

## **Report to the Borough Council of King's Lynn and West Norfolk**

**By Karen L Baker DipTP MA DipMP MRTPI and Mike Hayden BSc DipTP MRTPI**

Inspectors appointed by the Secretary of State

Date: 21 February 2025

---

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Borough Council of King's Lynn and West Norfolk Local Plan Review**

The Plan was submitted for Examination on 29 March 2022

The Examination Hearing sessions were held between 6 and 8 December 2022, 10 and 11 January 2023, 26 and 28 March 2024, 16 and 19 April 2024 and on 3 September 2024.

File Ref: PINS/V2635/429/6

## Contents

Abbreviations used in this report .....	3
Non-Technical Summary .....	4
Introduction .....	7
Context of the Plan.....	8
Public Sector Equality Duty .....	9
Assessment of Duty to Co-operate.....	10
Assessment of Other Aspects of Legal Compliance .....	11
Assessment of Soundness.....	15
Issue 1 – The Spatial Strategy .....	16
Issue 2 – Economy.....	27
Issue 3 – Transport .....	31
Issue 4 – Settlements and Sites Allocations.....	33
Issue 5 – Housing .....	68
Issue 6 – Community and Culture .....	73
Issue 7 – Environment.....	74
Issue 8 – Monitoring and Implementation.....	80
Overall Conclusion and Recommendation .....	80
Schedules of Main Modifications .....	Appendices

## Abbreviations used in this Report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
AQMS	Air Quality Management Strategy
CIL	Community Infrastructure Levy
CS	Core Strategy
CWS	County Wildlife Site
DDC	District Drainage Commissioners
DfT	Department for Transport
DtC	Duty to Cooperate
dpa	dwellings per annum
FRA	Flood Risk Assessment
GIRAMS	Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy
GTAA	Gypsy and Traveller Accommodation Assessment
ha	hectare
HELAA	Housing and Economic Land Availability Assessment
HDT	Housing Delivery Test
HIA	Heritage Impact Assessment
HRA	Habitats Regulations Assessment
IDB	Internal Drainage Board
IDP	Infrastructure Delivery Plan
KRSC	Key Rural Service Centre
KLTS	King's Lynn Transport Strategy
LDS	Local Development Scheme
LHN	Local Housing Need
LPA	Local Planning Authority
LTP	Local Transport Plan
LVA	Landscape and Visual Appraisal
m	metre(s)
MM	Main Modification
NE	Natural England
NP	Neighbourhood Plan
NLA	National Landscape Area
NORA	Nar Ouse Regeneration Area
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RV	Rural Village
SADMP	Site Allocations and Development Management Policies
SA	Sustainability Appraisal
SAC	Special Areas of Conservation
SANGS	Suitable Accessible Natural Green Space
SCCS	Sustainability and Climate Change Statement
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SoCG	Statement of Common Ground

SPA	Special Protection Areas
sqm	square metre
SRN	Strategic Road Network
SuDS	Sustainable Drainage Systems
SVH	Smaller Villages and Hamlets
TA	Transport Assessment
THM	Tidal Hazard Mapping
WWGA	West Winch Growth Area
WWHAR	West Winch Housing Access Road
VA	Viability Appraisal

## Non-Technical Summary

This Report concludes that the Borough Council of King's Lynn and West Norfolk Local Plan Review provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications (MMs) are made to it. The Borough Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the Hearing, the Council prepared schedules of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs Parts 1 and 2 were subject to public consultation over an eight week and six week period respectively. In some cases, we have amended their detailed wording and/or added consequential modifications where necessary. We have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Extending the Plan period to 2040 to ensure a 15 year Plan period post adoption to be consistent with national policy;
- New Policy and supporting text setting out a revised Spatial Strategy and Settlement Hierarchy, excluding the Strategic Growth Corridor, and including the revised housing and employment land need and supply in order for the Plan to be justified and effective;
- Inclusion of a housing trajectory setting out the deliverability and developability of housing sites for effectiveness;
- Demonstrating a 5 year supply of housing land on adoption in order for the Plan to be positively prepared and effective;
- New Policy and supporting text on Windfall Development, including criteria for residential development outside of development boundaries, for effectiveness;
- New Policy and supporting text in respect of Neighbourhood Plans (NPs), including minimum housing requirements where NPs seek to plan for housing growth, for effectiveness and consistency with national policy;
- New Policy in respect of Custom and Self Build Housing to be consistent with national policy;
- Amendments to policies for economic and retail development to ensure they are justified and consistent with national policy;
- Changes to policies for housing, transport, flood risk and the environment to ensure that they are consistent with national policy and are effective;
- Changes to a number of criteria based policies to make them clear and effective to enable developers and decision makers to know how development proposals will be assessed;
- Amendments to several policies and supporting text to refer to updated national policy and guidance;
- Amendments to Policy E2.1 on the West Winch Growth Area to confirm its allocation for up to 4,000 dwellings and include all necessary infrastructure requirements and mitigation measures;
- New Policy and supporting text in respect of the accommodation needs and supply of sites for Gypsies and Travellers and Travelling Showpeople for effectiveness and to be consistent with national policy following an updated Gypsies and Travellers Accommodation Assessment (GTAA);

- Amendments to the settlement and site allocation policies to ensure that they are up to date and effective;
- Inclusion of an updated Monitoring Framework with indicators and targets to monitor the implementation of each policy; and,
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This Report contains our assessment of the Borough Council of King's Lynn and West Norfolk Local Plan Review (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised version of the NPPF was published in December 2024, alongside revisions to the Planning Practice Guidance (PPG), which, amongst other things, include a new standard method for calculating local housing need. The policies in the 2024 version of the NPPF apply to Local Plans from 12 March 2025. However, under the transitional arrangements in paragraphs 234 and 235 of the 2024 NPPF, because the Plan was submitted before this date, it is being examined under the relevant version of the NPPF at the time the Plan was submitted, which in this case is the July 2021 version. Therefore, unless stated otherwise, references in this Report are to the 2021 version of the NPPF.
3. The starting point for the Examination is the assumption that the local planning authority (LPA) has submitted what it considers to be a sound and legally compliant Plan. The Plan submitted in March 2022 is the basis for our Examination. It is the same document as was published for consultation in August 2021.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any Main Modifications (MMs) necessary to rectify matters that make the Plan unsound and/or not legally compliant, and thus incapable of being adopted. Our Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendices.
5. Following the Examination Hearing, the Council prepared two schedules of proposed MMs (Part 1 and Part 2) and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs schedules were subject to public consultation for eight weeks (Part 1) and six weeks (Part 2). We have taken account of the consultation responses in coming to our conclusions in this Report. In this light we have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and the SA or HRA that has been undertaken. Where necessary we have highlighted these amendments in the Report.

## Policies Map

6. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a Local Plan for Examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted Local Plan. In this case, the submission Policies Map comprises the set of 21 plans with a Key Map, identified as the King's Lynn and West Norfolk Local Plan Review Policies Map<sup>1</sup>.
7. The Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to the Policies Map are needed to ensure that the relevant policies are effective.
8. These further changes to the Policies Map were published for consultation alongside the MMs, entitled Proposed Changes to the Policies Map for King's Lynn and West Norfolk<sup>2</sup>. In this Report we identify any amendments that are needed to those further changes in the light of the consultation responses.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to replace the adopted Policies Map with the submission Policies Map, updated to include the further changes published alongside the MMs, together with any necessary amendments identified in this Report.

## Context of the Plan

10. The Plan is a full review of the King's Lynn & West Norfolk Borough Council Core Strategy (the CS) (2011) and the Site Allocations and Development Management Policies Plan (the SADMP) (2016). On adoption it will replace these two development plan documents with a single Local Plan and form the development plan for the Borough of King's Lynn & West Norfolk, together with the Norfolk Minerals and Waste Development Framework and the relevant made Neighbourhood Plans (NPs).
11. The Borough is the fourth largest district in England, covering an area of some 550 square miles with a population of around 152,000. Its largest town and main population centre is King's Lynn, which is the administrative and cultural centre of the Borough. The Borough also comprises the market town of Downham Market and the coastal resort of Hunstanton, and has a large rural area with more than 100 villages of varying sizes dotted along the coast and inland. The market town

---

<sup>1</sup> Core document A1/2

<sup>2</sup> Examination document F118



of Wisbech, which is located primarily within Fenland District, also fulfils the role of a local service centre for the western part of the Borough.

12. Although the Borough is predominantly rural, its main towns and settlements are well connected by road and rail. An electrified railway line and the A10 run north-south linking King's Lynn and Downham Market to Ely, Cambridge and London. The A47 trunk road and A17 run east-west through the Borough connecting to Leicester, Peterborough and the north Midlands to the west and Norwich and Lowestoft in the east.
13. The benefits of strong transport links are evident in the diversity of businesses and employment which the Borough supports in tourism, agriculture, food manufacturing and advanced engineering sectors. However, the accessibility of the Borough as a gateway to north and east Norfolk also generates high volumes of traffic, particularly in and around King's Lynn and along the north Norfolk coast, where some of the Borough's most sensitive heritage and environmental assets are found.
14. King's Lynn and West Norfolk is home to all or part of 15 internationally designated sites, made up of four Special Protection Areas (SPAs), six Special Areas of Conservation (SACs) and five Ramsar sites, which include rare coastal and heathland habitats. In addition, the Borough contains numerous heritage assets, including conservation areas, listed buildings, scheduled monuments and registered parks and gardens, and much of the Borough's coastline forms part of the Norfolk Coast Area of Outstanding Natural Beauty (AONB), now known as National Landscape. Most of the western part of the Borough also comprises low lying fenland, which is subject to tidal and fluvial flood risks from the River Great Ouse. These serve to constrain the opportunities for new development to meet the housing and employment needs of the Borough.

## **Public Sector Equality Duty**

15. Throughout the Examination, we have had due regard to the aims of the Public Sector Equality Duty expressed in S149(1) of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
16. There are specific policies in the Plan which seek to provide for the accommodation needs of Gypsies and Travellers and Travelling Showpeople (Policy LP28), housing for older people and those with other specialist care needs (Policy LP29), the design of accessible and inclusive environments (Policies LP18 and LP36), and to require a proportion of all new homes to be built to wheelchair accessible and adaptable standards (Policy LP30). In this way the disadvantages suffered by people who share a protected characteristic would be minimised and their needs met in so far as they are different to those without a relevant protected characteristic.
17. We deal with the soundness of the policies and site allocations which address the needs of those groups in the Report below. But, subject to the recommended

MMs, there is no compelling evidence that the Plan as a whole would bear disproportionately or negatively on people who share protected characteristics. Indeed, the Council submitted an Equalities Impact Assessment<sup>3</sup>, which demonstrates that the policies of the Plan would not have a negative impact on people with protected characteristics.

## Assessment of Duty to Co-operate

18. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
19. There has clearly been close co-operation over an extended period between the Council and its neighbouring authorities, along with Norfolk County Council, and other prescribed bodies on a number of strategic matters. This is confirmed by the Council's Duty to Co-operate (DtC) Statement<sup>4</sup>. It also sets out the strategic issues, along with the co-operation mechanisms and ongoing engagement undertaken.
20. At a regional level, there are a number of cross border co-operation initiatives, including ongoing alliances and discussions on strategic matters. These groups include the A47 Alliance; Wisbech Access Strategy Steering Group; Transport East; Ely Area Taskforce and Programme Board; the Wash and North Norfolk Marine Partnership; New Anglia Local Enterprise Partnership; and Water Resources East.
21. At the County level, the Council has been involved in a range of specific policy groups where Officers/Members could discuss strategic matters, including the Norfolk Coast Partnership (AONB); Norfolk Strategic Planning Framework; Norfolk Strategic Planning Officers' Group; Local Plan Liaison Meeting; and Norfolk Rail Group.
22. The strategic planning matters have been identified as: Strategic Flood Risk Assessment (SFRA); climate change; housing distribution; affordable housing; Gypsies and Travellers and Travelling Showpeople accommodation needs; transport; green infrastructure and Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS); Protection of SPA Species - Stone Curlews; potential for adverse impacts on Natura 2000 Sites (SPAs, SACs and Ramsar Sites) and Habitat Regulations Assessment [HRA]; landscape protection - Norfolk Coast Project (AONB); coastal management; Heritage Action Zone; Wisbech Fringe; Neighbourhood Plans; and, implementation. Appendix 1 of the Council's DtC Statement sets out how each of these strategic matters has been addressed through the DtC and various Statements of Common Ground (SsoCG) with the other Councils and prescribed bodies. It provides the background, evidence and process for reaching outcomes on each strategic matter, along with the arrangements for any necessary on-going co-operation.

---

<sup>3</sup> Core document A5

<sup>4</sup> Core document A6

23. Although issues around Policy LP20 Historic Environment and Policy E2.1 West Winch Growth Area remained unresolved at the time the Plan was submitted for Examination, it is apparent that the Council had been working with Historic England since 2016, through meetings, a site visit, formal consultation and informal discussions. As such, although agreement was not reached prior to submission, the Council had engaged constructively, actively and on an ongoing basis with Historic England on these strategic matters throughout the preparation of the Plan.
24. Policy F3.1 Wisbech Fringe – Land east of Wisbech (west of Burrettgate Road) forms part of a larger strategic cross-boundary site, that would provide an extension to the settlement of Wisbech, which is located in Fenland District. The Council has worked jointly with Fenland District Council, as well as with Cambridgeshire and Norfolk County Councils, the Cambridgeshire and Peterborough Combined Authority, Wisbech Town Council and Highways England, during the preparation of the Plan to bring forward this cross-boundary site as evidenced in the Council's DtC Statement. It is clear, therefore, that the Council has worked constructively, actively and on an ongoing basis with its neighbours and other prescribed bodies throughout the preparation of the Plan on this strategic matter.
25. Overall, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Local Development Scheme**

26. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The scope and content of the Plan is consistent with the King's Lynn & West Norfolk LDS published in January 2021. The LDS timetable was revised in June 2022 to correct the date on which the Plan was submitted for Examination, and again in April 2024<sup>5</sup> following the adjournment of the Examination between January 2023 and March 2024, to allow further work to be undertaken on the evidence base. However, these programme changes only concern the latter stages of the Plan Examination and adoption. Therefore, we are satisfied that the Council has met the legal requirement to prepare the Plan in accordance with the LDS.

### **Consultation**

27. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). The Council's Statement Regulation 22(1)(c)<sup>6</sup> provides a comprehensive record of the consultation undertaken at the various stages of preparation of the Plan.

---

<sup>5</sup> Core document A10

<sup>6</sup> Core document A7

28. This demonstrates that the Council consulted on the preparation and publication of the Plan in accordance with Regulations 18 and 19, using a range of electronic, written and face to face consultation methods as set out in the Council's Statement of Community Involvement (SCI)<sup>7</sup>. Whilst the Plan as submitted may not have satisfied the objections of some interested parties raised in representations made during the Regulation 18 stages of consultation, it is clear from the evidence provided that the Council took those representations into account in accordance with Regulation 18(3).
29. Overall, therefore, we conclude that the consultation on the Plan was carried out in accordance with the Council's adopted SCI and the Regulations.

### **Sustainability Appraisal (SA)**

30. The 2004 Act and 2012 Regulations<sup>8</sup> require LPAs to carry out an appraisal of the sustainability of a Local Plan, prepare a report of its findings, consult on it alongside the publication Plan and submit this with the Plan for Examination. Paragraph 32 of the NPPF requires that Plans should be informed throughout their preparation by an SA that meets the relevant legal requirements, including the Strategic Environmental Assessment (SEA) Regulations<sup>9</sup>.
31. The SA submitted with the Plan<sup>10</sup> included an appraisal of the sustainability of the draft Plan, but not of the pre-submission or publication version of the Plan. To rectify this omission, the Council prepared an SA Addendum<sup>11</sup>, which appraised the changes between the Draft and Publication versions of the Plan, and consulted on it post submission in July and August 2022. The SA was also updated to assess the MMs<sup>12</sup>.
32. Taken together, the SA documents are comprehensive and detail the appraisal work undertaken for each stage of the Plan preparation process. In terms of the SEA Regulations, the SA contains appropriate baseline information about the environmental, social and economic characteristics of the Borough and an outline of other relevant plans, policies and programmes<sup>13</sup>. It identifies the key sustainability issues for the Borough from which the SA objectives were evolved<sup>14</sup>. It uses a framework of 20 sustainability objectives and 11 site sustainability factors, covering the issues set out in the SEA Regulations, against which the policies and site allocations of the Plan were appraised and likely significant effects evaluated<sup>15</sup>. A Non-Technical Summary report was submitted alongside the SA Addendum<sup>16</sup>.

---

<sup>7</sup> Core document A9

<sup>8</sup> Sections 19(5) and 20(3) of the 2004 Act and Regulations 17, 19 & 22 of 2012 Regulations

<sup>9</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

<sup>10</sup> Core documents B1-B4

<sup>11</sup> Core documents B7 and B8

<sup>12</sup> Core documents B10-B13

<sup>13</sup> Parts C and B of SA Scoping Report (Core document B2)

<sup>14</sup> Part D of Core document B2

<sup>15</sup> Parts 3-6 of Local Plan Review SA report 2020 (Core document B3) and parts 3-5 of the SA Addendum (B7)

<sup>16</sup> Core document B8

33. The Plan's policies, and reasonable alternatives to them, were appraised on an equal basis and reasons given for rejecting the alternatives<sup>17</sup>. Three alternative growth options were appraised and seven spatial strategy options. The spatial strategy in Policy LP01 of the publication version of the Plan differs from the spatial strategy in the draft Plan. Whilst it was not subject to SA until after submission, the SA Addendum provided an objective appraisal of it on an equal basis to the alternative strategies, and provided reasons for its selection as the basis for the publication Plan. Other policies which were subject to change between the draft and publication versions of the Plan were reappraised in the SA Addendum. Overall, the changes taken together were shown to increase the sustainability of development proposed in the Plan and therefore its likely positive effects.
34. All site allocations were also appraised as part of the SA. The majority of these are existing site allocations in the adopted SADMP Plan, many of which already benefit from planning permission, and which the Plan proposes to carry forward. Whilst alternative sites identified through the 'Call for Sites' were assessed as part of the Housing and Economic Land Availability Assessment (HELAA), they were not appraised as reasonable alternatives to adopted sites being carried forward. We consider this to be a pragmatic and justified approach to sites which have already been found sound as part of the adopted Local Plan. New site allocations, such as those at the Growth Key Rural Service Centres (KRSCs) of Marham and Watlington, and at Terrington St. Clement, were appraised against reasonable alternative sites.
35. Overall, we are satisfied that a robust and proportionate SA of the Plan has been carried out, which has assessed the likely environmental, social and economic effects of the Plan and incorporates the requirements for SEA. Accordingly, we conclude that the SA work undertaken on the Plan is adequate.

### **Habitats Regulations Assessment (HRA)**

36. An HRA was undertaken of the publication Plan<sup>18</sup>, which included an Appropriate Assessment (AA), in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019. Screening identified that the Plan's policies and proposals could have likely significant effects on 19 internationally designated (European) sites, including the 15 which are located within or partly within the Borough.
37. Potential adverse effects on integrity include: the loss of supporting habitat functionally linked to European sites; the effects of urban development on nesting sites of Stone Curlews and other rare birds in or close to the Breckland SPA; the impacts of increased recreation on a number of SPAs, SACs and Ramsar sites; water-related impacts arising from increased abstraction or nutrient pollution on sites with rare coastal and riparian habitat; and air quality impacts on habitat and

---

<sup>17</sup> Part 4 of Core document B3

<sup>18</sup> Habitat's Regulations Assessment of the Local Plan Review pre-submission, May 2021 (Core document A4)

species arising from increased vehicle emissions along roads within 200 metres (m) of relevant sites.

38. However, the HRA concluded that adverse effects on integrity could be ruled out both alone and in-combination with the effects of other plans and projects outside of the Borough. In part this is due to the limited scale of development in proximity to the European sites, but also as a result of proposed mitigation measures, including the Norfolk-wide GIRAMS, a new local Air Quality Management Strategy (AQMS), a policy of nutrient neutrality, and requirements for project level HRAs on planning applications for development likely to have a significant effect on designated sites. Natural England (NE) were consulted on the HRA and confirmed that they were satisfied it meets the requirements of the Habitats Regulations, and supported the conclusion of no adverse effects on integrity, subject to the delivery of the GIRAMS.
39. A number of the proposed mitigation measures require MMs to the Plan to ensure they apply from adoption. This includes adding the requirements for project level HRAs, the GIRAMS, nutrient neutrality and the AQMS into relevant policies, such as Policy LP27 on HRAs. These form part of the proposed MMs recommended in this Report and are dealt with in the assessment of soundness below. The MMs were subject to further HRA<sup>19</sup>, which concluded that with the MMs in place, adverse effects on the integrity of the relevant European sites can be ruled out, both alone and in-combination.
40. NE were consulted on the MMs and the relevant HRA. Their representations suggest that certain sites, adverse effects or MMs have not been properly assessed in the HRA, and request that further HRA work be undertaken. We have carefully considered NE's representations, but find that the HRAs of the Plan as submitted and of the Plan with MMs are robust, and that their conclusions are rational and justified. As such, we are satisfied that further HRA work is not necessary for legal compliance. However, as part of the assessment of soundness below, we have made some amendments to the proposed MMs on certain policies to ensure they incorporate the recommendations of NE with regard to project level HRAs and other mitigation measures.
41. Overall, therefore, we are able to conclude that the potential likely significant effects of proposals in the Plan have been appropriately considered through the HRA, and that the Plan is legally compliant with respect to the Habitats Regulations.

### **Other Legal Requirements**

42. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the Plan area. Chapter 3 of the Plan contains a series of Strategic Objectives, which define the strategic priorities for the Borough. These include priorities for the economy, society, environment and places of King's Lynn and West Norfolk. The Plan contains policies setting out the spatial strategy and

---

<sup>19</sup> Core documents F120 and F124

site allocations for development in the main settlements and rural areas of the Borough, as well as policies to guide decisions for the economy, the environment and social and community issues, which clearly address the strategic objectives and priorities of the Plan. Taken as a whole, these meet the legal requirement under Section 19(1B) and 19(1C) of the 2004 Act.

