

## LP05 Implementation Policy

Link to draft policy and comments in full received from the draft consultation stage:

<https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=s1542892931462#section-s1542892931462>

### Recommendation:

Carry forward the policy as consulted upon however, included the additions highlight in yellow and underlined below.

### Summary & Consideration of issues:

- Suggestions for additional wording to the policy proposed by statutory consultees Historic England and the Environment Agency
- Additional reference to Local Plan review affordable housing policy requested
- Several representations made with regard to Knights Hill
- Advice/ support from Norfolk County Council and also from Gladmans developers

### Policy:

#### Infrastructure Provision - Focus

1. All development in the plan area will need to be accompanied by appropriate infrastructure (including off-site infrastructure) in a timely way, with arrangements for its subsequent maintenance.
2. The Borough Council operates a Community Infrastructure Levy (CIL). These contributions (in accordance with the CIL Charging Schedule) will support borough wide facilities to accommodate increasing population.
3. In addition, obligations will be sought from developers through Section 106 Legal Agreements or other successor mechanisms. These contributions will be sought for specific on-site infrastructure (or otherwise directly related to the development). Details of required provision will be set out in either allocation policies in this plan, or negotiated at planning application stage if it is not an allocation. This will apply to but is not limited to infrastructure, including, where applicable:
  - a) community and recreation facilities (including :- education facilities, community halls, health facilities, libraries, social services facilities, allotments, indoor/outdoor sports facilities);
  - b) improved public transport facilities;
  - c) other appropriate transport infrastructure including pedestrian and cycle links;
  - d) affordable or supported housing (in line with LP25 Housing and the NPPF);
  - e) Sustainable Drainage Systems (SuDS), including surface water;

- f) flood management infrastructure;
  - g) green infrastructure including habitat creation/ recreation facilities/landscaping;
  - h) water conservation measures;
  - i) emergency services including crime prevention;
  - j) recycling/composting facilities;
  - k) improvements to the public realm including the historic environment: S106 will continue to offer opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets;
  - l) utilities;
  - m) public art.
4. Key borough wide infrastructure projects from CIL will be used, include :-
- a) infrastructure detailed in Policy LP12 - Transportation.
  - b) infrastructure needed to support policies LP35 Downham Market and LP36 Hunstanton.
  - c) infrastructure needed to support regeneration in King's Lynn detailed in Policy LP34 King's Lynn and appropriate transport infrastructure including the implementation of the King's Lynn Transport Study and Strategy (KLTSS).
  - d) Infrastructure needed with regard to flood resilience and resistance measure
5. Provision will be achieved through:
- a) CIL;
  - b) contributions from all market residential and commercial development in the plan area through appropriate legal agreements or other successor mechanisms;
  - c) coordination with the investment programmes of other public bodies and utility providers;
  - d) taking full advantage of mainstream Government funding streams;
  - e) active use, where necessary, by the local planning authorities and County Council of their legal powers to bring about the strategically significant development, including compulsory purchase;
  - f) in the case of community or social development, a reduced contribution, taking account of the social value of the development concerned.
6. The resulting funds will be gathered, managed and spent in a transparent way.
7. Future maintenance of infrastructure provided on the site or built or improved as part of the development will be achieved either through adoption by a public body with appropriate maintenance payments or other secure arrangements such as the establishment of a local infrastructure management body.
8. The type, amount and phasing of contributions sought from developers will be related to the form of the development, its potential impact on the site and surrounding area, and levels of existing infrastructure and community services/facilities. Where appropriate, any such provision will be required to be provided

on-site. Where this is not possible, a commuted payment will be sought. Details of the Council's approach to developer contributions and planning obligations will be set out in a Supplementary Planning Document which will be subject to periodic review reflecting relevant cost indices.

9. The Council will take account of the impact of non CIL contributions on the viability of a scheme (particularly on brownfield sites) and where appropriate agree a lower or nil contribution provided:
  - a) the development of the site is in the wider public interest; and
  - b) the developer is prepared to share information on development costs and margins with the Council prior to consent being granted.

---

**Policy LP05 contributes to Strategic Objectives 5, Economy, 7, Society, 12, 14 Environment 19, King's Lynn, 22, Downham Market, 23, 26, Hunstanton, 31, Rural Areas, 34, Coast.**

**Supporting text:**

**Introduction**

**4.5.1** The successful delivery of the borough's growth strategy includes the provision for significant new homes and jobs. The provision of both will be crucial to the success of the Plan.

