be satisfactorily addressed through main modifications to Policy E1.15? If so what are they?
124. Does the available evidence demonstrate that there is a reasonable prospect the land at Bankside, West Lynn will be available and that it could be viably developed at the point envisaged in the Housing Trajectory by 2028/29?
125. Are the main modifications suggested by the Council to the supporting text to Policy E1.15 necessary for soundness?

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

126. Have the potential impacts of the proposed increase in development at the WWGA under Policy E2.1 on the highway network, air quality, ecology, heritage assets, landscape character, green infrastructure, flood risk and local amenity been adequately assessed? Is the wording of Policy E2.1 sufficiently clear and robust to ensure that any adverse impacts would be effectively mitigated?
127. Is Policy E2.1 justified, effective and consistent with national policy in relation to the potential impacts on nearby heritage assets? Have the objections from Historic England on this matter been resolved?
128. Given the potential for impacts on the River Nar SSSI and other nearby habitats, should Policy E2.1 require a project level HRA to be undertaken for the WWGA development and/or for planning applications submitted for major phases of development within it?
129. Is Policy E2.1 consistent with national policy in requiring a measurable net gain for biodiversity as part of the development of the WWGA?
130. Should the Countryside Buffer referred to in Policy E2.2 and shown on the Inset Map E2, also be referred to in Policy E2.1 and its supporting text and illustrated geographically on the Policies Map?
131. Have the potential impacts of the proposed increase in development at the WWGA under Policy E2.1 on local infrastructure been adequately assessed? Is the wording of Policy E2.1 sufficiently clear and robust to ensure that the infrastructure required to support the development of new homes would be delivered and brought forward in time to provide the necessary additional capacity to effectively mitigate any adverse impacts on existing infrastructure?
132. Is Criterion 5 of Part A to Policy E2.1 justified in requiring traffic calming measures on the existing A10 within 12 months of the start of development at WWGA, and will such measures be effective given the strategic nature of the A10?

²⁵ Core document A12-1a

133. Is Policy E2.1 justified and effective in not setting a threshold for the number of new dwellings that can be built before the proposed new road linking the A10 and A47 is completed?
134. Is Policy E2.1 and its supporting text effective in ensuring that bus connectivity measures around the WWGA and the A10 corridor take into account the associated need for services to the existing villages at West Winch, Setchley and North Runcton?
135. Have the impacts of the development at WWGA on overhead electricity transmission lines and gas pipelines forming part of the National Grid and the effects of any works associated with them on the viability of the proposed development been taken into account?
136. Given the presence of silica sand deposits within the site and the requirements of Policy CS16 of the Norfolk Minerals and Waste Core Strategy and Development Management Policies Development Plan Document (2011) to safeguard such nationally important mineral resources, is the WWGA genuinely available and is the quantum of housing development proposed in Policy E2.1 realistically deliverable and/or developable?
137. Would the main modifications suggested by the Council to criterion 1 of Part B of Policy E2.1 ensure the development of the WWGA would be consistent with the North Runcton and West Winch Neighbourhood Plan?
138. In the light of the Council's responses to the Inspectors' initial questions on the WWGA²⁶ and to the questions above, is there a realistic prospect and clear evidence that housing completions will begin on site within 5 years, as indicated in the Housing Trajectory?
139. Does the Housing Trajectory for 2021/22 to 2038/39 and other submitted evidence demonstrate that at least 2,500 dwellings would be provided at WWGA within the Plan period, as set out in Policy E2.1?
140. Does the submitted evidence demonstrate that the WWGA can support in the region of 3,500-4,000 new homes in the longer term, as set out in Policy E2.1? Do the Council's suggested Main Modifications adequately address the further infrastructure requirements and mitigation measures to support additional growth at WWGA beyond the end of the Plan period?

Development in existing built up areas of West Winch (Policy E2.2)

141. In the absence of a reasoned justification, does Policy E2.2 serve a clear purpose and is it justified? Would the main modification suggested by the Council to the supporting text to Policy E2.2 adequately address this soundness issue?

²⁶ Examination document F20

South Wootton

142. Should the permitted Knight's Hill Village site at South Wootton be included as an allocation in the Plan for the King's Lynn area, given that it forms an allocation in the adopted development plan, which is as yet unimplemented?

Hall Lane, South Wootton (Policy E3.1)

143. Given that site E3.1 has full planning permission for 575 dwellings, is the policy justified in continuing to allocate the site for only 300 dwellings?

144. What is the current delivery status of site E3.1 Hall Lane, South Wootton? What evidence is there that development of the first phase will commence in 2024/25?

145. In the event that the extant planning permissions are not implemented, does Policy E3.1 contain the necessary safeguards to ensure that the social, economic and environmental impacts of the proposed development on the existing population and infrastructure of South Wootton would be adequately mitigated?

146. Are the main modifications suggested by the Council to the supporting text to Policy E3.1 necessary for soundness?