43. Section 19(1A) of the 2004 Act also requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change. Several policies are designed to help ensure this. Policy LP06 establishes a strategic approach to minimising and reducing carbon emissions and mitigating and adapting to climate change. Other policies deal with individual elements of climate change, including reducing the need to travel and promoting sustainable transport (Policy LP13); protecting and managing coastal areas (Policies LP15-LP17); sustainable design (Policy LP18); protecting environmental assets (Policy LP19); managing and creating green infrastructure (Policy LP23); renewable energy (Policy LP24); managing flood risk (Policy LP25); and HRA (Policy LP27). We address the soundness of these policies below, but, taken as a whole, they meet the statutory requirement under section 19(1A) of the 2004 Act.
44. Regulation 8(5) of the 2012 Regulations, requires the Plan to make clear which policies of the adopted development plan it will supersede. Although the Council has confirmed that, once adopted, the Plan will replace the Core Strategy and the SADMP, this is not stated anywhere in the Plan. Accordingly, for legal compliance, a change is necessary to the supporting text in the 'Introduction' to the Plan to make this clear **[MM2]**. In addition, **MM372** and **MM374** to Appendix D of the Plan are necessary to make clear which policies of the existing adopted Local Plan will be superseded by policies in the Plan.
45. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## Assessment of Soundness

### Main Issues

46. Taking account of all the representations, the written evidence and the discussions that took place at the Examination Hearing, we have identified eight main issues upon which the soundness of the Plan depends. The remainder of this Report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

## **Issue 1 – 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**

47. The Plan period is set out in the submission Plan as being 2016-2036. National policy in paragraph 22 of the NPPF says that strategic policies should look ahead over a minimum 15 year period from adoption. However, on adoption there would be less than 12 years of the Plan period remaining. In order to ensure consistency with national policy, an amendment to extend the Plan period is necessary. Following the preparation of further evidence by the Council to underpin this change, particularly in respect of housing and employment needs and supply, it is proposed to roll forward and extend the Plan period to 2021-2040. We are satisfied that amending the Plan period to 2021-2040 would be justified and effective, and ensure consistency with national policy. Various changes are therefore necessary to the supporting text within the 'Introduction' and 'Vision and Objectives' sections of the Plan [MM1, MM2, MM3]. The implications of this for the calculation of housing and employment land needs and supply are considered below.

### **Housing Need and Requirement (Policy LP01)**

48. The standard method has been used to calculate the housing need for King's Lynn and West Norfolk and this is consistent with national policy. Policy LP01 of the submitted Plan refers to a need of 10,780 dwellings over the 20-year Plan period (2016-2036), which equates to a need for 539 new dwellings per annum (dpa). However, given the proposed change to the Plan period set out above, in order to be effective, the housing need has been recalculated applying the most up to date affordability ratios to the standard method calculation. This would result in an overall housing need and requirement of 10,526 dwellings over the amended 19-year Plan period (2021-2040), which equates to 554dpa. A change is therefore necessary to Policy LP01 and its supporting text for effectiveness to reflect this [MM5].

### **Spatial Strategy and Settlement Hierarchy (Policies LP01 and LP02)**

49. Policy LP01 sets out a spatial strategy for the Borough, which seeks to carry forward the distribution of development established in the adopted Local Plan, but with an increased emphasis on a north-south Strategic Growth Corridor along the A10/main railway line, supporting growth at King's Lynn, Downham Market and Watlington, as the Borough's most sustainable settlements. Other key components of the spatial strategy are for: further growth at Marham to support the continued presence of RAF Marham; the development of sustainable urban extensions at King's Lynn, including at the West Winch Growth Area (WWGA), and at Downham Market and Hunstanton; and locally appropriate levels of growth to take place in selected rural settlements.
50. Alongside this, Policy LP02 defines a settlement hierarchy, which ranks settlements in the Borough according to their size, range of services and capacity for growth, to ensure



that development occurs at an appropriate scale in the most sustainable locations, and that community facilities are maintained and enhanced. The hierarchy defines King's Lynn, including West Lynn, as a sub-regional centre; Downham Market and Hunstanton as Main Towns; North and South Wootton, West Winch and Wisbech Fringe as Settlements adjacent to King's Lynn and the Main Towns; Marham and Watlington as Growth KRSCs; and the remaining settlements in the rural areas of the Borough as either KRSCs, Rural Villages (RVs) or Smaller Villages and Hamlets (SVHs).

51. For a number of reasons the spatial strategy, distribution of housing growth and settlement hierarchy, as submitted and set out in Policies LP01 and LP02, are not justified as appropriate based on the evidence, effective, or consistent with national policy in enabling the delivery of sustainable development. We set out the reasons for this in our letter to the Council in January 2023<sup>20</sup>, but in summary the main issues are as follows.
52. Firstly, the proposed distribution of housing development in the submitted Plan does not align with the Strategic Growth Corridor, but rather would deliver an increased focus on growth at King's Lynn and the WWGA. Policy LP01 shows that 62% of the proposed housing would be located in and around King's Lynn, with 40% of the Plan's proposed housing growth directed to the WWGA. Comparatively limited housing development is proposed at Downham Market and Watlington, which have just 6% and 1% of the Plan's allocated housing, respectively. The concentration of growth at King's Lynn is justified, as a sub-regional centre and the largest and most sustainable settlement in the Borough in terms of services and access by a genuine choice of transport modes. However, the increased focus of growth in the rest of the Strategic Corridor is on the WWGA, rather than Downham Market and Watlington, which, with railway stations, appear to be more sustainable locations in transport terms. Consequently, the Strategic Growth Corridor is not justified, based on the evidence.
53. Secondly, the evidence to support the scale of increased growth proposed at the WWGA in the submitted Plan is inadequate. The WWGA was established as an appropriate location for strategic growth in the adopted Core Strategy and allocated for at least 1,600 dwellings up to 2026 in Policy E2.1 of the SADMP. However, it is clear in criterion A2 of the same policy that the potential for further development beyond 1,600 dwellings at WWGA is to be subject to future Plans. Policy E2.1 of the Plan the subject of this Examination allocates the WWGA for at least 2,500 dwellings within the Plan period, and up to 4,000 dwellings in the fullness of time. However, the evidence to justify the additional growth of 2,400 dwellings<sup>21</sup> and to demonstrate that its impacts on matters such as the transport network, air quality, heritage, ecological assets, landscape character and local amenity, are capable of being mitigated, was not submitted with the Plan. Therefore, the allocation of the WWGA for up to 4,000 dwellings is not justified as appropriate based on the submitted Plan and evidence.
54. Thirdly, the role of Downham Market within the Plan's spatial strategy is ambiguous. Paragraph 3.1.2 of the submitted Plan signals 'a shift towards encouraging

---

<sup>20</sup> Inspector's Letter and Note on Hearing Adjournment and Further Work, 30 January 2023 [G19 and G20]

<sup>21</sup> The difference between 1,600 and 4,000 dwellings.

development at Downham Market based on the sustainable nature of the settlement and the key role the town plays within the Borough, as opposed to the previous approach which sought to allow for a slower pace of growth'. This implies an increased rate of growth at Downham Market in the submitted Plan to 2036, compared to the current adopted Plan. However, whereas the adopted Core Strategy made provision for at least 2,710 dwellings at Downham Market in the period to 2026 (Policy CS04), the submitted Plan only provides for at least 390 dwellings up to 2036, on two sites (Policies F1.3 and F1.4) which were allocated in the SADMP. There are no new allocations at Downham Market in this Plan. As such, the level of housing growth allocated to Downham Market does not appear to be consistent with the role and vision for the settlement in the submitted Plan.

55. Fourthly, the status of Watlington and Marham as Growth KRSCs is not adequately justified in the submitted Plan. They are designated as such in Policies LP01 and LP02, because they are considered to be closely related to the Strategic Growth Corridor, and capable of accommodating a higher level of growth than previously. However, whilst Watlington is located within the A10/main railway line corridor, the Plan does not propose a higher level of growth at the settlement than in the adopted Local Plan, but simply rolls forward the existing housing allocation for 32 dwellings at Thieves Bridge Road. Marham, on the other hand, is not actually located within or close to the Strategic Growth Corridor, but to the east of the Borough. Whilst it is near to RAF Marham and the Council seeks to support the base by offering further housing options for its employees there, in reality the two housing allocations at Marham, Policies G56.1 and MAR1, which amount to only 85 dwellings, comprise a lower level of growth than is proposed at several other KRSCs that do not have a 'Growth' status. Therefore, based on the evidence, the designation of Watlington and Marham as Growth KRSCs is not justified as appropriate.
56. Fifthly, the spatial strategy for rural settlements in the Plan is unsound, in a number of ways. Policies LP01 and LP41 identify the KRSCs as a focus for most new development within the rural areas, with RVs expected to accommodate more modest levels of development. However, the Plan only proposes housing allocations at some of the KRSCs and RVs, most of which were allocated in the SADMP and are either completed or under construction. There are very few dwellings projected to come forward to meet rural housing needs after 2026/27. Paragraph 2.0.19 of the Plan says that the minimum scale of growth appropriate for each settlement will be specified in the Plan, but Policies LP01 and LP02 do not set out housing requirements for each settlement or NP area. Policy LP02 also changes the status of a number of rural settlements in the Settlement Hierarchy from that in the adopted Local Plan, but the evidence to justify a number of these changes is not clear in the supporting studies<sup>22</sup>.
57. Overall, the spatial strategy for rural settlements is based largely on carrying forward existing housing allocations from the SADMP and windfall provision under Policy LP31, rather than on any evidence of settlement needs over the Plan period. Paragraph 78 of the NPPF expects planning policies to be responsive to local circumstances and support housing developments that reflect needs in rural areas.

---

<sup>22</sup> Further Consideration of the Settlement Hierarchy [D21] and Update – dated 5 January 2023 [F38]

Paragraph 66 of the NPPF also expects strategic policies to set out a housing requirement for designated neighbourhood areas, which reflects the strategy for the pattern and scale of development and any relevant allocations. The Plan does not do this. As such, the spatial strategy for rural settlements and areas, as set out in the submitted Plan, is not justified as appropriate, based on the evidence, or consistent with national policy.

58. For all of these reasons, the Examination was adjourned in January 2023, to enable the Council to review the Plan's spatial strategy and settlement hierarchy, and undertake further work to address these issues of soundness. This work was published in the form of a series of topic papers and technical notes<sup>23</sup>, which were made available for public consultation from 8 September to 20 October 2023.
59. The further work proposes changes to the Plan to delete Policies LP01 and LP02 and their supporting text, and replace them with a New Policy - Spatial Strategy and Settlement Hierarchy, together with new supporting text and a revised Key Diagram. The New Policy and its supporting text were discussed at the resumed Examination Hearing sessions held in March and April 2024 and, following further amendment, were subject to consultation as part of the MMs from 7 August to 2 October 2024. We consider that these changes are necessary in order for the Plan to be justified, effective and consistent with national policy **[MM4, MM5]**.
60. The New Policy provides a clear spatial strategy for the delivery of growth and its distribution via a revised settlement hierarchy. Appropriate levels of housing and employment growth are defined for each settlement in the hierarchy, taking into account completions since the start of the Plan period and commitments in the form of extant planning permissions. The changes to the spatial strategy and settlement hierarchy include the deletion of the Strategic Growth Corridor and the Growth KRSC tier, which we have established above are not justified. Without these designations, the spatial strategy reflects the distribution of housing and employment growth in the Plan, with the main allocations in, or on the edge of, the largest and most sustainable settlements of King's Lynn, Downham Market, Hunstanton and Wisbech. Watlington and Marham are redesignated in the settlement hierarchy as KRSCs, consistent with the levels of housing growth proposed at each.
61. Although Downham Market and Watlington possess railway stations offering a wider choice of sustainable modes of transport, we are satisfied that the level of growth proposed at these two settlements is justified. In the case of Downham Market, this reflects the significant development the town has already experienced, and the number of dwellings granted planning permission on the two allocated sites. There is also little firm evidence to show that any further allocations are required at Downham Market to meet the town's development or infrastructure needs over the Plan period. In the case of Watlington, the level of growth proposed reflects the lack of facilities to support a much greater number of houses and jobs without substantial investment in infrastructure. This is illustrated in the Settlement Hierarchy Review<sup>24</sup>, which shows the service score for Watlington is

---

<sup>23</sup> Examination documents F47-F51

<sup>24</sup> Appendix 1 to the Topic Paper – Spatial Strategy and Settlement Hierarchy [Examination document F47a]

the same as for other KRSCs in the Borough, in terms of the level of facilities and services available to support housing growth.

62. With regard to the increased scale of housing growth proposed at the WWGA, the relevant Topic Paper<sup>25</sup> provides evidence to show that the provision of 4,000 dwellings on this site is necessary to ensure delivery of the West Winch Housing Access Road (WWHAR), which is integral to addressing capacity issues on the A10 through West Winch and a key piece of transport infrastructure in Policy LP13. The delivery of the WWHAR in full requires funding from the Department for Transport (DfT), the decision on which is reliant on the WWGA delivering 4,000 dwellings. Whilst a development of just 1,100 dwellings, with a direct link to the A47 could be viably delivered, the transport modelling for the WWGA shows that anything more than this number of dwellings would require the delivery of the WWHAR in full. As the site is already allocated for 1,600 dwellings, the full length of the WWHAR will be necessary, which, in turn, could not be viably delivered without funding from the DfT. It is clear that there is an inter-dependency between the scale of growth proposed at the WWGA and the delivery of the WWHAR, which provides a strong justification for 4,000 dwellings.
63. The evidence also confirms that 4,000 dwellings would provide the critical mass of housing necessary to support the level of on-site social and environmental infrastructure required to make the new community more sustainable and less car dependent. This includes a greater range and choice of day-to-day services and facilities, such as shops, primary schools, healthcare and community facilities, as well as bus services to connect the WWGA to higher order facilities and employment opportunities in King's Lynn. The additional facilities will also support the sustainability of nearby villages that lack local infrastructure provision. Allocation of the site for up to 4,000 dwellings will also provide for the longer term development needs of the Borough beyond the end of the Plan period.
64. The further technical work undertaken by the Council<sup>26</sup> demonstrates that, subject to a range of mitigation measures, the site area of the WWGA can accommodate up to 4,000 dwellings, in addition to community facilities, green space and infrastructure. We consider the MMs necessary to ensure the effectiveness of the mitigation measures, as part of our assessment of Policy E2.1 for the delivery of the WWGA below. But overall, we are satisfied that the allocation of the WWGA for up to 4,000 dwellings is justified as part of the spatial strategy and would be consistent with national policy in enabling the delivery of sustainable development. The full justification for the 4,000 dwellings is missing from the supporting text to Policy E2.1, and should be included so the allocation is justified **[MM115]**.
65. The revised settlement hierarchy in the New Policy retains six of the seven settlement tiers contained in Policy LP02 of the submitted Plan, except for the Growth KRSC tier, and it amends the status of a number of settlements. The reasons for these changes are set out in the Settlement Hierarchy Review in the Appendices 1 and 2 to the relevant Topic Paper<sup>27</sup>. We are satisfied that the

---

<sup>25</sup> Paragraphs 129-131 of Examination document F51

<sup>26</sup> West Winch Growth Area Topic Paper and Appendices, August 2023 [Examination documents F51 and F51a-k]

<sup>27</sup> Appendices 1 and 2 to the Topic Paper – Spatial Strategy and Settlement Hierarchy [F47 & F47a]

methodology for the review is robust, and, with a few exceptions, that the changes to the settlement hierarchy are justified, as follows.

66. Tier 1 comprises King's Lynn as the Sub-Regional Centre and the main focus for growth. This now includes the WWGA, as an urban extension to King's Lynn, along with the suburbs of Gaywood, Hardwick and South Lynn, which historically have formed extensions to King's Lynn. However, West Lynn has been redesignated as a Tier 3 Settlement adjacent to King's Lynn and the Main Towns, along with North and South Wootton, the existing village of West Winch, and Walsoken adjacent to Wisbech. Tier 3 settlements are functionally related to King's Lynn and Wisbech, but have their own character which marks them out as separate and distinct places. It is clear that West Lynn fulfils this description, so its inclusion in Tier 3 of the hierarchy is justified.
67. Tier 2 comprising the Main Towns has been amended to include Wisbech Fringe, as a major urban extension to Wisbech, alongside Downham Market and Hunstanton. This is justified given the role of Wisbech in providing a significant range of local employment, retail, services and facilities to serve the needs of settlements in the west of the Borough. We have made a minor amendment to the wording of MM5, as consulted on, to ensure that Wisbech Fringe is included as one of the most sustainable locations in the Borough. Hunstanton remains in Tier 2, and we are satisfied that its range of facilities and employment opportunities enable it to fulfil the function of a Main Town in serving the day-to-day needs of its residents and surrounding lower tier settlements.
68. Tier 4 is made up of the KRSCs, which now include Marham and Watlington. For clarity, Marham and Upper (RAF) Marham is identified as a settlement cluster, given their facilities combine to support the day-to-day needs of the residents of both villages. The change in the status of East Rudham, Southery and Marshland St James/St John's Fen End with Tilney Fen End from KRSCs to RVs is justified by their limited range of services and facilities, evidenced by service scores of less than 10 points. However, the proposal in the submitted Plan to sever West Walton and Walton Highway from their classification as a linked or joint KRSC in the adopted Core Strategy, has not been justified by the evidence. The two villages are next to each other and there has been little change in the level of services that they share. A combined services score of 15 points justifies their retention as a linked KRSC.
69. Tiers 5 and 6 comprise the RVs and SV&Hs respectively, which provide a limited range of services. Based on the review of the hierarchy, the New Policy includes a number of changes to the settlements in each of these tiers, from those set out in Policy LP02. Burnham Overy Staithe and Walpole Cross Keys are redesignated from RVs to SV&H, which is justified on the basis that their services scores are less than six points. Tilney All Saints remains as a RV, but is amended to include Tilney High End, as the two are linked settlements within the same parish. North Creake, Pentney, South Creake, Stanhoe, Tottenhill and Whittington are all moved up in the hierarchy from SV&Hs to RVs, based on services scores of six points in the Settlement Hierarchy Review.

70. The spatial strategy for rural settlements is now clearly defined in the New Policy with an appropriate level of housing identified for each settlement based on completions, commitments and allocations in the Plan or NPs. This, combined with the New Policy for Residential Development on Windfall Sites, discussed below, should help to support the sustainable growth and vitality of rural services and communities, whilst retaining the identity, character and distinctiveness of individual settlements.
71. As part of the further work undertaken by the Council in 2023, a technical note was published to summarise the transport studies and strategies which informed the spatial strategy and development proposals in the Plan<sup>28</sup>. Based on that evidence, and the discussions on it at the Resumed Examination Hearing sessions, we are satisfied that the Borough's transport network would have the capacity to support the proposed spatial distribution of development in the Plan, with the range of transport mitigations and interventions proposed in the Plan as modified.

### **Residential Development on Windfall Sites**

72. The proposed housing supply relies on the delivery of over 3,000 dwellings from windfall sites. Whilst this is based on evidence of past completions on windfall housing sites, the policy framework in the submitted Plan is restrictive towards residential development on unallocated sites in rural areas and outside of settlement boundaries. Policies LP04 (Development Boundaries), LP31 (Residential Development Reasonably Related to Existing Boundaries) and LP41 (Development in Rural Areas) restrict residential development to sites within defined settlement boundaries, and only on sites outside of those boundaries if it constitutes an exception scheme, rural workers housing, small scale infilling or rounding off of boundaries. It is not clear that such a policy framework would deliver the type and scale of windfall housing development than has been permitted in the Borough in the past. As such, the policies on windfall housing are not positively prepared or likely to be effective in delivering this element of the housing supply over the Plan period.
73. A New Policy on Windfall Development is therefore required **[MM6]** replacing Policies LP04, LP31 and LP41, which are to be deleted **[MM9, MM67, MM274]** in order for the Plan to be positively prepared and effective. The New Policy sets appropriate criteria for determining residential proposals on unallocated sites both within and outside of development boundaries. It establishes thresholds for the scale of housing development that can be considered on windfall sites at larger settlements in Tiers 1-4 of the hierarchy, with schemes above those thresholds to be brought forward through Local or NP allocations. For the smaller rural settlements in Tiers 5 and 6, the New Policy directs that residential development outside of settlement boundaries should be brought forward through Local or NP allocations. That is except for small scale schemes of up to 5 dwellings at RVs, where there is a NP housing requirement and there are no opportunities within the development boundaries or NP allocations. As such, this New Policy would be positively prepared, and, along with other rural development policies in the Plan, would be

---

<sup>28</sup> Update on Technical Note on Transport Evidence [Examination documents F48, F48a and F48b]

effective in enabling the delivery of sustainable development in the rural areas of the Borough, whilst respecting the character and identity of rural settlements. A minor change has been made to the wording of Criterion B of this New Policy in MM6, as consulted on, to make it clear that Tier 3 Settlements are those adjacent to King's Lynn and the Main Towns for consistency with other elements of the settlement hierarchy listed.

74. Development boundaries for all settlements in each tier of the Hierarchy have been defined on the Policies Map. Boundaries for Tier 1-5 settlements were defined at the time of the SADMP and have been reviewed by the Council in preparing this Plan to take account of changes to settlement edges on the ground. For SV&Hs, development boundaries were defined for the first time in the Policies Map accompanying the publication Plan. A number of boundary changes were agreed by the Council following consultation on the Plan at Regulation 18 stage, which are set out in the Development Boundary Changes paper<sup>29</sup>. Further boundary changes were discussed and agreed at the Examination Hearing, to ensure a consistency of approach in including buildings which are located within the built up envelope of villages and to include site allocations. These are set out within the Policies Map Changes, which were subject to consultation alongside the MMs. With those changes in place, the Development Boundaries would be positively prepared and enable the New Policy on Windfall Development to be justified and effectively applied.

### **Neighbourhood Plans (NPs)**

75. Paragraph 66 of the NPPF expects strategic policies to set out a housing requirement for designated neighbourhood areas, which reflects the strategy for the pattern and scale of development and any relevant allocations. However, the submitted Plan does not provide this. Therefore, to ensure the Plan is consistent with national policy in this regard and positively prepared in making provision for neighbourhood areas, a New Policy for Neighbourhood Plans is necessary setting out the housing requirement for each neighbourhood area **[MM7]**.
76. For clarity and effectiveness, and so that the New Policy is justified, the methodology for calculating the neighbourhood housing requirements should also be included in the Plan as a new Appendix **[MM376]**. To ensure it reflects the strategy for the pattern and scale of development and relevant allocations, the methodology is based on an apportionment of the Plan's total windfall allowance of 3,081 dwellings, using a formula which apportions the windfall to each settlement tier based on the proportion of committed and allocated growth being accommodated by that tier, and the proportion of households located in the parish. The same methodology should be applied to provide an indicative housing requirement for any future neighbourhood area not yet designated.
77. For clarity and effectiveness, and to avoid any ambiguity, Appendix I of the Plan, as submitted, on Neighbourhood Plans should also be deleted **[MM375]**.

---

<sup>29</sup> Core document E8

### **Presumption in favour of Sustainable Development (Policy LP03)**

78. Policy LP03 sets out a presumption in favour of sustainable development. However, it is not consistent with the presumption as set out in paragraphs 11c) and 11d) of the NPPF, which do not include the words 'unless material considerations indicate otherwise'. This phrase occurs in Section 38(6) of the Planning and Compulsory Purchase Act 2004, as part of the presumption in favour of the development plan, which paragraph 12 of the NPPF confirms is not changed by the presumption in favour of sustainable development.
79. Accordingly, **MM8** is necessary to ensure that Policy LP03 is consistent with national policy. However, the wording of the presumption was amended in the NPPF published in December 2024. Therefore, to ensure that the wording of Policy LP03 remains consistent with national policy following adoption of the Plan, we have amended the wording of MM8, as consulted on, to accord with the presumption as defined in paragraphs 11c) and d) of the December 2024 version of the NPPF. However, this amendment does not significantly alter Policy LP03.