**4.5.2** The Borough Council will coordinate and manage the delivery programme, through effective and efficient project management, partnership working and through dedicated staff working on the delivery and management of the growth programme. Together with long-term funding commitments, the Council is confident that the borough's long-term sustainable future can be delivered.

**4.5.3** Effective monitoring is essential to check that the Plan is being implemented correctly, and to assess whether the desired outcomes are being achieved. The Council is required to produce a Monitoring Report each year. The Monitoring Report provides the main way in which we publish the results of our monitoring.

**4.5.4** In order to achieve the vision and strategic objectives of this Plan, it is vital that appropriate infrastructure is provided both to support new development and investigate ways to remedy existing deficiencies.

**Infrastructure Provision and Funding**

**4.5.5** The development industry has a key role to play, bringing investment into the borough, providing new homes, helping to bring about regeneration, and contributing towards the improvement of our local infrastructure. In order to deliver the proposed growth in the borough and to create sustainable communities the necessary infrastructure has to be put in place to address community needs. This includes not only the works such as roads and utilities which are required to enable new development to proceed, but the community facilities which ensure that occupiers of those developments have access to services such as education, healthcare, leisure activities and open space which can enhance their quality of life.

**4.5.6** It is important that we plan carefully to provide for adequately and timely utilities infrastructure, including water supply, foul drainage, sewage treatment capacity, as well as the provision of other basic services to new development. This will continue to involve working closely with utility providers to ensure adequate and timely infrastructure provision.

**4.5.7** New and existing housing, infrastructure and businesses rely on flood management infrastructure, including the Denver complex, King's Lynn tidal defences and Welches Dam Pumping Station. The way flood risk is currently managed and funded will need to evolve to accommodate future challenges, such as ageing infrastructure, climate change and growth. The Borough Council will work together with Norfolk County Council and the Environment Agency to identify future flood risk infrastructure needs and funding mechanisms, including developer contributions.

**4.5.8** In some parts of the borough, existing infrastructure, including community facilities, may already be inadequate and the shortfall would be exacerbated by any new development. Elsewhere, the impact of a particular development may be such that in itself it creates a need for additional or improved infrastructure. In these cases, we expect developers to address the impacts of their proposals, either through the provision of facilities on-site as part of the new development, or through financial contributions which will be used to provide or improve facilities in the surrounding area. Where the combined impact of a number of developments creates the need for new or improved infrastructure, we will pool contributions to allow the infrastructure to be secured in a fair and equitable way.

**4.5.9** Identified investment requirements, priority programmes and projects where additional funding is required, these include:

- Nar Ouse Regeneration Area – Utilities provision.
- Waterfront Regeneration Scheme – Remediation and Utilities Provision.
- King's Lynn Transportation Strategy – Implementation.
- Provision of Green Infrastructure and Community Facilities.
- **Flood Coastal Risk Management (FCRM) (Phase 1) for the Fens**
- **Surface Water Management – in collaboration with Norfolk County Council as the Lead Local Flood Authority and other relevant organisations**

**4.5.10** Where relevant, developer contributions will also be required to provide appropriate compensation and/or mitigation wherever development would harm an environmental or community resource.

**4.5.11** Where community infrastructure (including financial contributions) cannot be secured by a planning condition, it will be secured through planning obligations made under Section 106 of the Town & Country Planning Act, 1990 (as amended) or other successor mechanisms. The specific requirements to be sought from developer contributions within the policy (indicated by bullet points) are not intended to be considered in rank order and simply reflect examples of the contributions that could be sought.

**4.5.12** Notwithstanding the above, in considering the need for contributions towards strategic infrastructure where funds from developments may need to be pooled, tools such as Integrated Development Programmes, strategic infrastructure studies and other evidence bases will be utilised. These sources of evidence could help identify at the earliest opportunity, those geographical areas and the specific infrastructure requirements where the pooling of contributions may be necessary.

**Supporting East Marine Plan Policies are:**

The policy bullet pointed below supports policy LP05, to find out more information on the supporting policies the hyperlink is active over the policy number.