### **Implementation (Policy LP05)**

80. Policy LP05 forms an overarching policy for the provision of infrastructure required to support development proposed in the Plan, to be funded and delivered through a combination of the Council's Community Infrastructure Levy (CIL), developer contributions negotiated through Section 106 agreements, and Government funding programmes. Whilst Policy LP05 is positively prepared, for the following reasons it does not meet the other tests of soundness.
81. Parts 2 and 4 of the policy establish that CIL will be used to support Borough-wide infrastructure projects, which are detailed in other policies in the Plan. However, the wording of part 4 of the policy in this regard is ambiguous, and requires amendment so it is evident to decision makers how it should be applied to proposals **[MM10]**.
82. Part 3 of Policy LP05 deals with planning obligations under Section 106 agreements, which will be used to negotiate on-site infrastructure required for individual developments. To ensure the application of this part of the policy is consistent with national policy, additional wording is necessary to make clear that all obligations must meet the tests set out in the NPPF and the CIL Regulations **[MM10]**.
83. Part 3 of the policy also lists the types of infrastructure that will be required, with details contained in the Infrastructure Delivery Plan (IDP), along with the IDP for WWGA, the Norfolk Strategic IDP 2020 and East Wisbech Broad Concept Plan 2018<sup>30</sup>. Together these provide an adequate evidence base for the infrastructure required to support the Plan. However, for clarity, the IDP needs to be referred to in the policy **[MM10]**. Minor changes have been made to the wording of this part of MM10, as consulted on, to ensure it is grammatically correct, clear and effective.
84. With regard to the list of infrastructure in part 3 of the policy, public art, 5G mobile technology and fibre broadband are included, but they are not identified in the IDP or established in other policies in the Plan as required infrastructure. As such,

---

<sup>30</sup> Core documents F24, D18 and D38



there is no evidence they would be necessary to make development acceptable in planning terms. Accordingly, they would not meet the statutory tests for planning obligations, and should be deleted **[MM10]**.

85. The provision of infrastructure for emergency services is also listed in part 3, which is justified. However, the specific inclusion of crime prevention as one type of emergency service is not justified and may have the effect of prioritising it over the other emergency services. Accordingly, for effectiveness it should be deleted **[MM10]**. We note the extensive representations on this MM from local healthcare providers, but are satisfied that health facilities and emergency services are included in the list of infrastructure requirements in part 3 of Policy LP05.
86. Green infrastructure is not included in the list in part 3, but is an infrastructure requirement under Policy LP19. For clarity and effectiveness, it should be added to the list to ensure green infrastructure does not assume a lower priority than other types of infrastructure in negotiations over planning obligations **[MM10]**. Part 6 of Policy LP05 also requires amendment so it is clear that financial contributions will be used to fund infrastructure priorities set out in policy and the IDP **[MM10]**.
87. Part 8 of Policy LP05 provides for the phasing of developer contributions, and the payment of commuted sums where provision of infrastructure on site is not possible. However, the text is not sufficiently clear and effective in two areas: firstly, in ensuring that the infrastructure required to support new development will be implemented in time to provide the additional capacity needed to avoid undue additional pressure on existing infrastructure; and, secondly, in allowing for infrastructure to be provided off-site. For effectiveness, therefore, amendments are necessary to part 8 to address these points of soundness **[MM10]**.
88. Part 9 of Policy LP05 allows for infrastructure contributions to be reduced, where they may impact on the viability of a development scheme. However, the wording is not consistent with national policy on the consideration of such contributions in decision making<sup>31</sup>, which requires applicants to justify the need for viability assessment at the application stage, where up-to-date policies set out the contributions expected from development, which in turn were underpinned by viability evidence. Accordingly, part 9 requires amendment to ensure it is consistent with national policy **[MM10]**.
89. With regard to the viability evidence underpinning the proposed contributions in the Plan, allowances for Section 106 agreement costs and CIL payments for infrastructure have been factored into the Viability Appraisal (VA)<sup>32</sup>, alongside policy and affordable housing costs, and other development cost assumptions. Based on the evidence before us, we are satisfied that the VA is both thorough and robust. The appraisal results show a sufficient range of residential schemes would be capable of being viably developed, provided there is flexibility in the policies for affordable housing and Section 106 contributions to enable contributions to be reduced on viability grounds.
90. Criterion 5f of Policy LP05 allows for reduced contributions from community or social development, but there is no evidence in the VA that this type of development would

---

<sup>31</sup> In paragraph 58 of the 2021 version of the NPPF (paragraph 59 of the 2024 NPPF)

<sup>32</sup> Local Plan Review – Viability Update, April 2021 [Core document D1]

be viably able to support any infrastructure contributions. Accordingly, Criterion 5f should be deleted, so the policy is justified **[MM10]**. Subject to this, and the MMs discussed above, we are satisfied that there is sufficient flexibility in Policy LP05 for infrastructure contributions to be reduced, if necessary, on viability grounds. We consider Policy LP28 on affordable housing elsewhere in this Report.

91. MM10 also includes a requirement for applicants to pay for the independent verification of VAs submitted at the planning application stage. However, on reflection, including such a requirement in the policy is not necessary for soundness, and, therefore, we have deleted it from the MM as it was published for consultation.

### **Climate Change (Policy LP06)**

92. Policy LP06 comprises an overarching policy intended to ensure that development is designed to mitigate and adapt to climate change, and thereby support the transition towards net zero by 2050. As such, the overall ambition of the policy is consistent with national policy in chapter 14 of the NPPF. However, the detailed wording of Policy LP06 and its supporting text fail the tests of soundness in a number of ways, and therefore requires modification, as follows.
93. Firstly, the policy itself is lengthy, with 20 criteria, many of which duplicate requirements set out in other policies in the Plan or in other legislation. For example, Criteria 4 and 6 specify requirements for electric vehicle charging points and reduced carbon emissions, which are now contained in Parts S and L of the Building Regulations, respectively. Similarly, Criteria 2, 3, 12, 13, 15, 17 and 18 repeat the requirements of other policies in the Plan for travel plans, sustainable transport systems, managing and mitigating the impacts of coastal erosion and flood risk, green infrastructure, promoting social interaction and biodiversity. Paragraph 16f) of the NPPF is clear that policies should avoid unnecessary duplication of policies, including national policy. Accordingly, these criteria should be deleted from Policy LP06 **[MM15]**.
94. Secondly, Policy LP06 requires the submission of a Sustainability and Climate Change Statement (SCCS) with all planning applications for five or more dwellings and non-residential developments of over 500sqm. However, these thresholds are not justified in the Plan or in the evidence submitted with it. Accordingly, **MM15** revises the thresholds for SCCSs to developments for sites of 1ha in size or more, which is consistent with the definition of major development in national policy and, therefore, justified as appropriate.
95. Thirdly, the supporting text to Policy LP06 is overly long, with a lengthy discourse on the background to, and legislation for, climate change globally and nationally, which is not necessary to justify the policy. To ensure the reasoned justification for Policy LP06 is clearly written and effective, the supporting text should be revised and reduced in length **[MM11, MM12, MM13, MM14]**. Other amendments are necessary to update the supporting text in respect of the Government's guidance on climate change allowances in Flood Risk Assessments (FRAs), in order to ensure consistency with national policy **[MM11, MM12, MM13, MM14]**.

## Conclusion

96. Subject to the MMs set out above, the spatial strategy of the Plan is positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development, including in respect of the proposed housing requirement.

## **Issue 2 – 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 (Policy LP07)**

97. Policy LP07 sets out the overall strategy for the Borough's economy, including the provision of new, and the retention of existing, employment land for business, industrial and distribution uses, and the policy for rural employment sites, tourism, leisure, town centre uses, skills and training.
98. With regard to the provision of new employment land, the Plan, as submitted, allocates 71ha of new land for business, industrial and distribution uses, comprising existing allocations rolled forward from the adopted SADMP and an additional site at Estuary Road in King's Lynn (Policy E1.12-EST). The HELAA<sup>33</sup> shows that this amount of land would generate sufficient new jobs to support demand arising from the additional housing proposed in the Plan, and would equate to around 20 years of supply based on average take up rates in the Borough. Accordingly, we are satisfied that an adequate supply of employment land would exist to meet needs over the Plan period, and that no further allocations are required. However, to avoid ambiguity about the status of these sites, maintaining the undeveloped allocations from the SADMP needs to be more clearly explained in the supporting text to Policy LP07 **[MM17, MM18]**.
99. In terms of the spatial distribution of new employment land, 75% (53ha) of the proposed supply would be located in King's Lynn, as a sub-regional centre, and 24% (17ha) at Downham Market, as the next largest town in the Borough, with the remaining 1ha (1%) at Hunstanton, the other main town. This would result in a greater concentration of employment land in King's Lynn and Downham Market than the proposed distribution of housing. However, these are the two most accessible settlements in the Borough by road and rail transport, where the largest proportions of housing growth are proposed to take place. As such the proposed distribution is justified as an appropriate strategy, taking account of the reasonable alternatives and based on the evidence.
100. An allocation of 1.8ha of employment land at Boal Quay was identified during the course of the Examination, to quantify the employment component of the mixed-use allocation envisaged for this site under Policy E1.5. Also 1ha of employment land is proposed as part of the mix of uses at the WWGA, set out in Policy E2.1. For clarity

---

<sup>33</sup> Core document C1

and effectiveness, these need to be included in the list of employment allocations at King's Lynn in the supporting text to Policy LP07 **[MM19]**.

101. The supporting text to Policy LP07 also identifies a significant commitment in the form of an extant planning permission for 23ha of employment land at Bexwell to the east of Downham Market, which is not formally allocated in the Plan. Given the strategic importance of this site in supporting the growth of the Bexwell Business Park, and its contribution to the Borough's employment land supply identified in the HELAA<sup>34</sup>, it should be allocated, as set out later in the Report, to ensure the Plan is positively prepared and effective. Accordingly, Policy LP07 and its supporting text require amendment to include this allocation and to update the employment land supply figures to exclude completed phases of the proposed allocations **[MM19, MM20, MM21]**.
102. We note that there is also a proposal for a new water service reservoir on land to the east of the A10 at Bexwell, the site area for which overlaps with the allocation. However, the allocation reflects the site area for the extant planning permission, and the water company has confirmed their desire to work with the Borough Council to ensure the new service reservoir can be accommodated in a way that is compatible with the proposed new employment allocation. Accordingly, no change to the Plan in this respect is necessary.
103. Three of the Borough's main employers are located within the rural area. These are: the National Construction College at Bircham Newton; the British Sugar Factory at Wissington; and RAF Marham. Given the strategic importance of these major established employment sites, the Local Plan includes a separate policy (LP10) to address their future development needs, which we address below. However, in order that the overall employment strategy in the Plan is positively prepared and justified in respect of these three major employers, they should also be referenced in the supporting text to Policy LP07 as locations for employment growth **[MM18]**.
104. Parts 7 and 8 of Policy LP07 identify the circumstances in which new employment development would be considered in the rural areas, through a rural exception site approach. However, it is unclear that this includes provision for the expansion or diversification of existing rural businesses. For clarity and effectiveness, therefore, a change to Criterion 7 is necessary **[MM21]**.
105. Part 9 of Policy LP07 seeks the retention of existing employment sites in employment uses, with proposals for alternative uses subject to a criteria-based approach. Criterion 9a requires applicants to demonstrate that a site is no longer viable for employment uses. However, viability is not listed in the PPG as one of the factors to be taken into account in considering whether there is a realistic prospect of a site being developed for its intended use<sup>35</sup>. Criterion 9c also allows for alternative uses which offer greater potential benefits in 'delivering the Council's regeneration agenda', but it would not be clear to a decision maker what this

---

<sup>34</sup> Core Document C1

<sup>35</sup> PPG Paragraph: 001 Reference ID: 66-001-20190722

means. Accordingly, to ensure Policy LP07 is effective and consistent with national policy on these points, the wording of part 9 requires amendment **[MM21]**.

106. Part 4 of Policy LP07 requires a change to make it clear that the policy approach on retail development is set out in Policy LP08 rather than the Settlement Hierarchy policy **[MM21]**. Parts 5 and 6 Policy LP07 support the growth of the visitor economy, including the development of tourist accommodation, subject to their effect on the natural environment, amongst other things. For effectiveness, the supporting text to the policy requires amendment to make clear the need for project level HRAs for such development proposals **[MM16]**.

### **Retail Development (Policy LP08)**

107. The Retail Overview for King's Lynn town centre<sup>36</sup> concluded that the Plan should provide for up to 20,000sqm of additional retail floor space in King's Lynn, as a primary sub-regional centre. However, this was based on a pre-Covid analysis of retail trends and needs. Due to the impact of the pandemic on retailing in King's Lynn town centre, the submitted Plan confirms the proposal for 20,000sqm of additional floorspace has been withdrawn. Instead, the strategy is for the redevelopment and/or re-use of vacant units in, and a range of other measures to improve the attractiveness of, King's Lynn, Downham Market and Hunstanton town centres. This is clearly set out in part 1 of Policy LP08 and the supporting text, and is justified as an appropriate strategy, based on the evidence.
108. Parts 2 and 3 of Policy LP08 apply the sequential test set out in national policy to proposals for new retail development in the Borough, prioritising locations within the existing centres, followed by edge of centre and out of centre locations. However, paragraph 5.2.4 of the supporting text is not consistent with the wording of national policy in paragraphs 86-88 of the NPPF in respect of the sequential test, and accordingly requires amendment to ensure that it is consistent **[MM22]**. For effectiveness, the supporting text at paragraph 5.2.5 also needs to identify Gaywood Clock as a district centre to which the sequential test applies **[MM22]**.
109. Part 3 of Policy LP08 requires an impact assessment for retail proposals of more than 2,500sqm on out of centre sites, which is in line with paragraph 90 of the NPPF. In the Hardwick area of King's Lynn, because of the significant amount of out of centre retail development there already, the policy states that proposals for any scale of new retail floorspace would need to demonstrate they would not undermine the vitality and viability of the town centre. However, this zero threshold is not justified by the evidence set out in the Retail Overview. Therefore, the Council prepared and consulted on further work on this threshold<sup>37</sup>, which recommends a floorspace threshold of 500sqm for the Hardwick area, based on evidence of the size and number of anchor units in King's Lynn town centre. We are satisfied that such a threshold is proportionate and justified, based on the evidence. For soundness, Criterion 3 of Policy LP08 and the supporting text need to be amended accordingly **[MM22, MM23]**. We have amended MM23, following

---

<sup>36</sup> Retail Overview: King's Lynn Town Centre - Background Paper, May 2017 [Core document D19b]

<sup>37</sup> Note on Retail Impact Threshold for Hardwick Road Area, April 2023 [Core document F49]

consultation, to include reference to the Hardwick area being shown on the Policies Map for clarity and effectiveness.

110. The changes to the supporting text also include a new paragraph to make clear that the retail impact test thresholds should apply to applications for change of use and variation of conditions that would result in an increase in retail floorspace **[MM22]**. We are satisfied this change is justified by the evidence, and is necessary for clarity and effectiveness. However, we have amended the wording of this new paragraph, as set out in the consultation version of the MMs, to delete the final sentence which duplicated wording in paragraph 5.2.7 of the Plan.
111. Part 4 of Policy LP08 sets out the policy on proposals for local scale retail and service provision, specifying that units must be 'small scale' so as not to undermine the viability of the town centres. 'Small scale' is defined as not more 500sqm. However, this floorspace limit is not justified by the evidence submitted with the Plan. The Council reviewed the evidence for this and proposed a threshold of 280sqm for individual local scale retail and service units, which is consistent with the definition of local community retail uses in the Use Classes Order<sup>38</sup>, and at a scale unlikely to undermine the vitality and viability of town centres. Accordingly, relevant changes to Criterion 4 and the supporting text are necessary to ensure that the strategy for local scale retail and service facilities in Policy LP08 is justified as appropriate **[MM22, MM23]**.
112. In the Appendix to this Report, we have removed paragraphs 5.2.6 and 5.2.8 of the supporting text from MM22, as although they were included in the consultation version of the MMs, they are not subject to any changes.

### **Touring and Permanent Holiday Sites (Policy LP09)**

113. Policy LP09 proposes a criteria-based approach for determining proposals for new holiday sites, in support of the overall strategy in Policy LP07 to improve and enhance the visitor economy, whilst protecting the landscape, ecological and heritage assets of the Borough. However, as submitted, the policy is not sound, for the following reasons.
114. Firstly, the definition of holiday sites within the policy and supporting text is not consistent. For clarity and effectiveness, it is necessary to use a single term, 'holiday sites', to refer to the different forms of holiday accommodation, and to define it once in the supporting text **[MM24, MM26]**. Secondly, part 1 of Policy LP09 is negatively worded in respect of holiday sites, which is not consistent with the expectation of national policy that planning policies should support sustainable rural tourism. To ensure the Plan is positively prepared and consistent with national policy in this regard, part 1 of the Policy LP09 should be positively worded **[MM26]**. For effectiveness, Criterion 1c of the policy also requires amendment to make clear that proposals must demonstrate safe access via a transport assessment **[MM26]**.
115. Thirdly, part 2 of Policy LP09 is not consistent with national policy on the approach to minor development proposals within National Landscapes (NLs) (formerly

---

<sup>38</sup> Class F2 of The Town and Country Planning (Use Classes) Order 1987 (as amended)

AONBs) and their settings. Paragraph 176 of the NPPF is clear that development within NLs should be limited in scale and extent and that, within the setting of NLs, it should be sensitively located and designed to avoid or minimise adverse impacts. However, it does not require minor development to have 'no negative impact' as expected in part 2 of the policy. Accordingly, changes are required to part 2 of the policy and the supporting text in paragraph 5.3.4, and to reflect the change in national policy terminology from AONBs to NLs [MM24, MM26].

### **Development associated with the National Construction College site, Bircham Newton (CITB), British Sugar Factory, Wissington and RAF Marham (Policy LP10)**

116. Policy LP10 recognises the roles of the National Construction College at Bircham Newton, the British Sugar Factory at Wissington, and RAF Marham as key local employers and centres of excellence for construction and advanced engineering. As submitted the policy gives positive support to new development at these sites, but is ambiguous as to whether this includes both operational and non-operational development. In relation to non-operational development, it is unclear whether this includes, for example, renewable energy projects to reduce on-site CO<sub>2</sub> emissions. Clarity on these matters would assist the site owners in planning for the future enhancement and growth of their operations, and ensure Policy LP10 is effective in delivering sustainable economic development at these sites. For these reasons **MM27** and **MM28** are necessary to part 2 of the policy and the supporting text.

### **Conclusion**

117. Subject to the MMs set out above, the Plan is positively prepared, justified, effective and consistent with national policy in respect of its policies and proposals for the economy of King's Lynn and West Norfolk.

## **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 transport in King's Lynn and West Norfolk?**

### **Strategic and Major Road Network (Policy LP11)**

118. Policy LP11 refers to the Strategic Road Network (SRN) within the Borough and sets out the requirements for the provision of vehicle access and side roads leading onto the SRN. The wording of this policy is not consistent with paragraph 111 of the NPPF which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. As such, a change is necessary to Policy LP11 to ensure that it is consistent with this element on the NPPF [MM29].

119. Reference is also made within Policy LP11 to the requirement for a Transport Assessment [TA] in appropriate cases and to Policy LP13 in the Plan which sets out the transport requirements for development proposals. For clarity and therefore effectiveness, reference to the requirement for a TA or Transport Statement should be included within Policy LP13, which deals with the transport network as a whole, rather than solely the SRN as set out in Policy LP11. A

change is therefore necessary to delete the reference to the requirement for a TA and the cross reference to Policy LP13 in Policy LP11 **[MM29]**. The corresponding change to Policy LP13 is set out below.

### **Disused Railway Trackways (Policy LP12)**

120. Policy LP12 of the Plan seeks to safeguard existing and former railway tracks and routes from development which would prejudice their potential future use for paths, cycleways, bridleways, new railway facilities etc. Alongside the policy, in the supporting text is a series of plans which identify the routes to be safeguarded. During the Examination, it became apparent that the Disused Railway Trackway – Denver to Wissington was incorrectly shown passing through an existing factory site. As such, a change is required to this plan for effectiveness to accurately reflect the position on the ground **[MM30]**.

### **Transportation (Policy LP13)**

121. Policy LP13 sets out the strategic transport issues and priorities for the Plan, as well as the approach to dealing with transport issues in new development. Following the adoption of the Norfolk County Council Local Transport Plan [LTP] in July 2022, which covers the period 2021 to 2036, references to the LTP in the supporting text to the policy should be updated to reflect this and details around its strategy and policy framework for transport should be included for clarity and effectiveness **[MM32]**.
122. The King's Lynn Transport Strategy [KLTS] was adopted in 2020. Although the Plan makes reference to this document in the supporting text to Policy LP13, it focusses on the studies undertaken to inform the strategy, rather than the strategy itself. As such, in order for the Plan to be justified and effective, changes are required to the supporting text to make it clear that the KLTS was devised to unlock the significant potential of King's Lynn by identifying transport barriers to growth and economic development and set out transport interventions to address these **[MM32]**. Furthermore, for clarity and effectiveness, the specific transport improvements proposed by the KLTS should be included in Policy LP13, along with a commitment to improve public transport connectivity through enhanced integration between bus and rail services at King's Lynn, Downham Market and Watlington to be consistent with local and national policy which seek to promote sustainable transport **[MM34]**.
123. In addition, given that the KLTS is currently being updated, reference to the proposed timescale for this work, along with its scope, vision and objectives, should be included in the supporting text for clarity and effectiveness. This is necessary in order to set out the relevant strategic transport interventions and sustainable transport measures to address the capacity issues identified in the transport modelling **[MM32]**.
124. Furthermore, as set out above in respect of Policy LP11, changes to the supporting text and Policy LP13 are necessary to include details around the requirement for a TA or Transport Statement in respect of development proposals which give rise to transport implications either in isolation or cumulatively with other development



proposals. These changes are necessary to ensure that the Plan is effective [MM31, MM34].

125. Following the deletion of the Growth KRSCs, as set out above, reference to these should be removed from the supporting text to Policy LP13 for clarity and effectiveness. In addition, as the Market Town Network Improvement Strategies have now been conducted, reference to these within the supporting text should be updated for clarity and effectiveness [MM33].

#### **Parking Provision in New Development (Policy LP14)**

126. The requirements for parking provision in new development are set out in Policy LP14. For residential development, the policy enables the consideration of reduced car parking requirements in town centres and other urban locations where it can be shown that the location and availability of sustainable transport links is likely to lead to a reduction in car ownership. Nevertheless, there may be areas of the Borough, outside of those defined in the policy, where car ownership levels are low and where a range of sustainable transport links exists. In order for the policy to be effective, therefore, changes are required to remove the reference to town centres and other urban locations and to add in the consideration of local car ownership levels [MM36].
127. Furthermore, to avoid duplicating the requirements of other legislation, the support for, and encouragement of, the provision of electric vehicle charging points in residential development is not justified or necessary and should be deleted [MM36]. In respect of the provision for other developments, Policy LP14 should make it clear that the standards referred to are 'parking' standards. A change is therefore necessary for effectiveness [MM36].
128. The supporting text to Policy LP14 lists the relevant local and national policies and guidance. To ensure that this list is up to date and therefore effective, it should be amended to replace the reference to the 'Parking Standards for Norfolk 2007 (currently under review)' with 'Parking Guidelines for new developments in Norfolk' [MM35].

#### **Conclusion**

129. Subject to the MMs set out above, the Plan is positively prepared, justified, effective and consistent with national policy in respect of its policies and proposals for transport in King's Lynn and West Norfolk.

#### **Issue 4 – Are the proposed settlement and site allocations policies justified, 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?**

##### **Site Allocations**

130. The Plan includes details of individual sites and allocations for development within King's Lynn and other settlements within the Borough for a number of

different uses. Although the Policies Map includes the definitive geographical illustration of the site allocation boundaries, for clarity and effectiveness plans detailing the allocated sites should be included within the Plan alongside the relevant policy. These changes are set out in the sections relating to each tier of settlements in the sections below. However, for effectiveness, the introduction to Section 8 should also refer to this and make it clear that it is the Policies Map which provides the definitive geographical illustration of site boundaries. A change is therefore required to reflect this **[MM76]**.

### **King's Lynn & Surrounding Area**

131. Section 9 of the submitted Plan includes a description of King's Lynn and the Surrounding Area, which includes the settlements of West Lynn, West Winch, South Wootton and North Wootton, within the District, along with policies setting out the requirements in respect of any allocated sites within them, and an Ordnance Survey based plan detailing the development boundary. The Council proposes to include the development boundaries for each settlement on the Policies Map, as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. As such, there is no need for the development boundaries to be shown on Ordnance Survey based plans within the supporting text. Furthermore, there is some repetition within these plans, with King's Lynn Allocations (Policies E1.5/E1.8/E1.10/ E1.11) Map Insets being included on pages 207 and 213. For clarity and effectiveness, these plans should be deleted **[MM90, MM99]**.
132. In King's Lynn and the Surrounding Area where housing and employment allocations are proposed, for clarity and effectiveness an Ordnance Survey based plan detailing the extent of the site within the supporting text for each policy, as set out in paragraph 130 above, is necessary as follows: Policy E1.5 - Boal Quay, King's Lynn; Policy E1.6 – King's Lynn – South of Parkway; Policy E1.7 – King's Lynn – Land at Lynnsport; Policy E1.9 – King's Lynn – Land west of Columbia Way; and, Policy E1.10 – King's Lynn – North of Wisbech Road; **[MM90, MM93, MM96, MM101, MM104]**.
133. In addition, for clarity and effectiveness, a number of Ordnance Survey based plans within the submitted Plan should be amended to provide up to date site boundaries for the allocations as follows: King's Lynn Allocations (Policies E1.5/E1.8/E1.10/ E1.11) Zoomed Plan (page 202); Employment Expansion Areas (E1.12-SAD/E1.2-HAR/E1.12-EST) Plan; West Lynn Zoomed Plan (page 224); Inset E2 West Winch Plan; and, South Wootton Plan (page 250) **[MM86, MM108, MM111, MM118, MM126]**.

### **King's Lynn**

134. The introductory supporting text for King's Lynn, includes a section on Regeneration Areas. This references the Nar Ouse Regeneration Area (NORA) and the Riverfront Regeneration Area. Reference to the former confirms that the regeneration plans are already underway and that an Enterprise Zone designation has been made. The area of South Lynn designated an Enterprise Zone is now mostly complete and the supporting text should be updated to reflect this for effectiveness. References to the

Riverfront Regeneration Area should also be updated to the Great Ouse riverfront Regeneration Area for clarity and effectiveness. Finally, reference to the Heritage Action Zone should be deleted for clarity and effectiveness, as this no longer exists. These changes are all made by **MM77**.

### **King's Lynn (Policy LP38)**

135. Policy LP38 explains in greater detail how the overall spatial strategy should be applied to King's Lynn. However, this is not clear from the supporting text to this policy, as it does not set out the background and justification for this policy. In order to be effective, a change is required to the supporting text to set out the justification for Policy LP38 **[MM78]**.
136. The policy sets out the number of new dwellings to be provided within and around King's Lynn. However, these figures require updating to reflect the latest position. As such, changes are necessary to Criteria 1 and 2 of the policy to make this clear and effective **[MM79]**. Furthermore, in order to be effective, Criterion 3 should be clear where provision will be made for at least 3,000 new jobs **[MM79]**. Rather than referring to proposals set out in other documents, which do not form part of the Plan, Criterion 6 should say that the focus for regeneration will be the waterfront and regeneration projects, including Nelson Quay, for effectiveness **[MM79]**. Finally, Criterion 12 should make it clear for a developer or decision maker that the amount of open space and recreational facilities will be assessed in accordance with the requirements of Policy LP22 for effectiveness **[MM79]**.

### **King's Lynn Town Centre (Policy E1.1)**

137. Policy E1.1 sets out the town centre policy for King's Lynn, including setting out criteria against which development proposals within the town centre area will be assessed. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy in respect of heritage and flood risk. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, Criterion f should refer to the need to carefully locate and design larger, modern format retail units to avoid harm to heritage assets; and a new criterion should be added, which requires an FRA to be submitted with applications for commercial development within Flood Zones 2 and 3a, which must consider guidance on any mitigation that would be required to make the development acceptable. These changes are therefore necessary to Policy E1.1 for effectiveness and to ensure that it is consistent with national policy **[MM80]**.

### **King's Lynn Port (Policy E1.2)**

138. The role and capacity of the Port of King's Lynn is protected and strengthened through Policy E1.2, however, there is no supporting text to provide clarification or justification for this policy. A change is therefore necessary to add some supporting text to provide a background and justification for Policy E1.2 for effectiveness **[MM81]**.

### **Gaywood Clock (Policy E1.3)**

139. Policy E1.3 sets out the criteria against which development proposals in the Gaywood Clock area should be considered. However, it is not consistent with national policy as it does not include a criterion which would require development proposals in this area to conserve and enhance the significance of heritage assets. A change is required therefore to add a further criterion to that effect within Policy E1.3 to ensure that it is consistent with national policy **[MM83]**.
140. The supporting text to the policy refers to the KLTS, which identifies improvements to promote access to Gaywood Clock by active travel modes and by public transport. In order to be effective, the supporting text should also refer to future traffic generated by development in and around Gaywood Clock needing to be effectively managed in accordance with the relevant transportation criteria in Policy LP13 **[MM82]**.
141. A further change to the supporting text is required, in respect of a new heading and the reordering of the supporting text, to make it clear what the justification for the Council's policy approach to this area is. This change is necessary for effectiveness **[MM82]**.

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

142. Policy E1.KLR sets out the criteria against which development proposals within the King's Lynn Riverfront Regeneration Area should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy in respect of affordable housing. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to flood risk considerations, the policy should refer to the need to maintain flood defences to at least the current standard of protection provided for this area, taking account of climate change; and, in respect of affordable housing, the policy should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM87]**. Corresponding additions to the supporting text are also required to provide clarity in respect of the requirements and constraints for redevelopment projects in the Riverfront Regeneration Area, particularly in respect of key heritage assets and flood defences. This change is necessary for effectiveness **[MM85]**.
143. The supporting text to Policy E1.KLR includes various references to the SADMP, which are not necessary given that this Plan will supersede the SADMP on adoption. For effectiveness, therefore, these references to the SADMP should be deleted **[MM84]**.

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

144. Policy E1.5 allocates land amounting to 4.1ha for a high calibre mixed use, which could include residential development, most likely apartments, of no more than 50 homes. However, to ensure that the policy is positively prepared, it should be amended to refer to the development of 'at least' 50 homes. For effectiveness, the

policy should also make it clear that the allocated site could also accommodate at least 1.8ha of employment land, as referred to in paragraph 100 above **[MM89]**.

145. Furthermore, Policy E1.15 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to flood risk considerations, the policy should refer to the need to demonstrate how the current standard of protection will be maintained, taking account of climate change; with regard to development likely to lead to additional recreational pressure on Roydon Common SAC, the policy should require a project level HRA to be undertaken; and, in respect of affordable housing, the policy should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM89]**. Corresponding additions to the supporting text are also required to provide clarity in respect of the requirements for development to maintain current standards of protection in respect of flood defences. This change is necessary for effectiveness **[MM88]**.
146. A further change to the supporting text is required, in respect of a new heading and additional wording to justify the use of brownfield land for regeneration, which is consistent with national policy. This change is necessary for effectiveness **[MM88]**.

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

147. Policy E1.6 allocates 8.8ha of land for residential development of some 260 dwellings. For the policy to be positively prepared, having regard to the updated position in respect of the anticipated capacity of the site, it should be amended to refer to the development of 'at least' 226 dwellings **[MM92]**.
148. Furthermore, Policy E1.6 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to the submission of an FRA, Criterion 2 should make it clear that this should be in accordance with Policy LP25; and that in respect of the provision of affordable housing, Criterion 11 should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. In addition, a new criterion should be included in the policy to make it clear that a project level HRA should be undertaken to ensure that appropriate mitigation is provided to avoid recreational pressure on Roydon Common SAC. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM92]**.
149. A further change to the supporting text is required, in respect of a new heading and amended wording to provide an up to date position and justification in respect of

the site's capacity and its inclusion in the Government's Accelerated Construction Programme. This change is necessary for effectiveness [MM91].

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

150. Policy E1.7 allocates 13.7ha of land for residential development of at least 297 dwellings. This allocated site is made up of 3 sites, 2 of which have come forward for development and have now been completed. As such, for clarity and effectiveness, changes are necessary to the policy and supporting text to reflect this updated position, with land amounting to 4ha now remaining for at least 96 dwellings [MM94, MM95].
151. Furthermore, Policy E1.7 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to the submission of an FRA, Criterion 1 should make it clear that this should be in accordance with Policy LP25; and that in respect of the provision of affordable housing, Criterion 7 should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy [MM95].

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

152. Policy E1.8 allocates 0.5ha of land for residential development of no more than 50 dwellings. To ensure that the policy is positively prepared, it should be amended to refer to the development of 'at least' 50 dwellings [MM98].
153. Furthermore, Policy E1.8 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to the submission of an FRA, Criterion 7 should make it clear that this should be in accordance with Policy LP25; and that in respect of the provision of affordable housing, Criterion 10 should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy [MM98].
154. A change to the supporting text is required, in respect of a new heading and additional wording to justify the allocation of this site. This change is necessary for effectiveness [MM97].

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

155. Policy E1.9 allocates 3.3ha of land for residential development of at least 100 dwellings. To ensure that the policy is positively prepared and to reflect the recent

planning permission for the site, which includes a lesser capacity, it should be amended to refer to the development of at least 78 dwellings **[MM100]**.

156. Furthermore, Policy E1.8 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to the submission of an FRA, Criterion 2 should make it clear that this should be in accordance with Policy LP25; and that in respect of the provision of affordable housing, Criterion 11 should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. In addition, a new criterion is necessary to require a project level HRA to be undertaken to ensure appropriate mitigation is provided to avoid recreational pressure on Roydon Common SAC. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM100]**.

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

157. Policy E1.10 allocates 3.8ha of land for residential development of up to 50 dwellings. The allocated site includes an area of derelict scrubland to the north of Blubber Creek on the eastern side of the Harding's Way Bus Route and land between the northern boundary of the Harding's Pits Doorstep Green, neither of which would be suitable for residential development, given that they act as flood storage infrastructure, associated with development upstream adjacent to the River Nar, particularly NORA. As such, for effectiveness, it is necessary to reduce the extent of the allocated site in order to exclude these elements and amend the policy and supporting text to reflect this **[MM102, MM103]**.
158. Furthermore, Policy E1.10 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to flood risk considerations, Criterion 1 should refer to the need to demonstrate how the current standard of protection will be maintained, taking account of climate change, and require the site specific FRA to be in accordance with Policy LP25; with regard to development likely to lead to additional recreational pressure on Roydon Common SAC, a new criterion should require a project level HRA to be undertaken; and, in respect of affordable housing, the policy should refer to the provision being in line with Policy LP28, rather than current standards, which have not been examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM103]**.
159. A further change to the supporting text is required, in respect of a new heading and additional wording to justify the allocation of this site. This change is necessary for effectiveness **[MM102]**.

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

160. Policy E1.11 allocates 0.2ha of land for residential development of up to 20 dwellings. It forms part of the Southgates masterplan/regeneration area. However, there is no specific evidence to demonstrate that the residential element of the scheme is deliverable within the Plan period. As such, the allocation is not justified and the policy and its supporting text should be deleted for effectiveness [MM105].

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

161. Employment land totalling 53ha is allocated on 3 sites within King's Lynn by Policy E1.12 at Hardwick Industrial Estate (27ha); Saddlebow (23ha); and Estuary Road (3ha). Following a recent planning permission for retail uses (2ha) and small business uses (1ha) at St Andrew's Road, on the Hardwick Industrial Estate, it is necessary to update the policy and supporting text to reflect the reduced extent of the allocation for effectiveness [MM106, MM107].

162. A further change to the supporting text is required, in respect of a new heading and additional wording to justify the allocation of this site and to remove references to its allocation in the SADMP. These changes are necessary for effectiveness [MM106].

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

163. Policy E1.13 seeks to protect, enhance and extend the Strategic Green Infrastructure in and around King's Lynn. This should occur in the first instance, but the policy does not say what should happen where it is acceptable for Strategic Green Infrastructure to be replaced. In order to be effective, the policy should set out where such replacement should occur [MM110].

164. Changes to the supporting text to Policy E1.13 are also required to provide clarity in respect of the reasons to protect existing and provide new Green Infrastructure, along with reference to the inclusion of environmental asset designations on the Policies Map. These changes are necessary for effectiveness [MM109].

### **West Lynn**

165. West Lynn is situated on the west bank of the River Great Ouse, which separates it from King's Lynn. The settlement forms part of the Surrounding Area to King's Lynn and Section 9.2 of the Plan sets out the policies and proposals for West Lynn.

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

166. Policy E1.14 allocates land amounting to 2ha for residential development of at least 49 dwellings to the west of St Peter's Road. It sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to the submission of a site specific FRA, Criterion 9 should make it clear that this should be in accordance with Policy LP25; and that in respect of the provision of affordable housing, Criterion 7 should refer to the provision being in line with Policy LP28, rather than current standards, which have not been



examined as part of the Plan. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM113]**.

167. A change to the supporting text is also required, in respect of a new heading and additional wording to provide clarity in respect of the accessibility of the site to the passenger ferry service which connects West Lynn to King's Lynn, and to provide an updated position in respect of the status of planning applications on the site. These changes are necessary for effectiveness **[MM112]**

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

168. Policy E1.15 allocates land amounting to 2.6ha for residential development of at least 120 dwellings. This land at Bankside, West Lynn is the site of a former Del Monte factory. It is a derelict brownfield site in a waterfront location. However, there are significant constraints to the development of this site, most notably the potential for contamination from the site's previous uses. We are not satisfied that there is sufficient evidence to justify the allocation of this site, given the significant constraints. As such, the Policy and its supporting text should be deleted for effectiveness **[MM114]**.

### **West Winch**

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

169. We have concluded above that the allocation of the WWGA for up to 4,000 dwellings is, in principle, justified as part of the Plan's spatial strategy, based on the further evidence provided by the Council. Policy E2.1 comprises the strategic site allocation policy, setting the criteria that would be used to guide future planning applications, including the infrastructure required to support the development and the measures necessary to mitigate its impacts. However, as submitted, Policy E2.1 would not be justified, effective or consistent with national policy in ensuring the delivery of sustainable development at WWGA, in respect of the development quantum, transport and other infrastructure requirements, and the mitigation of heritage, ecological, landscape, flood risk, air quality and noise impacts. Therefore, changes are necessary to the policy for soundness and are explained in detail below. They are set out in **MM115, MM116, MM117, MM118, MM119, MM120, MM121 and MM122**.
170. Criterion 1 of Part A to the policy sets the overall quantum of development to be delivered, including up to 2,500 dwellings within the Plan period and 3,500-4,000 in the fullness of time. However, the further work undertaken by the Council has established the capacity of the site as up to 4,000 dwellings, with 2,030 to be completed by the end of the Plan period. Furthermore, transport modelling to test the ability of the road network to accommodate the development has been based on 4,000 dwellings at WWGA. The dwelling numbers in the supporting text and in Criterion 1 of Part A require updating accordingly, and Criterion 2 must be deleted as the potential for further development beyond this has not been demonstrated.
171. Criterion 4 of Part A requires a new road linking the A10 and A47 to facilitate the proposed development. However, the transport modelling prepared alongside the

Plan and the WWGA<sup>39</sup>, shows that the WWHAR is required in full to accommodate any more than 1,100 dwellings on the WWGA site, and that there is only headroom on the A10 at West Winch and Hardwick to accommodate up to 300 dwellings at WWGA without further strategic transport interventions. These thresholds for the implementation of additional transport infrastructure should be included in Policy E2.1, to ensure they are reflected in planning permissions and so the surrounding strategic network remains at capacity as development at the WWGA progresses.

172. More generally, the technical work undertaken on the WWGA shows that other transport improvements, particularly for more sustainable modes of travel, such as buses and bicycles, are necessary to manage the effects of up to 4,000 homes on the wider travel network in the Borough. Some of these are set out in Policy E2.1 as submitted, others are absent, including the proposed cycle route alongside the WWHAR, cycle routes throughout the development, traffic calming on the A10, improvements to bus provision, free school transport and other active travel measures. The policy should be amended to ensure the development delivers the full range of sustainable transport measures required.
173. The list of infrastructure required to support the WWGA is set out in IDP and the WWGA Topic Paper<sup>40</sup>. We are satisfied based on the evidence provided<sup>41</sup> that there would not be a requirement for a new secondary school at the site, and that capacity would be available within existing schools in King's Lynn. Criterion 10-14 of Part A of Policy E2.1, as submitted, do not include everything in the IDP list, specifying just one new primary school, no trigger points for the provision of new schools, and no details of the quantum of open space and play space required. Paragraph 34 of the NPPF expects plans to set out the contributions to infrastructure expected from development. Accordingly, to ensure Policy E2.1 is effective and consistent with national policy in this regard, the full list of infrastructure requirements and their trigger points must be set out in the policy.
174. In terms of heritage impacts, a Heritage Impact Assessment (HIA) of the WWGA<sup>42</sup> confirms that the development would cause harm to the rural setting of the Church of St Mary, a Grade 2\* Listed Building, and associated listed buildings in West Winch, and that this setting contributes to their heritage significance. However, Policy E2.1 does not include measures to avoid or minimise this harm, notwithstanding the expectation in the NPPF that great weight should be given to the conservation of designated heritage assets. Accordingly, to ensure the Plan is consistent with national policy, changes are necessary to Part B of the policy and the supporting text, to require detailed HIAs to be undertaken to inform future applications on the site, and a series of heritage mitigation and enhancement measures. These include a Heritage Buffer Zone, identified on a plan in the supporting text, to ensure the land adjacent to the church remains open, maintenance of the key views of the church, and measures to preserve the settings of the other designated heritage assets. These measures have been agreed with and are supported by Historic England.

---

<sup>39</sup> Summarised in paragraphs 21-46 of West Winch Growth Area Topic Paper [Examination document F51]

<sup>40</sup> Table on p23-24 of F51

<sup>41</sup> West Winch Growth Area - Community Infrastructure [Examination document F73]

<sup>42</sup> West Winch Heritage Impact Assessment, Place Services, November 2022 [F27a]

175. With regard to effects on ecology and biodiversity, the Ecology & Biodiversity Assessment<sup>43</sup>, undertaken as part of the Council's further work, identifies the potential for adverse impacts on habitats within the site supporting scarce flora and protected fauna, including the Brook Watering Meadow County Wildlife Site (CWS). It recommends a series of mitigation measures, including the protection of the CWS from development, and a 10% biodiversity net gain where the loss of habitat cannot be avoided. These measures are not currently reflected in Policy E2.1. To ensure the Plan is consistent with national policy in promoting the conservation of habitats and species and securing biodiversity net gains, the policy should be amended to strengthen the wording of the criteria on the extent of future ecological assessments of the site, and to include the recommended mitigation measures.
176. Given the size of the development, Part B of Policy E2.1 recognises the need to mitigate potential adverse effects of the additional recreational pressure generated by the development of up to 4,000 homes on National Network sites within and close to the Borough. However, the policy does not require a project level HRA to assess these effects. This was an omission from the MMs that were published for consultation. Therefore, we have amended **MM117** to include, in Part B of Policy E2.1, the requirement for a project level HRA to be submitted with future applications on the site. This is required by Policy LP27 of the Plan, but it should be clear to decision makers that it applies to the WWGA as well.
177. With respect to landscape effects, the Landscape and Visual Appraisal (LVA) evidence<sup>44</sup> identifies that the overall effects of the proposed development on the landscape quality and value of the site would be slight to moderate adverse, reducing to slight adverse after 10-15 years as planting and open space becomes established. Consequently, the LVA recommends the early establishment of open space and new areas of planting to help screen the development. As this is not currently a requirement of Policy E2.1, it is included as an additional criterion in **MM116**.
178. In terms of flood risk, the WWGA site lies almost entirely within Flood Zone 1, and the Preliminary FRA and Drainage evidence<sup>45</sup> shows it to be at low risk of surface water flooding. Nevertheless, the recommendations of the FRA need to be incorporated into Policy E2.1, including the retention and maintenance of existing water courses and drainage features on the site and the design of sustainable drainage systems (SuDS), to ensure proposals do not result in a reduction in surface water holding capacity on the site or an increase in flooding elsewhere, in line with expectations of national policy. These are reflected in **MM116** and **MM117**.
179. Policy E2.1 includes requirements for high standards of design. However, additional criteria are necessary to ensure new homes and buildings meet higher water efficiency standards, are adaptable to climate change, include acoustic design measures to mitigate the potential impacts from the surrounding strategic road network, and are consistent with the Council's AQMS in minimising or

---

<sup>43</sup> West Winch Growth Area Ecology and Biodiversity Assessment, March 2023 [F51f]

<sup>44</sup> WWGA Landscape and Visual Appraisal, April 2023 [F51e]

<sup>45</sup> WWGA Preliminary Flood Risk Assessment and Surface Water Drainage Strategy, April 2023 [F51g]

mitigating any air quality impacts. Again, these are reflected in **MM116** and **MM117**, and are necessary for soundness.

180. On this basis, subject to the above MMs, we conclude that the allocation of the WWGA is justified as appropriate, and that Policy E2.1 would be effective and consistent with national policy in enabling the delivery of sustainable development on this site.

### **Development within existing built up areas of West Winch (Policy E2.2)**

181. Policy E2.2 sets out the criteria against which to assess development proposals within the existing built up areas of West Winch. Criterion 1a says that no development resulting in significant new traffic or accesses on to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. This gives priority to residential development at the WWGA and is not justified by the evidence. The policy should therefore be amended to delete the reference to '(excepting that provided under growth area Policy E2.1)' for effectiveness and to ensure that the policy is justified **[MM123]**.