Infrastructure- [GOV1](#)

**Sustainability Appraisal:**

LP05: Infrastructure Provision																							
Policy	SA Objective:																				Overall Effect		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		+	-
LP05	0	++	0	++	0	0	0	++	++	++	++	+	0	++	++	0	+	0	0	0	+18	0	Likely Positive Effect +18
No Policy	0	+	0	+	0	0	0	++	0	0	0	0	0	+	+	0	+	0	0	0	+7	0	Likely Positive Effect +7

**Summary of Comments & Suggested Response:**

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
Ms Jan Roomes Town Clerk Hunstanton Town Council	<b>support</b>	4.5.9- The potential developments in Hunstanton arising from the One Public Estate review and the Wayne Hemingway work could be listed.		It would be difficult to list particular elements of infrastructure as the situation may change. However, the Town Council is currently preparing a Neighbourhood Plan and the subject could beneficially be covered in that.  <b>No proposed actions</b>
STP Estates Group (inc. West Norfolk NHS Clinical Commissioning Group, Queen Elizabeth Hospital King's Lynn NHS Foundation Trust, Norfolk Community Health and Care NHS Trust, Norfolk and Suffolk NHS Foundation Trust)	<b>mixed</b>	4.5.12- The STP estates group is in the process of developing Health Infrastructure Development Plans (IDP) with all of the Norfolk and Waveney local authorities. The group intends to develop a health IDP with King's Lynn and West Norfolk Borough Council by August 2019 and this will clearly lay out what health infrastructure is required as a result of the on-going development in the area and will indicate where developer contributions/CIL funding may be sought.  4.5.8- Where development triggers the need for additional capacity in health		<b>Position noted.</b> The policy includes health facilities in point 3. The current Health Protocol provides guidance on the matter, but the BC welcomes detailed discussion about requirements in the light of individual applications.

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
		<p>facilities (be that through new build, an extension to existing or reconfiguration) it would be expected that a financial contribution is made by the developers towards the cost of increasing capacity. This contribution may need to be pooled from multiple sites due to the cumulative impact of small and medium development on local health care facilities. The STP estates group would look to continue to work with the local authority to identify areas where large or cumulative development is impacting on health facilities capacity in order to mitigate this wherever possible.</p>		
<p>Mrs Elizabeth Mugova Planning Advisor Environment Agency</p>	<p><b>mixed</b></p>		<p>4.5.7- Consider adding IDBs and Anglian Water. Additionally, partner organisations may be able to provide actual mitigation measures as well as funding.</p> <p>There are opportunities to add flood risk management strategies onto the list in paragraph 4.5.9 such as: FCRM for the Fens (phase 1) and the Surface Water Management Plan.</p>	<p>The intention in 4.5.7 is to show future action is needed to keep pace with new development. The complex nature of the issue means that we can flag the issue but actual solutions will evolve.</p> <p><b>Add reference to the projects highlighted. Add text to para 4.5.9</b></p>
<p>Ms Debbie Mack Historic Environment Planning Adviser, East of England Historic</p>	<p><b>object</b></p>	<p>Object We welcome reference to the historic environment at bullet k. S106 will continue to offer opportunities for funding improvements to and the mitigation of</p>		<p><b>Re-word item 3k to broaden reference to historic environment examples as provide by Historic England</b></p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
England		adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. You may wish to clarify this matter in your policy.		
Mr David Goddard	<b>object</b>	Highways and transport system is broken - requires considerable investment. Struggling to attract new industry, support the existing economy and accommodate housing growth at the levels indicated. Push for improvements/highway expansion e.g. Cambridge/Ely & Norwich. Knights Hill highway sustainability only concerned with fatalities/accidents not traffic congestion/damage to health, environment and economy. Major developments should be put on hold until independant traffic assessments to reflect the cumulative effect of traffic from all developments in the Woottons has been carried out. NCC Highway failure to meet NPPF109 on Knights Hill Development - should be removed from the plan.		Strategic scale improvement is being sought to road and rail infrastructure. However, in detail individual applications are subject to recommendations from the Norfolk County Council as the Local Highway Authority (as for Hall Lane South Wootton). Knights Hill was refused and currently being appealed. This will be considered in the relevant chapter.  <b>No action</b>
Koto Ltd		5.1 It is considered that the Proposals Map and LP04 – Development Boundaries Policy that the settlement boundary should include the allocated/consented site F1.4 and should be further extended to include the south east sector.		Allocations are specifically identified, if permissions are given (on allocations or not) they have a status. However the key is delivery of houses. If sites are not brought forward they can be re-considered. Inclusion in the development