### **South Wootton**

182. South Wootton lies to the north of King's Lynn, forming part of the Surrounding Area to its larger neighbour. Section 9.4 of the Plan sets out the strategic context and policy and proposals for the settlement. It is designated as one of the strategic urban expansion areas around King's Lynn. The supporting text refers to the role of South Wootton as set out in the SADMP. However, given that this Plan will supersede the SADMP, these references should be deleted from the supporting text for effectiveness **[MM124]**.

### **Hall Lane, South Wootton (Policy E3.1)**

183. Policy E3.1 allocates land off Hall Lane for a high quality, well landscaped development of at least 300 dwellings and associated facilities. To reflect planning permissions granted on this allocated site, its capacity should be increased to at least 575 dwellings. Although, for effectiveness, the supporting text is updated to reflect this increased figure by **MM124** and **MM125**, Policy E3.1 was not updated to include this increased capacity by **MM127**. We therefore propose to amend **MM127** following the consultation exercise to refer to the increased capacity of at least 575 dwellings in Policy E3.1 to be consistent with the supporting text and for effectiveness **[MM127]**.
184. Policy E3.1 sets out the criteria against which development proposals for this site should be considered. However, the wording of the policy is not sufficiently clear and precise, nor is it entirely consistent with national policy. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, in relation to affordable housing, Criterion 1b should refer to the provision being in line with Policy LP28, rather than being commensurate with the local planning authority's standards at the time, which have not been examined as part of the Plan. This change is required for effectiveness and to ensure that the policy is consistent with national policy **[MM127]**.

## **North Wootton**

185. Section 9.5 of the Plan simply includes a description of, and strategic background to, North Wootton along with confirmation of the formal designation of the NP and a plan showing the development boundary of the settlement. There are no specific policies proposed in the Plan in respect of North Wootton. As such, the inclusion of the description of this settlement within the Plan is not justified, effective or consistent with national policy as it does not provide supporting text in respect of any policy requirements for this settlement. It should therefore be deleted. Changes are therefore necessary to delete the section of the Plan describing North Wootton **[MM128, MM129]**.

## **Main Towns**

186. Section 10 of the submitted Plan includes a description of each Main Town within the District, along with a policy or policies setting out the requirements in respect of any allocated sites within them, and an Ordnance Survey based plan detailing the development boundary. The Council proposes to include the development boundaries for each settlement on the Policies Map, as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. As such, there is no need for the development boundaries of the Main Towns to be shown on Ordnance Survey based plans within the supporting text and these should be deleted in order for the Plan to be effective **[MM142, MM148, MM149, MM151, MM156]**.

187. In Main Towns where housing and employment allocations are proposed, for clarity and effectiveness an Ordnance Survey based plan detailing the extent of the site within the supporting text for each policy, as set out in paragraph 130 above, is necessary as follows: Policy F1.2 – Land off St John's Way, Downham Market; Policy F1.3 – Downham Market North-East: Land east of Lynn Road in vicinity of Bridle Lane; Policy F1.4 – Downham Market South-East: Land north of southern bypass in vicinity of Nightingale Lane; Policy F2.5 – Hunstanton – Land South of Hunstanton Commercial Park; and, Policy F3.1 – Wisbech Fringe – Land east of Wisbech (west of Burrettgate Road) **[MM135, MM137, MM138, MM153, MM156]**.

## **Downham Market (Policy LP39)**

188. Section 10.1 of the Plan sets out the policies and proposals for Downham Market. The supporting text refers to the provision made within the SADMP for the settlement in relation to residential and employment uses. Given that this Plan will supersede the SADMP, references to the provision to be made for these uses should be to this Plan and so it is necessary to delete references to the SADMP for effectiveness and to make it clear what this Plan proposes to deliver in Downham Market over the Plan period **[MM130]**.

189. Policy LP39 refers to the provision of at least 390 new homes within Downham Market. However, following the submission of the Plan, further work has been undertaken by the Council in respect of the deliverability and developability of housing sites allocated for development and in respect of updating the housing land supply position, including in respect of completions since the start of the Plan

period. The two sites allocated for housing within Downham Market now benefit from an increased capacity, as set out in more detail below. As a result, it is clear that Downham Market will provide for at least 600 dwellings over the Plan period. In order to be effective, therefore, the Plan should be amended to reflect this in both Policy LP39 and its supporting text **[MM130, MM131]**.

190. Policy LP39 also refers to the provision of at least 15ha of land for employment use. However, as is set out in more detail below, part of the allocated site on land off St John's Way has been developed for employment uses, with 11ha now remaining. In addition, a further site at Bexwell Business Park now benefits from planning permission, with 20ha remaining undeveloped, as set out in more detail below, and which will be subject to a New Policy within the Plan. As such, changes are necessary to Policy LP39 and its supporting text to update the amount of land available for employment uses within Downham Market to at least 31ha **[MM130, MM131]**.

#### **Downham Market: Town Centre Area and Retailing (Policy F1.1)**

191. The Plan includes an Ordnance Survey based plan which details the Downham Market Town Centre Boundary. As the Town Centre Boundary is to be included on the Policies Map, its inclusion within the Plan itself is not justified or necessary for effectiveness. As such, it should be deleted **[MM132]**.

#### **Downham Market: Land off St John's Way (Policy F1.2)**

192. Policy F1.2 allocates land for employment uses on land off St John's Way, Downham Market. The supporting text to this policy refers to the allocation of this site in the SADMP and the Core Strategy. Given that this Plan will supersede policies in both of these documents, these references should be removed for effectiveness **[MM133, MM134]**. The allocated site extended to 16.5ha when first put forward for employment uses, however, given that 11ha remains undeveloped, a change to the supporting text is necessary to reflect this updated position for effectiveness **[MM133]**.

#### **Downham Market North-East: Land east of Lynn Road in vicinity of Bridle Lane (Policy F1.3)**

193. Policy F1.3 allocates around 16.2ha of land east of Lynn Road, in the vicinity of Bridle Lane for at least 250 dwellings and associated facilities. As a result of the further work undertaken by the Council on the deliverability and developability of housing sites, the capacity of this allocated site should be increased to reflect the approval of reserved matters for 226 dwellings on part of this site, which are under construction, and the remaining part of the site which has a further capacity of 70 dwellings. This is reflected in the changes outlined above in respect of **MM130** and **MM131**, which both refer to the increased capacity of the two allocated sites in Downham Market and to the proposed housing trajectory referred to in **MM5** above which shows the capacity of this allocated site as 296 dwellings. However, as part of the MMs consultation, a change to Policy F1.3 was not proposed to reflect this. For consistency with other parts of the Plan and therefore for effectiveness, we

propose to update Policy F1.3 to increase the capacity of this allocated site to at least 296 dwellings **[MM136a]**.

194. The supporting text to this policy and Policy F1.4 refers to both housing sites having been allocated in the SADMP. As this Plan will supersede the SADMP, it is necessary to delete these references for effectiveness **[MM136]**.

#### **Downham Market South-East: Land north of southern bypass in vicinity of Nightingale Lane (Policy F1.4)**

195. Policy F1.4 allocates around 13.9ha of land north of the southern bypass, in the vicinity of Nightingale Lane, for at least 140 dwellings and associated facilities. As a result of the further work undertaken by the Council on the deliverability and developability of housing sites, the capacity of this allocated site should be increased to reflect the approval of reserved matters for 300 dwellings, which are under construction. This is reflected in the changes outlined above in respect of **MM130** and **MM131**, which both refer to the increased capacity of the two allocated sites in Downham Market and to the proposed housing trajectory referred to in **MM5** above which shows the capacity of this allocated site as 300 dwellings. However, as part of the MMs consultation, a change to Policy F1.4 was not proposed to reflect this. For consistency with other parts of the Plan and therefore for effectiveness, we propose to update Policy F1.4 to increase the capacity of this allocated site to at least 300 dwellings **[MM138a]**.

#### **Downham Market: Bexwell Business Park**

196. Bexwell Business Park is a longstanding employment land commitment to the east of Downham Market. It has extant permission for around 23ha of employment land, of which 3ha has been delivered to date, with the existing highway access off the A1122 and infrastructure constructed to serve the whole business park. In order to safeguard the remainder of this site for employment uses a New Policy and supporting text are required to allocate this site. We are satisfied that this site is unconstrained and its inclusion as an allocated site within the Plan for employment development is justified and effective **[MM139]**. As with other employment and housing allocations, an Ordnance Survey based plan showing the extent of the site's boundary should be added to the Plan for effectiveness **[MM140]**.

#### **Hunstanton (Policy LP40)**

197. The Plan seeks to make provision for at least 333 new homes with new allocations of at least 40 houses over the Plan period, through Policy LP40. However, following the submission of the Plan, further work has been undertaken by the Council in respect of the deliverability and developability of housing sites allocated for development and in respect of updating the housing land supply position, including in respect of completions since the start of the Plan period. As a result, it is clear that Hunstanton will provide for at least 508 dwellings over the Plan period, comprising completions from the start of the Plan period, windfall commitments and allocations in the Plan of at least 122 houses to be delivered over the remainder of the Plan period to 2040. In order to be effective, therefore, the Plan

should be amended to reflect this in both Policy LP40 and its supporting text **[MM141, MM143]**.

198. Furthermore, given the completion of the Southern Seafront Masterplan and that the Hunstanton NP has been made, references to these documents should be removed from Policy LP40 and its supporting text should be amended to reflect the change in status of these documents for effectiveness **[MM141, MM143]**. Finally, the section of Policy LP40 which sets out the focus for Hunstanton should be deleted and included in the supporting text to the policy instead for effectiveness, given that it is purely descriptive **[MM141, MM143]**.

#### **Hunstanton: Town Centre Area and Retailing (Policy F2.1)**

199. Policy F2.1 sets out the policy for the town centre area and retailing within Hunstanton. The Plan includes no supporting text for this policy. As such the justification for Policy F2.1 is unclear. In order for the policy to be justified and effective, therefore, a change is required to the Plan to add supporting text setting out an introduction and justification for Policy F2.1 **[MM144]**.

#### **Hunstanton: Land to the east of Cromer Road (Policy F2.2)**

200. Policy F2.2 allocates Land to the east of Cromer Road for at least 120 dwellings. However, except for a simple introduction, stating that the site benefits from planning permission and has commenced development, there is no supporting text for this policy. As such the justification for Policy F2.2 is unclear. In order for the policy to be justified and effective, therefore, a change is required to the Plan to add supporting text setting out an additional statement within the introduction in respect of the anticipated delivery of this site and a justification for Policy F2.2 **[MM145, MM147]**.

201. Policy F2.2 sets out the criteria against which proposals for the development of the allocated site should be assessed. However, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, the phrase 'in line with current standards' in Criterion 2 with regards the provision of affordable housing should be replaced with reference to development being subject to the requirements set out within Policy LP28 of the Plan for effectiveness **[MM146]**.

#### **Hunstanton: Land north of Hunstanton Road (Policy F2.4)**

202. Policy F2.4 of the Plan allocates land north of Hunstanton Road for the development of 163 dwellings and open space. As a result of the further work undertaken by the Council on the deliverability and developability of housing sites, this allocated site has been identified as having been completed. As such, in order to be up to date, positively prepared and effective, this allocated site should be deleted from the Plan **[MM150]**.



### **Hunstanton: Land south of Hunstanton Commercial Park (Policy F2.5)**

203. Policy F2.5 sets out the policy for the development of Land south of Hunstanton Commercial Park for employment use. The Plan includes no supporting text for this policy. As such the justification for Policy F2.5 is unclear. In order for the policy to be justified and effective, therefore, a change is required to the Plan to add supporting text setting out an introduction and justification for Policy F2.5 **[MM152]**.

### **Wisbech Fringe: Land east of Wisbech (west of Burrettgate Road) (Policy F3.1)**

204. Policy F3.1 allocates a site on Land east of Wisbech (west of Burrettgate Road), known as the Wisbech Fringe, for the development of 550 dwellings. The Council has worked in partnership with Fenland District Council to bring forward a cross boundary site, of which this allocation forms a part, in order to allow for the planned expansion of Wisbech, which is the largest settlement in Fenland District. The supporting text refers to the provision of a minimum of 550 houses on the edge of Wisbech up to 2036. However, in order to be consistent with national policy, the Plan period is proposed to be extended to 2040 and this should be reflected in the supporting text for effectiveness **[MM154]**.

205. Policy F3.1 sets out the criteria against which proposals for the development of the allocated site should be assessed. However, the wording of the policy is not sufficiently clear and precise. Therefore, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. As such, the requirement for the submission of a site-specific FRA should state that this be in accordance with Policy LP25 for effectiveness **[MM155]**.

### **Growth Key Rural Service Centres (KRSCs)**

206. The Plan as submitted includes two Growth KRSCs - Marham and Watlington. As set out earlier in this Report, however, we consider that this status is not justified by the evidence and that these settlements should be included as KRSCs within the settlement hierarchy. Section 11 of the Plan sets out the policies and proposals for the Growth KRSCs. However, given that the Growth KRSCs are not justified, changes are required to this section of the Plan to reflect this. As such, references to the Growth KRSCs should be deleted and the introduction to this part of the Plan should refer to the 22 KRSCs designated by New Policy – Spatial Strategy and Settlement Hierarchy for effectiveness **[MM157, MM158, MM162]**.

207. This section of the Plan includes a description of each Growth KRSC within the District, along with a policy or policies setting out the requirements in respect of any allocated sites within them, and an Ordnance Survey based plan detailing the development boundary. The Council proposes to include the development boundaries for each settlement on the Policies Map as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. As such, there is no need for the development boundaries of the Growth KRSCs to be shown on Ordnance Survey based plans within the supporting text and these should be deleted in order for the Plan to be effective **[MM159]**. However, as part of the MMs consultation process, the Watlington plan

on page 315 of the Plan was not proposed for deletion. For consistency with changes made elsewhere in the Plan and thereby effectiveness, a further change is required to delete this plan **[MM163a]**.

208. Furthermore, for clarity and effectiveness, an OS based plan detailing the extent of the allocated site within the supporting text for each policy, as set out in paragraph 130 above, is necessary as follows: Policy G56.1 - Land at The Street, Marham **[MM159]**; and, Policy MAR1 – Land off School Lane, Marham **[MM161]**. However, as part of the MMs consultation process, a plan for the site allocated by Policy G112.1 - Land south of Thieves Bridge Road, was not included. For consistency with changes made elsewhere in the Plan and thereby effectiveness, a further change is required to insert a new plan showing the boundaries of this allocated site **[MM165a]**.

### **Marham**

209. Section 11.1 of the Plan refers to the settlement of Marham. However, as set out above in respect of the settlement hierarchy, it is proposed that the KRSC of Marham in the hierarchy be amended to include Upper (RAF) Marham. For effectiveness, therefore, a corresponding change is necessary to this section of the Plan, to refer to Marham/Upper (RAF) Marham as a KRSC **[MM158]**.
210. Changes are also required to the introductory supporting text to update the population figure and to remove references to the SADMP, which will be superseded by this Plan once adopted, for effectiveness **[MM158]**.

### **Land off School Lane, Marham (Policy MAR1)**

211. Policy MAR1 sets out the criteria against which proposals for the development of the allocated site on land off School Lane for at least 35 dwellings should be assessed. However, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In particular, it is not clear that the provision of a safe access would include a financial contribution towards improvements to the footpath between the old village and the air base in Criterion 1; or that the phrase 'in line with current standards' with regard to the provision of affordable housing in Criterion 4, should be replaced with reference to development being subject to the requirements set out within Policy LP28. These changes are required for effectiveness and to ensure that the policy is consistent with national policy **[MM160]**. We have made a change to MM160, following the consultation, to delete the reference to paragraph 199 of the NPPF in Criterion 3 for effectiveness.

### **Watlington**

212. Section 11.2 of the Plan refers to the settlement of Watlington. Following the change to the status of Watlington from a Growth KRSC to a KRSC in the settlement hierarchy, changes are required to include a justification for this within the supporting text as well as an amendment to the introductory supporting text to update the population figure, for effectiveness **[MM162]**.

213. The supporting text also requires amendment to update the references to the Watlington NP which was made in December 2023. These changes are necessary for effectiveness **[MM163]**.

#### **Land south of Thieves Bridge Road, Watlington (Policy G112.1)**

214. Policy G112.1 allocates land south of Thieves Bridge Road, Watlington, for at least 32 dwellings. However, following the grant of planning permission on this site, the capacity has increased to 40 dwellings and it is anticipated that this site will deliver housing from 2024/25. As such, a change is required to the policy and its supporting text to reflect this change in capacity and to provide the up to date position in respect of the planning status, for effectiveness **[MM164, MM165]**.

215. The supporting text to this policy also refers to the site being allocated in the SADMP. However, this Plan will supersede the SADMP on adoption and as such reference to it should be deleted for effectiveness **[MM164]**.

216. Policy G112.1 sets out the criteria against which development proposals on this site should be considered. However, it is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In addition to adding a title to the policy, the phrase to 'the satisfaction of the Highways Authority', in respect of the provision of safe access in Criterion 2; and 'in line with current standards' with regards to affordable housing in Criterion 3, should be replaced with reference to development being subject to the requirements set out within Policies LP13 and LP28 of the Plan respectively for effectiveness and to ensure that the policy is consistent with national policy **[MM165]**. Minor changes to MM165 have been made following the consultation exercise on the MMs, to more accurately reflect the changes proposed to the Plan, in terms of illustrating the text to be deleted from the policy. Furthermore, we have made a change to Criterion 1 following the consultation exercise to delete the phrase 'that satisfies Norfolk County Council' in order for the Plan to be effective **[MM165]**.

#### **Key Rural Service Centres (KRSCs)**

217. As set out above, the submitted Plan identified Marham and Watlington as Growth KRSCs, however, in order to be sound, it is proposed to amend the settlement hierarchy and include these settlements as Key Rural Service Centres. A change is proposed above **[MM157]** to the supporting text in respect of Growth KRSCs which will provide an introductory section to the designation of KRSCs in the New Policy – Spatial Strategy and Settlement Hierarchy and set out those settlements identified as such. For consistency and therefore effectiveness, it is not necessary for the supporting text to the KRSCs (Section 12 of the submitted Plan) to repeat this and it should be deleted. A change is therefore necessary to the supporting text to reflect this **[MM166]**.

218. Section 12 of the submitted Plan includes a description of each KRSC within the Borough, along with a policy or policies setting out the requirements in respect of any allocated sites within them, and an Ordnance Survey based plan detailing the development boundary. The Council proposes to include the development

boundaries for each settlement on the Policies Map as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. As such, there is no need for the development boundaries of the KRSCs to be shown on Ordnance Survey based plans within the supporting text and these should be deleted in order for the Plan to be effective **[MM168, MM171, MM173, MM175, MM178, MM184, MM189, MM192, MM196, MM199, MM204, MM208, MM211, MM214, MM219, MM224, MM230, MM232, MM235, MM238, MM246, MM254, MM258, MM262, MM268, MM273]**.

219. Where no policy or policies exist for a particular settlement, Section 12 of the Plan simply includes a description of the KRSC and reference to any progress made in respect of its NP. There are no specific policies proposed in the Plan in respect of the KRSCs of Burnham Market, Middleton or West Walton. As such, the inclusion of the description of these settlements within the Plan is not justified, effective or consistent with national policy as it does not provide supporting text in respect of any policy requirements for these settlements. It should therefore be deleted. As such, changes are necessary to delete the sections of the Plan describing Burnham Market, Middleton and West Walton **[MM172, MM229, MM272]**.
220. Following the submission of the Plan, further work has been undertaken by the Council in respect of the deliverability and developability of housing sites allocated for development. As part of this exercise, several allocated sites have been identified as having been completed. In some cases, these were the only allocation(s) for the KRSC. In order to be positively prepared and effective, where allocated sites have been completed in the KRSCs, the policies in the Plan in respect of these allocations should be deleted. Furthermore, where no allocations would remain in a KRSC, for consistency and effectiveness, the descriptions of these settlements, which do not provide supporting text in respect of any remaining policy requirements in these settlements, should also be deleted.
221. Changes are therefore necessary to delete the following policies and their supporting text where the development has already been completed: Policy G13.1 – Brancaster – Land to the east of Mill Road **[MM169]**; Policy G13.2 Brancaster Staithe and Burnham Deepdale – Land off The Close **[MM170]**; G22.1 Castle Acre – Land west of Massingham Road **[MM176]**; Policy G25.1 Clenchwarton – Land between Wildfields Road and Hall Road **[MM179]**; Policy G25.3 Clenchwarton – Land south of Main Road **[MM182]**; Policy G29.2 Dersingham – Land at Manor Road **[MM187]**; Policy G30.1 Docking – Land situated off Pound Lane (Manor Pasture) **[MM190]**; Policy G34.1 Emneth – Land on south of The Wroe **[MM197]**; Policy G35.3 Feltwell – Land at 40 Lodge Lane/Skye Gardens **[MM202]**; Policy G41.2 Grimston and Pott Row – Land adjacent to Stave Farm, west of Ashwicken Road **[MM212]**; Policy G47.2 Heacham – Land to the south of St Mary's Close **[MM217]**; Policy G57.1 Marshland St James – Land adjacent to Marshland St James Primary School **[MM220]**; Policy G59.1 Methwold – Land at Crown Street **[MM225]**; Policy G59.2 Methwold – Land at Herbert Drive **[MM226]**; Policy G59.3 Methwold – Land at Hythe Road **[MM227]**; Policy G59.4 Methwold – Land off Globe Street/St George's Court **[MM228]**; Policy G83.1 Snettisham – Land south of Common Road and behind Teal Close **[MM233]**; Policy G85.1 Southery – Land off Lions Close **[MM236]**; Policy G93.1 Terrington St Clement – Land at Church

Bank, Chapel Road **[MM247]**; Policy G93.2 Terrington St Clement – Land adjacent King William Close **[MM248]**; Policy G104.1 Upwell – Land north west of Townley Close **[MM259]**; Policy G104.2 Upwell – Land south/east of Townley Close **[MM260]**; Policy G104.4 Upwell – Land off St Peter's Road **[MM261]**; and, Policy G109.2 Walpole St Peter – Land south of Church Road **[MM271]**.

222. In addition, changes are required to delete the following sections of the Plan describing Brancaster with Brancaster Staithe/Burnham Deepdale, Castle Acre, Docking, Emneth, Methwold with Northwold, Snettisham and Southery **[MM167, MM174, MM188, MM195, MM223, MM231, MM234]**.
223. In KRSCs where housing allocations are proposed, for clarity and effectiveness an OS based plan detailing the extent of the site within the supporting text for each policy, as set out in paragraph 130 above, is necessary as follows: Policy G25.2 Clenchwarton – Land north of Main Road **[MM181]**; Policy G25.2 Dersingham – Land north of Doddshill Road **[MM186]**; Policy G31.1 East Rudham – Land off Fakenham Road **[MM194]**; Policy G35.1 Feltwell – Land to the rear of Chocolate Cottage, 24 Oak Street **[MM201]**; Policy G43.1 Great Massingham - Land south of Walcup's Lane **[MM206]**; Policy G41.1 Gayton - Land north of Back Street **[MM210]**; Policy G47.1 Heacham - Land off Cheney Hill **[MM216]**; Policy G57.2 Marshland St James - Land adjacent 145 Smeeth Road **[MM222]**; Policy G88.1 Stoke Ferry - Land South of Lark Road/ Wretton Road **[MM240]**; Policy G88.2 Stoke Ferry – Land at Bradfield Place **[MM242]**; Policy G88.3 - Stoke Ferry - Land at Indigo Road / Lynn Road **[MM244]**; Policy G93.3 Terrington St. Clement – Land west of Benn's Lane **[MM250]**; Policy TSC1 Terrington St. Clement – Land south of Northgate Way and west of Benn's Lane **[MM252]**; Policy G94.1 Terrington St John with St Johns Highway/ Tilney St Lawrence – Land east of School Road **[MM256]**; Policy G104.5 Outwell - Land at Wisbech Road **[MM264]**; Policy G104.6 Outwell - Land Surrounding Isle Bridge **[MM266]**; and, Policy G109.1 Walpole St. Peter - Land south of Walnut Road **[MM270]**.
224. The policies allocating land within the KRSCs for housing each set out the criteria against which proposals for the development of the sites should be assessed. However, in some cases, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. Therefore, the phrase 'to the satisfaction of Norfolk County Council Highways Authority', or similar, in respect of the provision of safe access, should be replaced with reference to development being subject to the requirements set out within Policy LP13 of the Plan for effectiveness in Policies G29.1 - Land north of Doddshill Road, Dersingham **[MM185]**; G31.1 - Land off Fakenham Road, East Rudham **[MM193]**; G35.1 - Land to the rear of Chocolate Cottage, 24 Oak Street, Feltwell **[MM200]**; G43.1 - Land south of Walcup's Lane, Great Massingham **[MM205]**; G88.1 - Land South of Lark Road/Wretton Road, Stoke Ferry **[MM239]**; G88.2 - Land at Bradfield Place, Stoke Ferry **[MM241]**; G88.3 -Land at Indigo Road/Lynn Road, Stoke Ferry **[MM243]**; TSC1 - Land south of Northgate Way and west of Benn's Lane, Terrington St Clement **[MM251]**; G104.5 - Land at Wisbech Road, Outwell **[MM263]**; and, G104.6 - Land surrounding Isle Bridge, Outwell **[MM265]**.

225. Furthermore, the phrase 'in line with current standards' with regard to the provision of affordable housing, should, for effectiveness, be replaced with reference to development being subject to the requirements set out within Policy LP28 of the Plan in Policies G25.2 - Land north of Main Road, Clenchwarton **[MM180]**; G29.1 - Land north of Doddshill Road, Dersingham **[MM185]**; G31.1 - Land off Fakenham Road, East Rudham **[MM193]**; G35.1 - Land to the rear of Chocolate Cottage, 24 Oak Street, Feltwell **[MM200]**; G43.1 - Land south of Walcup's Lane, Great Massingham **[MM205]**; G41.1 - Land north of Back Street, Gayton **[MM209]**; G47.1 - Land off Cheney Hill, Heacham **[MM215]**; G57.2 - Land adjacent 145 Smeeth Road, Marshland St James **[MM221]**; G88.1 - Land South of Lark Road/Wretton Road, Stoke Ferry **[MM239]**; G88.2 - Land at Bradfield Place, Stoke Ferry **[MM241]**; G88.3 - Land at Indigo Road/Lynn Road, Stoke Ferry **[MM243]**; G93.3 - Land west of Benn's Lane, Terrington St Clement **[MM249]**; TSC1 - Land south of Northgate Way and west of Benn's Lane, Terrington St Clement **[MM251]**; G94.1 - Land east of School Road, Terrington St John **[MM255]**; G104.5 - Land at Wisbech Road, Outwell **[MM263]**; G104.6 - Land surrounding Isle Bridge, Outwell **[MM265]**; and, G109.1 - Land south of Walnut Road, Walpole St Peter **[MM269]**.
226. In addition, the requirement for the submission of an FRA should state that this be in accordance with Policy LP25 for effectiveness in Policies G57.2 - Land adjacent 145 Smeeth Road, Marshland St James **[MM221]**; and, G109.1 - Land south of Walnut Road, Walpole St Peter **[MM269]**.
227. Finally, the phrase 'to the satisfaction of Anglian Water' in respect of the submission of an Odour Assessment should be replaced with reference to development being subject to the requirements set out within Policy LP21 of the Plan for effectiveness in Policies G104.5 - Land at Wisbech Road, Outwell **[MM263]**; and, G104.6 - Land surrounding Isle Bridge, Outwell **[MM265]**.
228. Minor changes to MM185 and MM205 have been made following the consultation exercise, to more accurately reflect the changes proposed to the Plan, in terms of illustrating the text to be deleted and that to be added to Policies G29.1 and G43.1 respectively. In addition, minor changes to MM193 and MM200 have been made following the consultation exercise, to more accurately reflect the changes proposed to the Plan, in terms of illustrating the text to be deleted from Policies G31.1 and G35.1, respectively. A change has also been made to MM200, following consultation, to include the word 'dwellings' after 'at least 50 residential' in the supporting text for effectiveness.
229. Each site allocation within the KRSCs includes a section titled 'Site Description and Justification'. In order for the heading to better reflect the content of the supporting text, this should be deleted and replaced with headings relating to 'Introduction and Justification' for clarity and effectiveness **[MM180, MM185, MM200, MM205, MM209, MM215, MM221, MM239, MM241, MM243, MM249, MM251, MM255, MM263, MM265]**.

## **Clenchwarton**

230. Within Clenchwarton, the submitted Plan allocates three sites for at least 50 dwellings in total, two of which should be deleted given that the development of

these sites has already been completed, as set out above. The supporting text within the section of the Plan on Clenchwarton refers to these allocations having been made within the SADMP and that they are being carried forward within the submitted Plan. It is not necessary to include reference to the previous allocations in the SADMP, nor to them being carried forward in the submitted Plan. Indeed, for effectiveness, given that two of the allocated sites are proposed for deletion and that the SADMP will be superseded by this Plan on adoption, this should be deleted from the supporting text **[MM177]**. Furthermore, following the publication of the 2021 Census data, for clarity and effectiveness, a change is also required to update the population figure for the settlement **[MM177]**.

### **Dersingham**

231. Within Dersingham, the submitted Plan allocates two sites for at least 30 dwellings in total, one of which should be deleted given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Dersingham refers to these allocations having been made within the SADMP. It is not necessary to include reference to the previous allocations in the SADMP. Indeed, for effectiveness, and given that one of the allocated sites is proposed for deletion and that the SADMP will be superseded by this Plan on adoption, this should be deleted from the supporting text **[MM183]**. Furthermore, following the publication of the 2021 Census data, for clarity and effectiveness, a change is also required to update the population figure for the settlement **[MM183]**.

### **East Rudham**

232. The submitted Plan allocates a site on Land off Fakenham Road in East Rudham (Policy G31.1) for at least 10 dwellings. The supporting text within the section of the Plan on East Rudham refers to this allocation as having been made within the SADMP and that it is being carried forward within this Plan. It is not necessary to include reference to the previous allocation in the SADMP, nor to it being carried forward in the submitted Plan, as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, this should be deleted from the supporting text **[MM191]**. The scheme for the northern route of the A148 East and West Rudham Bypass is not being taken forward by the Highway Authority and the safeguarding route is to be removed from the Policies Map. As such, the reference to it in the supporting text is not justified and it should be deleted **[MM191]**. Furthermore, following the publication of the 2021 Census data, for clarity and effectiveness, a change is also required to update the population figure for the settlement **[MM191]**.

233. Following further work undertaken in respect of the settlement hierarchy as set out above, the evidence supports the change of status of East Rudham from a KRSC to a RV and this should be reflected by the deletion of the reference to its role as a KRSC in the supporting text for effectiveness **[MM191]**.

234. For clarity and effectiveness, the heading within the supporting text should be amended to make it clear that it relates to 'Justification' **[MM193]**. Furthermore, the allocated site is located within the catchment of the River Wensum SAC, which was identified by Natural England, in March 2022, as among the habitat sites in unfavourable condition due to the effect of nutrients on water quality and where

nutrient neutrality is a potential solution for development to mitigate adverse effects. Therefore, reference to this, along with the implications of it for the development of this site, should be included within the supporting text for effectiveness **[MM193]**. Following consultation on the MMs, MM193 has been amended to include reference to the Broads SAC/Broadland Ramsar site as well, as hydrological connectivity between the River Wensum and The Broads via the River Yare creates a potential impact pathway, and to include a requirement for a project level HRA to assess the likely significant effects on water quality.

### **Feltwell with Hockwold-cum-Wilton**

235. Within Feltwell with Hockwold-cum-Wilton, the submitted Plan allocates two sites for at least 60 dwellings in total, one of which should be deleted given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Feltwell with Hockwold-cum-Wilton refers to these allocations having been made within the SADMP, along with two other allocations not included within this Plan. It is not necessary to include reference to the previous allocations in the SADMP as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that one of the allocated sites is proposed for deletion and two others are not allocated in this Plan, this should be deleted from the supporting text **[MM198]**. Furthermore, following the publication of the 2021 Census data, for clarity and effectiveness, a change is also required to update the population figure for the settlement **[MM198]**.

236. With regard to the effects of development on the site allocated by Policy G35.1 on nesting birds within the buffer zone of the Breckland SPA, the HRA of the MMs concludes that a project level HRA for this site should be able to rule out adverse impacts on integrity due to the site's location within the village of Feltwell. Policy G35.1 requires submission of a project level HRA to demonstrate no likely significant effects on the qualifying features of the Breckland SPA and other designated habitat sites, which should ensure any adverse impacts on integrity are dealt with at the planning application stage. A further minor change has been made to the wording of Policy G35.1 in MM200, following consultation, to delete reference to 'Natura 2000' in describing European sites, as this terminology no longer applies in the UK following the amendments to the Habitats Regulations as part of the transfer of functions from the European Commission to UK authorities following Brexit.

### **Great Massingham**

237. The submitted Plan allocates a site on Land south of Walcup's Lane, Great Massingham (Policy G43.1) for at least 12 dwellings. The supporting text within the section of the Plan on Great Massingham refers to this allocation as having been made within the SADMP and that it is being carried forward within this Plan. It is not necessary to include reference to the previous allocation in the SADMP, nor to it being carried forward in the submitted Plan as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, this should be deleted from the supporting text **[MM203]**.



238. In order for the Plan to be up to date and effective, the reference to the now lapsed outline planning permission and reserved matters in the supporting text should also be deleted **[MM205]**.

### **Grimston/Pott Row with Gayton**

239. The submitted Plan designates the settlements of Gayton, Grimston and Pott Row as a joint KRSC and allocates two sites for at least 46 dwellings, one of which is proposed for deletion given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Grimston/Pott Row with Gayton refers to these allocations as having been made within the SADMP. It is not necessary to include reference to the previous allocations in the SADMP as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, this should be deleted from the supporting text **[MM207]**. The distinction in terms of these settlements together being designated as a joint KRSC should also be explicit in the supporting text for effectiveness. As such, a change is necessary to make it clear that it is Gayton, together with Grimston and Pott Row, which is designated as a joint KRSC **[MM207]**.

240. Following the submission of the Plan for Examination, both the Gayton and Gayton Thorpe NP and the Grimston, Pott Row, Roydon and Congham NP have been made. As such, for clarity and effectiveness reference to these NPs in the supporting text should be updated to reflect the current position **[MM207]**.

241. In order for the Plan to be up to date and effective, the reference to the now lapsed outline planning permission and reserved matters for the site allocated by Policy G41.1 on Land north of Back Street, Gayton should be deleted and the details of the current scheme under consideration included in the supporting text, along with a change to the capacity of the site in Policy G41.1 to reflect this **[MM209]**.

### **Heacham**

242. Within Heacham, the submitted Plan allocates two sites for at least 66 dwellings in total, one of which should be deleted given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Heacham refers to these allocations having been made within the SADMP. It is not necessary to include reference to the previous allocations in the SADMP as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that one of the allocated sites is proposed for deletion, this should be deleted from the supporting text **[MM213]**. Following the grant of outline planning permission for a total of 133 new homes on Land off Cheney Hill, Heacham (Policy G47.1), in order for the Plan to be up to date and effective, a change is required to Policy G47.1 and the supporting text to amend the capacity on this allocated site **[MM213, MM215]**.

243. For clarity and effectiveness, reference to the AONB in the supporting text should be amended to the NL area to be consistent with national policy **[MM215]**.

### **Marshland St James with St John's Fen End and Tilney Fen End**

244. Following further work undertaken in respect of the settlement hierarchy as set out above, the evidence supports the change of status of Marshland St James/St John's Fen End with Tilney Fen End from a KRSC to a RV and this should be reflected by the deletion of the reference to its role as a KRSC in the supporting text for effectiveness, as well as making it clear that the services and facilities serve the local rural community rather than the existing and wider rural community **[MM218]**. In addition, the supporting text refers to St John's Fen End and Tilney Fen End as being part of other parishes. For effectiveness, the Plan should make it clear that these other parishes are Terrington St John and Tilney St Lawrence respectively **[MM218]**.
245. Within Marshland St James/St John's Fen End with Tilney Fen End, the submitted Plan allocates two sites for at least 25 dwellings in total, one of which is proposed for deletion given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Marshland St James/St John's Fen End with Tilney Fen End refers to these allocations having been made within the SADMP and that they are being carried forward within this Plan. It is not necessary to include reference to the previous allocations in the SADMP, nor to them being carried forward in the submitted Plan as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that one of the allocated sites is proposed for deletion, this should be deleted from the supporting text **[MM218]**.
246. In order for the Plan to be up to date and effective, the reference to the now lapsed outline planning permission and reserved matters for the site allocated by Policy G57.2 on Land adjacent 145 Smeeth Road, Marshland St James should be deleted and the details of the most recent outline planning permission included in the supporting text, along with a change to the capacity of the site in Policy G57.2 to reflect this **[MM221]**. We have made a change to MM221, following consultation, to amend a further reference to the capacity set out in the supporting text, for clarity and effectiveness.

### **Stoke Ferry**

247. Within Stoke Ferry, the submitted Plan allocates three sites for at least 27 dwellings in total. The supporting text within the section of the Plan on Stoke Ferry refers to these allocations having been made within the SADMP and that they are being carried forward within this Plan. It is not necessary to include reference to the previous allocations in the SADMP, nor to them being carried forward in the submitted Plan as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, this should be deleted from the supporting text **[MM237]**. Following the submission of the Plan for Examination, the Stoke Ferry NP has been made. As such, for clarity and effectiveness reference to this NP in the supporting text should be updated to reflect the current position **[MM237]**. Following the grant of planning permission for 13 dwellings on Land South of Lark Road/Wretton Road (Policy G88.1), albeit that it has since lapsed, and for 29 dwellings on Land at Indigo Road/Lynn Road (Policy G88.3), in order for the Plan to be up to date and effective, a change is required to Policies G88.1 and G88.3

and the supporting text to amend the capacity on these allocated sites **[MM237, MM239, MM243]**. We have made changes to MM239 and MM243, following consultation, to amend further references to the capacity set out in the supporting text, for clarity and effectiveness.

248. In order for the Plan to be up to date and effective, changes should be made to the supporting text to reflect the fact that the outline planning permission and reserved matters for the development of the site allocated by Policy G88.1 have lapsed and the changes to the anticipated delivery as a result of this **[MM239]**. For the same reasons, changes should be made to the supporting text to reflect the fact that the outline planning permission for the development of the site allocated by Policy G88.2 has lapsed **[MM241]** and that the development of the site allocated by Policy G88.3 has commenced, along with the anticipated timescale for completions **[MM243]**.

### **Terrington St Clement**

249. Within Terrington St Clement, the submitted Plan allocates four sites for at least 138 dwellings in total, two of which should be deleted given that the development of those sites has already been completed, as set out above. The supporting text within the section of the Plan on Terrington St Clement refers to three of these allocations having been made within the SADMP and that they are being carried forward within this Plan. It is not necessary to include reference to the previous allocations in the SADMP, nor to them being carried forward in the submitted Plan as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that two of the allocated sites are proposed for deletion, this should be deleted from the supporting text **[MM245]**.
250. In order for the Plan to be up to date and effective, changes should be made to the supporting text to reflect the fact that reserved matters have been approved for the development of the site allocated by Policy G93.3 (Land west of Benn's Lane) for 43 dwellings and to remove reference to previous requirements set out in the SADMP **[MM249]**. We have made a change to MM249, following consultation, to amend the reference to the capacity set out in the policy and supporting text, for clarity and effectiveness.
251. For effectiveness and to correct a typographical error, reference to the adjoining site should be amended in Policy TSC1 (Land south of Northgate Way and west of Benn's Lane) and added to its supporting text to make it clear that this allocated site is adjacent to the land allocated by Policy G93.3 **[MM251]**.

### **Terrington St John with St John's Highway and Tilney St Lawrence**

252. The submitted Plan allocates a site on Land east of School Road, Terrington St John (Policy G94.1) for at least 35 dwellings. The supporting text within the section of the Plan on Terrington St John with St John's Highway and Tilney St Lawrence refers to this allocation as having been made within the SADMP and that it is being carried forward within this Plan. It also sets out that another site allocated in the SADMP is not included in this Plan and the reasons for that. It is not necessary to include reference to the previous allocations in the SADMP, nor to one being carried forward in the submitted Plan and the other not as the SADMP

will be superseded by this Plan on adoption. Indeed, for effectiveness, this should be deleted from the supporting text **[M253]**.

253. Following the submission of the Plan for Examination, the Terrington St John NP has been made. Tilney St Lawrence Parish was designated a Neighbourhood Area in March 2021, which would allow the preparation of a NP for that Parish. As such, for clarity and effectiveness reference to the made Terrington St John NP should be updated and the designation of a Neighbourhood Area for Tilney St Lawrence should be added in the supporting text to reflect the current position **[M253]**.
254. In order for the Plan to be up to date and effective, changes should be made to the supporting text to reflect that the previous outline planning permission and reserved matters have lapsed and that outline planning permission has since been granted for an initial development phase of five dwellings on the site allocated by Policy G94.1, along with the anticipated start date for development **[MM255]**.

### **Upwell and Outwell**

255. Within Upwell and Outwell, the submitted Plan allocates five sites for at least 65 dwellings in total, three of which should be deleted given that the development of those sites has already been completed, as set out above. The supporting text within the section of the Plan on Upwell and Outwell refers to six allocations having been made within the SADMP and that they are being carried forward within this Plan. It is not necessary to include reference to the previous allocations in the SADMP, nor to them being carried forward in the submitted Plan as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that three of the allocated sites are proposed for deletion, this should be deleted from the supporting text **[MM257]**.
256. During the Examination, further flood risk advice has been received in respect of Outwell's waterside development. In order for the Plan to be up to date and therefore effective in respect of flood risk advice, a change is necessary to the supporting text to reflect this **[MM257]**. Furthermore, to reflect the latest position in respect of NPs and for effectiveness, a change is required to the supporting text to make it clear that the Upwell NP has been made and to delete reference to the preparation of a NP for Outwell **[MM257]**.
257. Policy G104.5 requires development proposals to submit details relating to the sewer that crosses the site, together with mitigation 'to the satisfaction of Anglian Water'. Such a phrase is not sufficiently clear and precise and should be deleted for consistency with changes made elsewhere to the Plan. As such, a further change to Policy G104.5 (Criterion 1), following the consultation exercise, has been made for effectiveness **[MM263]**.
258. Following the grant of outline planning permission and the approval of reserved matters for 40 dwellings on a larger site area than that allocated in Policy G104.5, in order for the Plan to be up to date and effective, changes are required to the policy and its supporting text to reflect the increased size and capacity of the allocated site **[MM263]**.

259. Policy G104.6 requires development proposals to submit details relating to the sewer that crosses the site, together with mitigation 'to the satisfaction of Anglian Water'. Such a phrase is not sufficiently clear and precise and should be deleted for consistency with changes made elsewhere to the Plan. As such, a further change to Policy G104.6 (Criterion 1), following the consultation exercise, has been made for effectiveness **[MM265]**. Furthermore, the proposed additional criterion to Policy G104.6 included in MM265, as part of the consultation exercise, requires appropriate mitigation for addressing flood risk from all sources, including foul water discharges, 'to meet current standards and the Middle Level Commissioners' requirements'. This is not sufficiently precise as it is not clear what the current standards or the requirements of the Middle Level Commissioners might be. As such, for effectiveness and consistency with changes made to other policy criteria in the Plan, we have deleted this phrase **[MM265]**.
260. Following the grant of outline planning permission and the approval of reserved matters for 50 dwellings on the site allocated in Policy G104.6, in order for the Plan to be up to date and effective, changes are required to the policy and its supporting text to reflect the increased capacity of the allocated site **[MM265]**.

### **Walpole St Peter with Walpole St Andrew and Walpole Marsh**

261. Within Walpole St Peter with Walpole St Andrew and Walpole Marsh, the submitted Plan allocates two sites for at least 20 dwellings in total, one of which is proposed for deletion given that the development of that site has already been completed, as set out above. The supporting text within the section of the Plan on Walpole St Peter with Walpole St Andrew and Walpole Marsh refers to these allocations having been made within the SADMP. It is not necessary to include reference to the previous allocations in the SADMP as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness, and given that one of the allocated sites is proposed for deletion, this should be deleted from the supporting text **[MM267]**. Following the grant of planning permission for a total of nine new homes on Land south of Walnut Road, Walpole St Peter (Policy G109.1), in order for the Plan to be up to date and effective, a change is required to Policy G109.1 and the supporting text to amend the capacity on this allocated site and to reflect the details of the current planning permission **[MM267, MM269]**.

### **Rural West Norfolk**

262. Policy LP41 of the submitted Plan sets out a strategy for the rural areas of the Borough in respect of the provision of development, including housing and employment. It is not sufficiently clear as to how a decision maker should determine applications for development in the rural area, nor does it set out an effective approach to windfall development in rural areas. As set out above (paragraphs 72-74), in order to be effective, this policy and its supporting text should be deleted and the requirements included in the Spatial Strategy for the Borough **[MM274]**.
263. In order to be clear what is meant by the term 'Designated Rural Areas' its definition should be included in the Glossary of the Plan, for effectiveness **[MM370]**.