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
				<p>boundary would give the wrong signal.</p> <p><b>No proposed actions</b></p>
<p>Norfolk County Council (Infrastructure Dev, Community and Env Services)</p>		<p>LP05 Infrastructure Provision and Funding – The County Council welcomes this policy and the recognised importance of delivering infrastructure in a timely manner. The policy clearly sets out that the Borough Council operates the Community Infrastructure Levy (CIL) and in addition Section 106 obligations will be sought for specific on-site infrastructure. Whilst the type of funding has been identified in the Local Plan, the Borough Council should provide more details on the process for spending their CIL. It would be helpful to understand what mechanisms are, either in place or proposed, to allow bidding for such funds in line with the Boroughs CIL Regulation 123 list. It is recommended that the Borough Council engage with key service providers (for example, Norfolk Fire and Rescue Services; Library Services, Children’s Services and Highways) ahead of taking the plan forward. The sustainable travel references should be framed within the context of a Travel Plan as the means to delivery. This would be in line with what we would expect to see with regard S106 Planning Obligations.</p>		<p>Support Noted. CIL Governance being established.</p> <p><b>No actions specifically in the LPR</b></p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
Mrs Elizabeth Mugova Planning Advisor Environment Agency			Infrastructure Provision Focus Consider including FCRM for the Fens (Phase 1) under point 4.	<b>Agreed. Flooding should be added to the list under point 4</b>
Mrs Helen Steele chairman East Winch Parish Council		Para 3d) 'affordable or supported housing'. Affordable should be further defined so that it is clear that the cost of affordable housing is not geared to a national average, but takes into account the relatively low incomes of West Norfolk people.	Add to 'affordable or supported housing' the words 'at prices consistent with local incomes.'	<b>Add reference to LP26 Housing. This policy will set the affordable housing requirements. Also reference the NPPF</b>
Lord Howard Castle Rising Estate		Should be clear infrastructure plan to support delivery of homes in the Local Plan and this should be fully costed so the community can be clear that development will not take place without the necessary infrastructure. Pursuing the Knights Hill development would overwhelm existing infrastructure.		Norfolk Infrastructure Delivery Plan covers much of this. The SADMP (2016) was subject to a whole plan viability assessment as will the Local Plan review.  Knights Hill is a separate issue. Allocated and then a planning permission refused by the BC planning committee. This subject to an appeal. It is considered in the relevant chapter.  <b>No Action</b>
Mrs Elizabeth Mugova Planning Advisor Environment Agency		Infrastructure Provision Both SuDS and flood management infrastructure are listed under point 3, which are positive inclusions.		<b>Support Noted</b>
Mrs Pam Shepphard Parish Clerk Castle Rising Parish Council		Should be clear infrastructure plan to support delivery of homes in the Local Plan and this should be fully costed so the community can be clear that development		Norfolk Infrastructure Delivery Plan covers much of this. The SADMP (2016) was subject to a whole plan viability assessment

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
		<p>will not take place without the necessary infrastructure. Pursuing the Knights Hill development would overwhelm existing infrastructure.</p> <p>The policy seeks to gather funds from s106 and CIL contributions to provide appropriate infrastructure to enable development to take place. There should be a clear infrastructure plan to support the delivery of homes in the Local Plan Review and this should be fully costed, so that the community can be clear that development will not take place in the absence of the necessary infrastructure being provided. This is particularly important before any new development occurs on the eastern and northern edge of Kings Lynn where new development would further exacerbate the demands on the highway network. In the absence of studies that clearly show that such development is acceptable, this should be taken as a constraint to further growth in this location. LP05 also states that in some parts of the Borough, existing infrastructure, including community facilities, may already be inadequate and the shortfall would be exacerbated by any new development (although it doesn't say which parts of the Borough). It is clear that pursuing the Knights Hill development would overwhelm existing infrastructure with no ability in the case of transport and no proposals to match this with the</p>		<p>as will the Local Plan review.</p> <p>Knights Hill is a separate issue. Allocated and then a planning permission refused by the BC planning committee. This subject to an appeal. It is considered in the relevant chapter.</p> <p><b>No Action</b></p>

Consultee	Nature of Response	Summary	Consultee Suggested Modification	Officer Response/ Proposed Action
		required investment in new infrastructure provision. Indeed, to do so would in some cases change the character of the area.		
Mr Craig Barnes		This policy relates to how development is to be delivered and what approach the Council will take to planning obligations. The policy provides welcome transparency and clarity for the Council's approach to obligations. Gladman welcome the flexibility provided whereby CIL requirements may be reviewed if, alongside non-CIL requirements, the viability of a development is challenged. The adoption of this approach in decision making will be important in securing the deliverability of allocations over the plan period. The approach recognises the potential for change and the need for the Council to be adaptive in decision making to account for changes which may occur over the plan period, or site-specific matters which may not have been taken into account.		<b>Support Apricated and Noted</b>