## Rural Villages

264. The submitted Plan sets out the RVs in a Table within Section 14: Rural Villages. These are also listed in Policy LP02 in the submitted Plan. As set out above, it is proposed to include these RVs in the New Policy on Spatial Strategy and Settlement Hierarchy. For consistency and therefore effectiveness, it is not necessary for the supporting text to the RVs to repeat this and it should be deleted. A change is therefore necessary to the supporting text to reflect this **[M275]**.
265. Section 14 of the submitted Plan includes a description of each RV within the Borough, along with a policy or policies setting out the requirements in respect of any allocated sites within them, and an Ordnance Survey based plan detailing the development boundary. The Council proposes to include the development boundaries for each settlement on the Policies Map, as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. As such, there is no need for the development boundaries of the RVs to be shown on Ordnance Survey based plans within the supporting text and these should be deleted in order for the Plan to be effective **[MM276, MM278, MM280, MM284, MM287, MM291, MM293, MM297, MM300, MM304, MM306, MM309, MM311, MM314, MM320, MM323, MM325, MM328, MM330, MM332, MM334, MM337, MM339, MM343, MM346, MM352, MM355, MM357, MM361, MM363, MM365]**.
266. Where no policy or policies exist for a particular settlement, Section 14 of the Plan simply includes a description of the RV and reference to any progress made in respect of its NP. There are no specific policies proposed in the Plan in respect of the RVs of Burnham Overy Staithe, Castle Rising, Flitcham, Hillington, Old Hunstanton, Stow Bridge, Ten Mile Bank, Thornham, Three Holes, Walpole Cross Keys, West Newton, Wiggshall St Mary Magdalen, Wimbotsham and Wormegay. As such, the inclusion of the description of these settlements within the Plan is not justified, effective or consistent with national policy as it does not provide supporting text in respect of any policy requirements for these settlements. It should therefore be deleted. Changes are therefore necessary to delete the sections of the Plan describing Burnham Overy Staithe, Castle Rising, Flitcham, Hillington, Old Hunstanton, Stow Bridge, Ten Mile Bank, Thornham, Three Holes, Walpole Cross Keys, West Newton, Wiggshall St Mary Magdalen, Wimbotsham and Wormegay **[MM275, MM277, MM290, MM303, MM308, MM322, MM327, MM329, MM331, MM336, MM354, MM360, MM362, MM364]**.
267. Following the submission of the Plan, further work has been undertaken by the Council in respect of the deliverability and developability of housing sites allocated for development. As part of this exercise, several allocated sites have been identified as having been completed. In some cases, these were the only allocation(s) for the RV. In order to be positively prepared and effective, where allocated sites have been completed in the RVs, the policies in the Plan in respect of these allocations should be deleted. Furthermore, where no allocations would remain in a RV, for consistency and effectiveness, the descriptions of these settlements, which do not provide supporting text in respect of any remaining policy requirements in these settlements should also be deleted.

268. Changes are therefore necessary to delete the following policies and their supporting text where the development has already been completed: Policy G33.1 East Winch – Land south of Gayton Road **[MM285]**; Policy G45.1 Harpley - Land at Nethergate Street/School Lane **[MM298]**; Policy G52.1 Ingoldisthorpe - Land opposite 143-161 Lynn Road **[MM307]**; Policy G72.1 Runcton Holme – Land at School Road **[MM312]**; Policy G81.2 Shouldham - Land accessed from Rye's Close **[MM321]**; Policy G91.1 Syderstone - Land west of no. 26 The Street **[MM326]**; Policy G97.1 Tilney All Saints - Land between School Road and Lynn Road **[MM335]**; Policy G120.1 Walton Highway - Land adjacent Common Road **[MM344]**; and, Policy G114.1 Wereham - Land to the rear of 'Natanya', Hollies Farm, Flegg Green **[MM353]**.
269. In addition, changes are required to delete the following sections of the Plan describing East Winch, Harpley, Ingoldisthorpe, Runcton Holme, Shouldham, Syderstone, Tilney All Saints, Walton Highway and Wereham, **[MM283, MM296, MM305, MM310, MM319, MM324, MM333, MM342, MM351]**.
270. In RVs where housing allocations are proposed, for clarity and effectiveness an OS based plan detailing the extent of the site within the supporting text for each policy, as set out in paragraph 130 above, is necessary as follows: Policy G28.1 Denver - Land to South of Sluice Road **[MM282]**; Policy G36.1 Fincham - Land east of Marham Road **[MM289]**; Policy G42.1 Great Bircham and Bircham Tofts - Land adjacent to 16 Lynn Road **[MM295]**; Policy G48.1 Hilgay - Land south of Foresters Avenue **[MM302]**; Policy G78.1 Sedgeford - Land off Jarvie Close **[MM316]**; Policy G106.1 Walpole Highway - Land East of Hall Road **[MM341]**; Policy G113.1 Welney - Former Three Tuns/Village Hall **[MM348]**; Policy G113.2 Welney - Land off Main Street **[MM350]**; and, Policy G123.1 Wiggshall St. Germans - Land north of Mill Road **[MM359]**.
271. The policies allocating land within the RVs for housing each set out the criteria against which proposals for the development of the sites should be assessed. However, in some cases, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. Therefore, the phrase 'to the satisfaction of Norfolk County Council Highways Authority', or similar, in respect of the provision of safe access, should be replaced with reference to development being subject to the requirements set out within Policy LP13 of the Plan for effectiveness in Policies G28.1 - Land to the south of Sluice Road, Denver **[MM281]**; G36.1 - Land east of Marham Road, Fincham **[MM288]**; G48.1 - Land south of Foresters Avenue, Hilgay **[MM301]**; G78.1 - Land off Jarvie Close, Sedgeford **[MM315]**; G106.1 - Land east of Hall Road, Walpole Highway **[MM340]**; G113.2 - Land off Main Street, Welney **[MM349]**; and, G123.1 - Land north of Mill Road, Wiggshall St Germans **[MM358]**.
272. Furthermore, the phrase 'in line with current standards' with regard to the provision of affordable housing, should be replaced with reference to development being subject to the requirements set out within Policy LP28 of the Plan for effectiveness in Policies G28.1 - Land to the south of Sluice Road, Denver **[MM281]**; G36.1 - Land east of Marham Road, Fincham **[MM288]**; G42.1 - Land adjacent to 16 Lynn Road, Great Bircham **[MM294]**; G48.1 - Land south of Foresters Avenue, Hilgay **[MM301]**;

G78.1 - Land off Jarvie Close, Sedgeford **[MM315]**; G106.1 - Land east of Hall Road, Walpole Highway **[MM340]**; G113.1 - Former Three Tuns/Village Hall, Welney **[MM347]**; G113.2 - Land off Main Street, Welney **[MM349]**; and, G123.1 - Land north of Mill Road, Wiggenhall St Germans **[MM358]**.

273. Each site allocation within the RVs includes a section titled 'Site Description and Justification'. In order for the heading to better reflect the content of the supporting text, this should be deleted and replaced with headings relating to 'Introduction' and/or 'Justification' for clarity and effectiveness **[MM281, MM288, MM294, MM301, MM318, MM340, MM347, MM349, MM358]**.

### **Denver**

274. Within Denver, the submitted Plan allocates Land South of Sluice Road (Policy G28.1) for at least eight dwellings. The supporting text, however, refers to the allocation of this site within the SADMP and to changes that have been made to the site area within the submitted Plan, as well as making reference to the SADMP SA. It is not necessary to include reference to the previous allocation in the SADMP or the SADMP SA, nor to any changes made to it prior to its inclusion in the submitted Plan, as the SADMP will be superseded by this Plan on adoption. Indeed, for effectiveness these should be deleted and the supporting text amended to make it clear that this Plan makes an allocation for eight new dwellings on this site **[MM279, MM281]**.

### **Fincham**

275. Policy G36.1 in the Plan allocates a site on land east of Marham Road for at least five dwellings. The supporting text, however, refers to the allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear that land is allocated for at least five dwellings in this Plan **[MM286]**.

276. Given that the site benefits from outline planning permission and that the deliverability of this site has been demonstrated, for clarity and effectiveness, the anticipated completion of this development in 2025/26 should be added to the supporting text **[MM288]**.

### **Great Bircham/Bircham Tofts**

277. Policy G42.1 in the Plan allocates a site on land adjacent to 16 Lynn Road for at least 10 dwellings. The supporting text, however, refers to the allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear that it is this Plan which makes an allocation for at least ten new homes **[MM292]**.

278. Given that the site now benefits from planning permission and that there is a requirement for the development to fulfil Natural England's nutrient neutrality requirements by providing suitable mitigation, for clarity and effectiveness, this should be added to the supporting text **[MM294]**. A minor change to MM294 is necessary, following consultation on it, to make clear that the requirement for



nutrient neutrality also applies to impacts on water quality within The Broads SAC/Broadlands Ramsar sites.

### **Hilgay**

279. Within Hilgay, the Plan allocates land south of Foresters Avenue for at least 12 dwellings (Policy G48.1). The supporting text, however, refers to the allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear. Furthermore, following the approval of planning permission for 16 dwellings on this site, in order for the supporting text and the policy to be justified, a change is necessary to ensure that both refer to land being allocated for at least 16 dwellings in this Plan **[MM299, MM301]**.
280. As the site now benefits from planning permission and given that delivery is anticipated to begin from 2025/26, along with the requirement for the development to fulfil Natural England's nutrient neutrality requirements by providing suitable mitigation, for clarity and effectiveness, this should be added to the supporting text **[MM301]**.

### **Sedgeford**

281. Policy G78.1 in the Plan allocates a site on land off Jarvie Close for at least 10 dwellings. The supporting text, however, refers to the allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear **[MM313]**.
282. Planning permission was previously approved for 11 dwellings on this allocated site, although this has since lapsed. However, given that the Council is the landowner and is seeking to bring forward the land for at least 11 Custom and Self Build dwellings, in order for the policy to be effective, a change is necessary to the expected capacity of this site to reflect this in the policy and the supporting text **[MM315, MM318]**.
283. Reference in the supporting text to the site being within the AONB should be amended to the NL area to be consistent with national policy changes to the terminology for effectiveness. The supporting text also includes details of the planning permission granted and an explanation of the anticipated capacity of 10 dwellings. Given that the planning permission has now lapsed and the proposed increase in capacity from 10 to 11 dwellings, a change is required to the supporting text for effectiveness **[MM318]**.
284. The Plan as submitted includes Policy H1: Development of site allocated at Jarvie Close and its supporting text. This is a duplication of what is contained in the Sedgeford NP and should be deleted in order for this Plan to be effective **[MM317]**.

### **Walpole Highway**

285. Within Walpole Highway, the Plan allocates a site on land east of Hall Road for at least 10 dwellings (Policy G106.1). The supporting text, however, refers to the

allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear that land is allocated for at least 10 dwellings in this Plan **[MM338]**.

286. Given that the site benefits from planning permission and that some of the dwellings have already been completed on this site, for clarity and effectiveness, the anticipated completion of this development in 2024/25 should be added to the supporting text **[MM340]**.

## **Welney**

287. Policies G113.1 and G113.2 allocate two sites within Welney for a total of at least 20 dwellings at the Former Three Tuns/Village Hall (seven) and on land off Main Street (13). The supporting text to this section of the Plan on Welney refers to the allocation of these sites within the SADMP. It is not necessary to include reference to the previous allocations in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear that land is allocated in this Plan **[MM345]**. In addition, given the particular issues with floodwater management and drainage that are associated with Welney, for effectiveness, reference should be made to the requirements for development in the village to address flooding issues. As such, it is necessary to include an additional paragraph to the supporting text to set this out **[MM345]**.
288. Following the grant of planning permission and further work undertaken by the Council in respect of the capacity of each of the allocated sites in Welney, amendments are required to the numbers of dwellings likely to come forward on these sites in the Plan period for effectiveness. As such, changes are required to Policies G113.1 and G113.2 and the supporting text to refer to the development of 'at least 4 dwellings' and 'at least 17 dwellings' respectively. In addition, reference to the grant of outline planning permission on the allocated site at the Former Three Tuns/Village Hall and that development has commenced on site on the allocated site on land off Main Street should be included in the supporting text to Policies G113.1 and G113.2 respectively for clarity and effectiveness. **[MM347, MM349]**. We have made a change to MM347, following consultation, to amend a further reference to the capacity set out in the supporting text to Policy G113.1, for clarity and effectiveness.
289. With regards to the FRA required by Criterion 1 of Policy G113.1 for the development of the Former Three Tuns/Village Hall allocation, the potential implications for the Upwell Internal Drainage Board (IDB) and Old Croft River Systems, managed by the Middle Level Commissioners, are not included within the requirements for the FRA. In order to be effective, the policy should set this out as a requirement of the FRA. A change is therefore necessary to Criterion 1 of Policy G113.1 to reflect this. In addition, in order to demonstrate that there would be no adverse effect on the Ouse Washes SAC, SPA and Ramsar site, there should be a requirement for a project level HRA in respect of any development of this site. This requirement should be added to Criterion 3 of Policy G113.1 for

effectiveness. These changes to the policy, along with corresponding changes to the supporting text are necessary for effectiveness **[MM347]**.

290. With regards to the FRA required by Criterion 1 of Policy G113.2 for the development of the land off Main Street allocation, the potential implications for the Manea and Welney District Drainage Commissioners (DDC) watercourses, and Old Croft River systems, managed by the DDC, are not included within the requirements for the FRA. In order to be effective, the policy should set this out as a requirement of the FRA. A change is therefore necessary to Criterion 1 of Policy G113.2 to reflect this. In addition, in order to demonstrate that there would be no adverse effect on the Ouse Washes SAC, SPA and Ramsar site, there should be a requirement for a project level HRA in respect of any development of this site. This requirement should be added to Criterion 4 of Policy G113.2 for effectiveness. These changes to the policy, along with corresponding changes to the supporting text and changes to the description of the location of this allocated site, are necessary for clarity and effectiveness **[MM349]**.

### **Wiggenhall St Germans**

291. Within Wiggenhall St Germans, the Plan allocates a site on land north of Mill Road for at least five dwellings (Policy G123.1). The supporting text, however, refers to the allocation of this site within the SADMP. It is not necessary to include reference to the previous allocation in the SADMP, as the SADMP will be superseded by this Plan on adoption, and this should be deleted to ensure that the supporting text is effective and clear that land is allocated in this Plan. Furthermore, to reflect the approval of planning permission for four dwellings, a change is necessary to the policy and supporting text for effectiveness **[MM356, MM358]**.
292. Given that the site benefits from planning permission, for clarity and effectiveness, reference to this and the anticipated completion of this development in 2025/26 should be added to the supporting text **[MM358]**.

### **Smaller Villages and Hamlets (SV&Hs)**

293. The submitted Plan sets out the SV&Hs in a Table within Section 15: Smaller Villages and Hamlets. These are also listed in Policy LP02 in the submitted Plan. As set out above, it is proposed to include these SV&Hs in the New Policy on Spatial Strategy and Settlement Hierarchy. For consistency and therefore effectiveness, it is not necessary for the supporting text to the SV&Hs to repeat this and it should be deleted. Section 15 of the submitted Plan also includes an introductory section and a section on NPs within the SV&Hs, along with an Ordnance Survey based plan detailing the development boundary for each settlement.
294. The Council proposes to include the development boundaries for each settlement on the Policies Map as the Regulations require that the Policies Map should illustrate geographically the application of policies in the adopted Plan. There are no specific policies proposed in the Plan in respect of the SV&Hs in Section 15. As such, the inclusion of the introductory and NPs sections, along with the settlement plans are not justified, effective or consistent with national policy as they do not

provide supporting text or illustrate geographically, any policy requirements for these settlements in Section 15 and should be deleted. Changes are therefore necessary to delete this section of the Plan. **[MM366, MM367]**.

## **Conclusion**

295. Subject to the MMs set out above, the proposed settlement and site allocations policies are justified, 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.

## **Issue 5 – Has the Plan been positively prepared and is it justified, effective and consistent with national policy in meeting the housing needs of all groups in the Borough over the Plan period?**

### **Housing Land Supply**

296. The supporting text to Policy LP01 refers to a total housing land supply over the Plan period (2016-2036) of 12,057 dwellings, comprising completions, commitments and housing allocations in the Plan, although this rises to 16,100 dwellings if an allowance is made for windfalls, set against a housing need of 10,780 dwellings. However, given the proposed change to the Plan period set out in paragraph 47 above, along with the further work undertaken by the Council during the Examination in relation to the deliverability and developability of the allocated sites and the latest updates to completions and commitments, in order to be effective, the housing supply should be brought up to date. This should also include a windfall allowance of 237dpa from 2027/28 to the end of the Plan period, a total of 3,081 dwellings, which is justified by the evidence. As such, following the deletion of Policy LP01 and its supporting text, as set out earlier in the Report, a change is required to the Plan to include a New Table setting out the housing land supply position over the revised 19 year Plan period 2021/22 to 2039/40, along with a detailed housing trajectory set out in a New Appendix to the Plan. This shows that the total deliverable supply over the Plan period would be 12,438 dwellings, giving a surplus over the housing need of 1,912 dwellings. A consequential change is also necessary to delete Appendix C: Housing Trajectory and include an updated summary housing trajectory in the supporting text to the New Policy – Spatial Strategy and Settlement Hierarchy. These changes are necessary for effectiveness and to be consistent with national policy **[MM4, MM5]**.

297. In respect of the provision of a five year supply of deliverable housing land, on the basis of the updated supply figures, the Council can demonstrate a supply of 7.9 years at 1 April 2024, with a 5% buffer. For the avoidance of doubt, the 5 year housing land supply calculation should be added to the Plan for clarity and effectiveness **[MM5]**. Although the 5 year supply calculation is from 1 April 2024, it is apparent from the housing trajectory that the deliverability of sites will be sufficient, from 1 April 2024 onwards, for us to conclude that the Council will be able to demonstrate a 5 year housing land supply on adoption with a 5% buffer.

298. Following the close of the Hearing and after consultation on the MMs, the latest Housing Delivery Test [HDT]: 2023 measurement was published. While we note the

Council's challenge to the 2023 HDT figures for King's Lynn and West Norfolk, these indicate that housing delivery in the Borough was below 85% of the housing requirement over the previous three years and would mean that a 20% buffer should be applied when calculating five year housing land supply. We are satisfied that, even with a 20% buffer, the Council can demonstrate a supply of 6.9 years at 1 April 2024. Furthermore, having regard to the deliverability of housing sites on the housing trajectory from 1 April 2024 onwards, we can conclude that the Council will be able to demonstrate a 5 year housing land supply on adoption with a 20% buffer.

### **Affordable Housing (Policy LP28)**

299. Policy LP28 seeks to deliver affordable housing as a percentage of development of qualifying sites. It includes percentages and thresholds for affordable housing on sites in different locations, as well as the requirements for tenure mix, the provision of commuted sums, vacant building credit, delivering affordable housing on phased development and exceptions sites. In addition, the policy includes the requirements for the provision of accommodation for Gypsies, Travellers and Travelling Showpeople. However, as detailed below, a New Policy and supporting text are required to set out the approach to this provision, following the submission of an updated Gypsies and Travellers Accommodation Assessment<sup>46</sup> (GTAA) (2023), in order for the Plan to be consistent with national policy and effective. As such, the supporting text and the part of Policy LP28 which refers to the provision of accommodation for Gypsies, Travellers and Travelling Showpeople is not justified as it was based on an earlier GTAA (2016) and should be deleted for effectiveness **[MM377]**.
300. Further changes are required to Policy LP28 to ensure that it is clear to a developer or decision maker what would be required for a development to be permitted. In particular, Criterion 6 should say that accommodation should be tenure blind 'and indistinguishable between' affordable and market homes; Criterion 10 should refer to commuted sums 'and viability', and reference to the commuted sum to be sought should be deleted; Criterion 14 should be replaced to remove reference to Policy LP01, which is to be deleted as set out earlier in this Report, and details of the minimum requirement for affordable housing on allocated sites set out; and Criterion 16 should be amended to update the references to a 'Registered Provider of Social Housing' rather than a Registered Social Landlord, along with changes to reflect the deletion of Policy LP02 and its replacement with a New Policy on Spatial Strategy and Hierarchy, as set out earlier in the Report. These changes are all required for effectiveness **[MM62]**.
301. The supporting text should be amended to include a new heading in respect of 'Policy Justification' to make it clear which elements provide the justification for the policy and reference to most of the rural parishes within the Borough being designated rural areas under Section 157 of the Housing Act 1985, which restricts the future sale of rural affordable housing under the 'Right to Buy'. This is necessary for clarity and effectiveness **[MM59]**.

---

<sup>46</sup> Core Document F44

302. The supporting text also requires updating, by removing the reference to the CS, which will be superseded by this Plan on adoption, and to refer to the amended Plan period as detailed above. A broader reference to the NPPF Section 5: Delivering a sufficient supply of homes, is also necessary to ensure that it is up to date. These changes are required for effectiveness and to ensure that the Plan is consistent with national policy **[MM60]**.
303. Reference is made in the supporting text to a sequential approach to the assessment of Rural Exception sites. However, this approach is not advocated by the NPPF. As such, for consistency with national policy, this part of the supporting text should be deleted **[MM61]**.

### **Self-Build and Custom Housebuilding**

304. The supporting text to Policy LP01 sets out the legislative background to Self-Build and Custom housebuilding and recognises its importance in the housing land supply of the Borough. It also refers to the additional weight given to Self-Build and Custom housebuilding in Policy LP31. As set out earlier in this Report, Policy LP31 is to be deleted from the Plan. A New Policy setting out the approach to Self-Build and Custom housebuilding is therefore necessary for the Plan to be effective and consistent with national policy **[MM69]**. The supporting text to Policy LP01, which relates to Self-Build and Custom housebuilding should be updated to reflect current legislation and requirements in the Levelling Up and Regeneration Act 2023 and both it and the New Policy added to Section 7 of the Plan for clarity and effectiveness **[MM68, MM69]**.

### **Gypsy and Traveller Accommodation Needs and Supply (Policy LP28)**

305. On submission, the Plan was accompanied by a GTAA<sup>47</sup> (2016), which the Council advised was in the process of being updated. The updated GTAA<sup>48</sup> (2023) was published during the Examination and showed a significant increase in the need for Gypsy and Traveller Accommodation. The former concluded that a need for five additional pitches for Gypsies and Travellers and an additional two plots for Travelling Showpeople existed, and to meet these needs the submitted Plan included a criteria-based policy for Gypsies and Travellers' accommodation needs as part of Policy LP28. However, the more recent GTAA identifies a need for 98 pitches and five plots by 2039, for those who meet the Planning Policy for Traveller Sites (PPTS) definition, of which 72 pitches and 4 plots are required by 2027/28. Applying an adjustment to these figures due to the proposed extension to the Plan period to 2040, the number of pitches required would increase to 100.
306. As a result of the identification of this significant need and given that the majority is required in the period up to 2027/28, we asked the Council to undertake further work during the Examination in respect of identifying sites to meet this need and to develop a New Policy and supporting text setting out the accommodation needs of Gypsies and Travellers and Travelling Showpeople, along with sites to be allocated to meet these needs. In response, the Council undertook a call for sites in the

---

<sup>47</sup> Submission Document D4

<sup>48</sup> Core Document F44

Autumn of 2023 and published a set of proposed sites, along with a New Policy and supporting text for consultation in May/June 2024. A further Hearing session was held in September 2024 to consider the updated GTAA, the sites proposed for allocation and the proposed New Policy and supporting text, along with the representations made to them.

307. The supply proposed includes the extension of existing authorised Gypsy and Traveller Sites to provide 40 additional permanent pitches; the intensification of existing authorised Gypsy and Traveller Sites to provide an additional 24 permanent pitches; the formalisation of seven long-term unauthorised pitches already in use by the Gypsy and Traveller community; and the extension and/or intensification of existing authorised sites for Travelling Showpeople to provide four additional plots.
308. We are satisfied that the overall methodology of the updated GTAA is robust and provides an appropriate basis upon which to assess the accommodation needs of Gypsies and Travellers and Travelling Showpeople. Furthermore, from the evidence before us, we consider that the proposed allocated sites would be likely to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in the first five years, with the needs associated over the remainder of the Plan period met through the development of new sites and the extension or intensification of other existing authorised sites through the criteria based element of the New Policy. In order to be consistent with national policy and to be effective, a New Policy 'Sites for Gypsies, Travellers and Travelling Showpeople' and new supporting text should be included within the Plan **[MM378]**. We have amended the address of Site Reference GT09 to Land at the Stables, Marshland St James, to correct an error in MM378, following the consultation, for clarity and effectiveness.
309. In addition, there is a requirement for the Council to meet the accommodation needs of those who do not meet the PPTS definition for a Gypsy and Traveller. In order to do that, in addition to the above New Policy, a further New Policy and supporting text is required setting out the criteria against which proposals for the delivery of new caravan pitches or park homes, or extensions to existing caravan or park home sites, along with the provision of additional houseboat moorings should be included in the Plan for effectiveness **[MM378]**.

### **Housing for the Elderly and Specialist Care (Policy LP29)**

310. Policy LP29 sets out the criteria against which development proposals providing specialist housing options for older people's accommodation and others with support needs, including sheltered housing, supported housing, extra care housing and residential/nursing care homes will be assessed. Criterion 6 requires special consideration to be given in terms of the design, layout and massing for areas which could potentially impact upon the Norfolk Coast AONB and/or its setting. However, the criteria against which any proposals within the AONB, or affecting its setting, are set out in Policy LP16 of the Plan. To avoid duplication and for effectiveness, Criterion 6 of Policy LP29 should therefore be deleted **[MM63]**.

### **Adaptable and Accessible Homes (Policy LP30)**

311. Policy LP30 of the Plan requires 50% of new homes to be built to meet requirement M4(2) of Part M of the Building Regulations: Category 2 for accessible and adaptable dwellings. However, this level of new homes is not justified by the evidence, as the VA concludes that it is only viable for 40% of all new homes to meet this requirement. As such, changes are required to the supporting text and the policy to reflect this amended figure **[MM64, MM65, MM66]**.
312. A further change is required to the policy to remove the requirement that all residential properties should be accompanied by a separate document setting out how proposals (including each dwelling type) accord with each of the standards as detailed in the Building Regulations, given that this matter is dealt with by other legislation and it is not justified to include it within the policy. Furthermore, the reference to 'wheelchair accessible' dwellings should be changed to 'adaptable' dwellings to be consistent with recent changes to the Building Regulations. These changes are required for effectiveness **[MM64]**.
313. The supporting text should be amended to refer to these standards being required in accordance with the 2020 Housing Needs Assessment in order to be justified **[MM65]** and to provide clarity and effectiveness in respect of the end date of the study, which is 2036 and not the revised end of the Plan period **[MM66]**.

### **Houses in Multiple Occupation (Policy LP32)**

314. Policy LP32 includes the criteria against which proposals for the conversion of existing dwellings to, and new development of properties for, multiple occupation will be considered. However, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In order for the policy to be positively prepared, effective and consistent with national policy, the wording of Criteria a and b should be amended. These changes should ensure that the potential adverse impacts of the proposed development on the amenity of existing and new residents and the historic and natural environment can be satisfactorily mitigated and the potential adverse impacts of associated facilities, including bin storage, car and cycle parking, upon occupiers of adjoining or neighbouring properties are minimised **[MM70]**. Furthermore, Criterion d should be deleted for clarity and effectiveness as it is not necessary to require that the proposed development meets the necessary standards set out in legal national requirements as this is covered by other legislation **[MM70]**.

### **Enlargement or Replacement of Dwellings in the Countryside (Policy LP33)**

315. Policy LP33 sets out the criteria against which proposals for the enlargement or replacement of dwellings in the countryside will be assessed. However, the wording of the policy in respect of Criterion 2. is not positively prepared or consistent with national policy in respect of dwellings in the countryside. It should therefore be deleted and replaced with wording that makes it clear that schemes should reflect the scale and character of their setting and contribute to enhancing the local natural and built environment, while recognising the intrinsic character and beauty of the surrounding countryside, and minimising the potential adverse



impacts of development. This change is necessary for the policy to be effective and consistent with national policy [MM72].

316. The supporting text to this policy refers to the 'presumption against new dwellings in the countryside'. However, to be consistent with national policy in the NPPF and to be positively prepared this should be deleted from the supporting text and additional wording included to explain that the development of isolated homes in the countryside should be avoided, but that some exceptions exist [MM71].

### **Housing Needs of Rural Workers (Policy LP34)**

317. Policy LP34 sets out the approach to meeting the housing needs of rural workers, which includes criteria against which proposals for permanent and temporary occupational dwellings and those for existing occupational dwellings would be considered. However, the wording of the policy is not sufficiently clear and precise in respect of the phrase 'acceptable in all other respects'. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. A change is necessary therefore to Criterion 1 civ of the policy to replace this phrase to ensure that it is clear that proposals should accord with all other relevant countryside and development management policies in the Plan, in particular the New Policies on Spatial Strategy and Settlement Hierarchy and Windfall Development, along with Policies LP18 (Design and Sustainable Development) and LP21 (Environment, Design and Amenity) for effectiveness [MM73].

318. Furthermore, following changes referred to above, in respect of the settlement hierarchy, the reference to 'Smaller Villages and Hamlets' in the supporting text to this policy should be deleted to ensure consistency with other policies in the Plan, for effectiveness [MM73].

### **Conclusion**

319. Subject to the MMs set out above, the Plan is positively prepared, justified, effective and consistent with national policy in meeting the housing needs of all groups in the Borough over the Plan period.

## **Issue 6 – Is the Plan justified, effective and consistent with national policy in respect of its policies for community and culture?**

### **Community and Culture (Policy LP36)**

320. Policy LP36 brings together several policy requirements to promote the health and well-being of the Borough's communities, through the accessible location and inclusive design of new development in support of criterion 2(f) of Policy LP18, and through the protection of existing leisure, recreation and cultural facilities and the provision of new leisure, health and community facilities. This is broadly consistent with national policy in section 8 of the NPPF.
321. However, the wording of Criterion 6 of Policy LP36 is not consistent with national policy in seeking to prevent the loss of existing cultural facilities, unless equivalent new or improved facilities are provided, given that paragraph 93c) of the NPPF guards against the 'unnecessary' loss of such valued facilities. Therefore, to

ensure consistency with national policy, it is necessary to amend Criterion 6 and the supporting text to Policy LP36 to enable proposals which would result in the loss of cultural facilities to be considered, where it is proven they are no longer viable or needed for community or cultural uses **[MM74]**.

### **Community Facilities (Policy LP37)**

322. Policy LP37 supports the retention of existing community facilities and provision of new facilities in areas of need or growth. Criterion 2 of the policy resists the loss of existing community facilities, unless it can be demonstrated that the area is adequately served or it is no longer viable or feasible to retain the facility. However, paragraph 99 of the NPPF also allows for leisure and recreation facilities to be built on if the loss resulting from development would be replaced by equivalent or better provision in a suitable alternative location. The same approach should be applied to the loss of community facilities. Accordingly, **MM75** is necessary to ensure this element of national policy is reflected in Policy LP37.

### **Conclusion**

323. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in respect of its policies for community and culture.

## **Issue 7 – Is the Plan justified, effective and consistent with national policy in respect of its policies and proposals for the environment?**

### **Coastal Areas (Policy LP15)**

324. Policy LP15 seeks to balance the need for new development against the sensitive nature of the coastal area of West Norfolk. It does this by setting out how it will ensure the protection of coastal areas and how it will address new development, including resisting development where the Shoreline Management Plans and SFRAs highlight an area at high risk of flooding on the coast, namely areas in Flood Zone 3 and areas shown to flood to a certain depth in the Tidal Hazard Mapping [THM]. The supporting text does not say what an applicant should do where the THM is lacking or not fit for purpose. In order to be effective, therefore, the supporting text should make it clear that, where this is the case, for development management purposes, it would normally be a requirement for the applicant to undertake a bespoke assessment. As such, a change is required to the supporting text of Policy LP15 on this basis **[MM37]**.

### **Norfolk Coast AONB (Policy LP16)**

325. The Plan seeks to restrict major developments in the Norfolk Coast AONB, unless exceptional circumstances prevail as defined in the NPPF, and sets out the criteria against which planning applications for any proposal within the AONB will be assessed in Policy LP16. In order to be consistent with national policy, changes are necessary to Policy LP16 and its supporting text to refer to NL areas rather than AONBs to reflect the change in terminology and to clarify how development proposals within them would be dealt with. These changes are necessary for the Plan to be effective and consistent with national policy in the NPPF **[MM38, MM40]**. A small typographical error was included in MM38 as published for

consultation. We have therefore amended the first sentence of the supporting text to say '... for managing development within National Landscape areas, ...'.

326. Policy LP16 says that planning permission for any proposal will only be granted when it meets the aims of the Norfolk Coast AONB Management Plan and design advice, making practical and financial contributions towards management plan delivery as appropriate. The Norfolk Coast AONB Management Plan does not form part of the Plan and, as such, was not subject to consultation as part of the preparation of this Plan. Policy LP16 should not therefore require any development proposals to meet the aims of the Norfolk Coast AONB Management Plan. However, reference should be made to the existence of the Norfolk Coast AONB Management Plan in the supporting text, explaining that it provides advice regarding design and making practical and financial contributions towards its delivery. Changes are therefore required to Policy LP16 to delete this requirement and to the supporting text to add further details about the Norfolk Coast AONB Management Plan for effectiveness **[MM39, MM40]**.

### **Coastal Change Management Area (Policy LP17)**

327. Within King's Lynn and West Norfolk the Plan identifies a Coastal Change Management Area (Hunstanton to Dersingham) through Policy LP17. The supporting text to this policy does not make specific reference to the Integrated Coastal Zone Management approach to be developed by the Council with Natural England and other relevant stakeholders for this area. In order to be effective, therefore, reference to this approach should be included in the supporting text to Policy LP17, along with the reasons for it, in respect of the changes associated with climate change, and the need for setting sustainable levels of economic and social activity for the area, whilst protecting the environment **[MM41]**.
328. Policy LP17 itself, sets out the requirements against which proposals for development will be considered within the Coastal Change Management Area. For clarity and therefore effectiveness, a change to the title of this policy is necessary to reflect this. Changes are also necessary to the sections of the policy dealing with Replacement Dwellings and Replacement Caravans, to make it clear that any replacement should not encroach any closer to the flood defences than the current footprint of the dwelling or current plot of the caravan, and where encroachment already occurs, any replacement should be set back from the defence. These changes are necessary to be consistent with national policy **[MM42]**.

### **Design and Sustainable Development (Policy LP18)**

329. Policy LP18 states that all new development in the Borough must be of high quality design and the supporting text explains that it is imperative that proposals for new development and redevelopment are based on sound design principles. However, there is no indication in the supporting text about what these sound design principles might include. As such, in order to provide clarity, the key design principles to be considered should be set out within the supporting text. A change is therefore necessary for effectiveness **[MM43]**.
330. Policy LP18 also seeks to promote and encourage opportunities to achieve high standards of sustainability and energy efficiency in development proposals. The

supporting text refers to reducing emissions through the use of low carbon technologies. However, there is no reference to the creation of waste through electricity usage, such as through functions like lighting, and light pollution, which can have implications for sensitive areas of the Borough. As such, a change is necessary to explain this within the supporting text for effectiveness [MM44]. Amendments are also necessary for clarity to the specific wording of three criteria in Policy LP18 in respect of the provision of built-in nesting boxes, the promotion of water efficiency in non-domestic buildings where relevant; and in respect of the provision of well-designed homes which provide good standard and quality internal environments, to ensure consistency with national policy [MM44].

### **Environmental Assets – Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Policy LP19)**

331. Policy LP19 seeks to protect and enhance the environmental assets within the Borough and includes criteria which set out how this will be achieved. However, the wording of the policy is not sufficiently clear and precise. As such, it would be difficult for a developer or decision maker to determine what would be required for a development to be permitted. In order for the policy to be positively prepared, effective and consistent with national policy, changes are required to Criteria 1, 3, 4, 6 and 7. In order to clarify the role of natural capital, Biodiversity Net Gain and green infrastructure, a change is necessary to Criterion 1 to refer to these. Criterion 3 should be replaced with alternative wording to provide clarity in respect of the mitigation hierarchy. Criterion 4 should be deleted as any adverse impacts on the area's soils would be assessed through the impacts on geodiversity set out in the changes to Criterion 3. Criterion 6 should be replaced with alternative wording which sets out how the Council and its partners will support a range of initiatives and proposals that will improve areas of poor quality, including for European sites. Finally, Criterion 7 should include reference to the provision of recreational open space for residential development in respect of contributing to an improved quality of life for current and future residents and visitors. These changes are necessary for effectiveness [MM47].
332. The supporting text to Policy LP19 makes no mention of European sites or geodiversity. In order to be consistent with national policy and for effectiveness, the supporting text should be amended to refer to the European Sites and GIRAMS, as well as geodiversity and how these can be protected [MM45]. Following consultation on the MMs, a minor change to MM45 is necessary to delete reference to the 'enhancement' of European sites through the GIRAMS in the supporting text to Policy LP19. GIRAMS is a strategy to mitigate for the increase in recreational pressure on European sites as a result of growth, not an enhancement strategy for European sites. To indicate otherwise would not be effective or consistent with national policy [MM45].
333. Following the introduction of a legal requirement to deliver 10% Biodiversity Net Gain in association with most new developments, which came into force on 12 February 2024, a new section on Biodiversity Net Gain is required to be included in the supporting text to explain this, in order to be consistent with national policy, as

well as for clarity and effectiveness [MM46]. Reference has also been included to Biodiversity Net Gain in Policy LP19 above for clarity and effectiveness [MM47].

### **Historic Environment (Policy LP20)**

334. Policy LP20 and its supporting text set out the strategic policy approach to the historic environment of the Borough. The policy seeks to conserve and enhance the historic environment and to better understand, protect and enhance the archaeology of the Borough. However, the approach adopted by the policy and the supporting text is not consistent with national policy and is not effective, given the limited nature and content. Indeed, the policy is not clear how the different elements of the historic environment will be conserved and enhanced. The policy does not set out specifically how Designated Heritage Assets such as Scheduled Monuments, Listed Buildings, Registered Parks and Gardens and Conservation Areas, and the settings of these assets; or Non-Designated Heritage Assets, such as unregistered historic parks and gardens, and archaeology, and the settings of these assets, will be conserved and enhanced. Nor does it provide clear and effective criteria against which to consider development proposals which may impact upon these heritage assets and their settings. As such, in order for Policy LP20 and its supporting text to be effective and consistent with national policy in these respects, it is necessary to delete them in their entirety and replace them with a new Policy LP20 and supporting text which set out a clear framework for the historic environment of the Borough [MM48, MM49].

### **Provision of Recreational Open Space for Residential Developments (Policy LP22)**

335. Through Policy LP22, the Plan seeks the provision of recreational open space for residential developments in accordance with the standards and criteria set out in the policy. To ensure that it is clear that this policy relates to the whole of the amended Plan period to 2040, a change to the supporting text is necessary for effectiveness [MM50]. The supporting text does not set out the reasons for the provision of the amount of recreational space required. To be consistent with national policy in the NPPF and to justify the need for recreational open space, a change is required to refer to achieving healthy, inclusive and safe places, which promote social interaction, are safe and accessible, and enable and support healthy lifestyles [MM50].

### **Green Infrastructure (Policy LP23)**

336. The Plan's Green Infrastructure Policy LP23 seeks to protect existing green infrastructure, deliver new green infrastructure and mitigate its impacts, as well as supporting cross boundary green infrastructure projects in partnership with neighbouring authorities and other organisations. The supporting text does not include reference to the delivery of Suitable Accessible Natural Green Spaces [SANGS] set out in Policy LP27 or the provision of SANGS to mitigate potential impacts of new development upon Natura 2000 sites, nor does it state when SANGS would be required or what they should include. As such, to be consistent with national policy and to be effective, changes are necessary to the supporting text to include this [MM51, MM52]. For clarity and effectiveness, a link to the latest Green Infrastructure Study should also be added to the supporting text [MM51].

337. Policy LP23 includes a list of projects detailed in the Green Infrastructure Study which the Council will support the delivery of. However, in order to be effective, it would be sufficient to refer to those outstanding high and medium priority projects within the Green Infrastructure Study in the policy. A change is therefore required to this effect [MM53]. Finally, for clarity and effectiveness, cross references to Policy LP22, in respect of the delivery of open spaces, and Policy LP27, with regard to the provision of SANGS, should be included in Policy LP23 [MM53].

#### **Renewable Energy (Policy LP24)**

338. Policy LP24 of the Plan sets out the criteria against which applications for renewable energy will be considered. The policy does not include international sites of nature or landscape conservation importance, and it refers to the Norfolk Coast as an AONB rather than as a NL. In order to be effective changes are therefore required to Policy LP24 to include these references [MM54].

#### **Sites in Areas of Flood Risk (Policy LP25)**

339. Policy LP25 sets out the requirements for sites within areas of flood risk. It includes references to specific paragraphs within the NPPF. However, for clarity and effectiveness, these should be amended to refer to the section in the NPPF on Planning and Flood Risk [MM56]. The policy requires the design of new dwellings to be in accordance with the Environment Agency/Borough Council Flood Risk Design Guidance in Appendix B of the Plan. However, this wording is not sufficiently clear. For effectiveness therefore, the policy should specifically require that all new dwellings should incorporate flood resilient/resilient construction/design measures in accordance with the Flood Risk Design Guidance included in Appendix 8 of the Plan [MM56].

340. The supporting text to Policy LP25 does not explain that groundwater can be a source of flooding nor does it say that there are risks from potential groundwater contamination. A change is required to the supporting text to explain this and highlight that the NPPF requires flood risk from all sources to be managed, as well as setting out how this risk will be managed. This is necessary for effectiveness and to be consistent with national policy [MM55].

341. Appendix B of the Plan, includes design guidance for new dwellings at risk of flooding. It includes reference to flood depths and says that these can be identified by reference to a variety of documents including the Site Specific FRA. For clarity and effectiveness, reference to this document being undertaken in accordance with Policy LP25 should be included in Appendix B. A change is therefore required to this effect [MM371].

#### **Habitats Regulations Assessment (Policy LP27)**

342. The Borough of King's Lynn and West Norfolk includes all or part of 15 internationally designated (European) sites, with a further four sites outside the Borough, which are also considered within the scope of the HRA process. In addition, there are a number of marine sites in the area. Policy LP27 requires that development proposals must not adversely affect the integrity of these European sites, either alone or in combination with other plans or projects, and sets out

requirements for the mitigation of recreational impacts, and urban impacts on nesting birds within the buffer zone of the Breckland SPA.

343. However, as submitted, Policy LP27 and its supporting text are not effective or consistent with national policy in a number of respects. With regard to recreational impacts, Criterion 1 of the policy should make clear what is expected of development proposals in respect of a project level HRA and monitoring and mitigation measures; Criterion 2 should be updated to refer to the GIRAMS instead of the interim Habitat Mitigation Payment which it has replaced; and Criteria 4 and 5 are not policy requirements so should be moved into supporting text. These changes are set out in **MM57** and **MM58**. A change to MM58 has been made following the consultation exercise to make clear that Criteria 4 and 5 are to be deleted.
344. Policy LP27 also does not address the need for the assessment and mitigation of likely significant effects arising from the air quality impacts of growth, in particular on the Roydon Common and Dersingham Bog SAC and Dersingham Bog Ramsar. Nor does it deal with the impacts of increased nutrient pollution arising from development within the River Wensum Catchment on the River Wensum SAC and The Broads SAC and Broadland Ramsar sites. These were designated in March 2022, as among the habitat sites in unfavourable condition due to the effect of nutrients on water quality and where nutrient neutrality is a potential solution for development to mitigate adverse effects. Additional policy criteria and supporting text are, therefore, necessary to ensure these likely significant effects are assessed and mitigated to ensure effectiveness and consistency with national policy [**MM57**, **MM58**]. For the reasons explained above, the wording of these MMs has been amended, following consultation on them, to make explicit the requirement for a project level HRA to assess the likely significant effects on water quality and to ensure effects on the integrity of The Broads SAC and Broadland Ramsar sites are included in any such assessment. They have also been amended to ensure the air quality effects of development on European sites other than the Roydon Common and Dersingham Bog SAC and Dersingham Bog Ramsar are assessed.
345. Finally, although Policy LP27 as submitted restricts development within the 1,500m buffer zone of the Breckland SPA, to avoid adverse effects on nesting birds, including Stone Curlew, it is not consistent with the recommendations of the HRA nor the advice of Natural England on the circumstances where adverse effects can be ruled out through 'masking' of development within settlement boundaries. Accordingly, changes are necessary to Criterion 6 of the policy and its supporting text in paragraph 6.13.9 of the Plan [**MM57**, **MM58**]. Following consultation, the wording of MM58 has been further amended to ensure that Criterion 6 reflects the advice of Natural England that developments of up to 10 dwellings within the boundaries of KRSCs are considered to have minimal impacts on protected bird species.

## Conclusion

346. Subject to the MMs set out above, the Plan is justified, effective and consistent with national policy in respect of its policies for the environment.

## Issue 8 – Is the strategy for the monitoring and implementation of the Plan appropriate and robust?

### Monitoring and Delivery Framework

347. Regulation 34<sup>49</sup> expects LPAs to produce an annual monitoring report (AMR) of progress with the preparation and implementation of Local Plans. Where a policy is not being implemented, the AMR must say why and what steps are to be taken to secure its implementation. The PPG<sup>50</sup> anticipates that the indicators against which the success of policies are monitored in the AMR should be set out within the development plan.
348. Chapter 16 of the Plan contains a Monitoring and Delivery Framework, the purpose of which is to show how the Council will monitor the effectiveness of the Plan. The framework lists monitoring indicators for each of the strategic and development management policies in the Plan. However, many of the indicators are ambiguous, stating the objectives of the policies and data to be collected, but do not include measures or targets against which the effectiveness of the policies in delivering the strategic objectives of the Plan can be monitored.
349. Accordingly, **MM369** sets out a revised monitoring framework containing indicators and targets for the strategic objectives and modified policies of the Plan, against which the delivery and implementation of the Plan can be effectively monitored. This will replace the framework in the submitted version of the Plan, which is to be deleted [**MM368**].

### Conclusion

350. Subject to the MMs set out above, the strategy for the monitoring and implementation of the Plan is appropriate and robust.

### Overall Conclusion and Recommendation

351. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.
352. The Council has requested that we recommend MMs to make the Plan sound and legally compliant and capable of adoption. We conclude that the DtC has been met and that with the recommended MMs set out in the Appendices the Borough Council of King's Lynn and West Norfolk Local Plan Review satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Karen L Baker    Mike Hayden*

Inspectors

---

<sup>49</sup> Of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>50</sup> PPG on Plan Making - Paragraphs: 065 Reference ID: 61-065-20190723 and 073 Reference ID: 61-073-20190315



This Report is accompanied by an Appendix containing the Main Modifications.