



LOCAL PLAN TASK GROUP – 16th March 2022

Local Plan Review – progress report

This report is presented to the Local Plan Task Group (LPTG), for information. This feedback explains the progress with preparing the Local Plan for submission to the Secretary of State, since the previous LPTG meeting (28th October 2021).

APPENDIX 1: Schedule of Additional Modifications to Local Plan Review

Recommendation:

Members are asked to note the contents of this report. No further decision is required.

1.0 Introduction

- 1.1 In August/ September 2021, the Local Plan Review was subject to consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulation 19¹). Summary feedback from the Regulation 19 consultation was reported to the LPTG on 28th October 2021².
- 1.2 On 8 July 2021, the Council resolved to approve the Local Plan Review for consultation under Regulation 19 and subsequently for submission to the Secretary of State for Levelling Up, Housing and Communities, for independent examination. This resolution effectively allows officers (in discussion with the LPTG), to finalise the Plan for submission.
- 1.3 Since autumn 2021, progress towards submission of the Local Plan Review to the Secretary of State has been challenging, principally due to resource issues within the Planning Policy team.. There are many

¹ <https://www.legislation.gov.uk/ukxi/2012/767/regulation/19>

² <https://democracy.west-norfolk.gov.uk/documents/g4780/Public%20reports%20pack%2028th-Oct-2021%2010.00%20Local%20Plan%20Task%20Group.pdf?T=10>

matters that need to be addressed before we are ready to submit the Local Plan (and suite of supporting documents).

- 1.4 These legal and procedural matters that need to be addressed are explained in the Planning Inspectorate (PINS) Procedure Guide for Local Plan Examinations³. Regarding the appropriate juncture for submission of the Plan, the PINS guidance explains (paragraph 1.2), that:

Section 20(2) of the PCPA [2004 Planning and Compulsory Purchase Act] specifically states that the LPA must not submit the plan unless they think it is ready for independent examination. Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound and there will not be long delays during the examination because significant changes or further evidence work are required. It must not be assumed that examinations can always rectify significant soundness or legal compliance problems.

- 1.5 This report provides a summary of the tasks that have been/ are being undertaken to prepare the Local Plan Review for submission.

2.0 Tasks undertaken, to date

- 2.1 Following close of the consultation, officers processed Regulation 19 consultation responses, disaggregating these into individual representations and publishing redacted representations online (Keystone/ Objective consultation portal⁴). The issues raised in these representations were summarised and reported to the previous LPTG meeting (28th October 2021).

- 2.2 Following the last LPTG meeting, officers worked to prepare spreadsheets of representations in a format that could be manipulated (sorted, filtered etc). These were finalised by January 2022 and are now in a suitable format for submission to the Secretary of State. It is emphasised that the systematic arrangement of representations into a manageable format is the most important task in preparing the Local Plan for examination by the appointed Planning Inspector. As emphasised by the current PINS guidance, post-submission delays are likely to be extensive if representations have not been processed in a suitable and systematic way.

3.0 Progress: November 2021 – January 2022

- 3.1 Officers have considered the PINS guidance about what is required before submission of the Plan. The submission includes a covering

³ <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations>

⁴ <https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/5878065>

statement, where the Borough Council effectively “hands over” responsibility for the Local Plan Review to the appointed Planning Inspector (Secretary of State), in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004.

3.2 Preparation for submission of the Local Plan Review involves collating a list of key core documents:

| | | |
|------------|--|---|
| A1 | Pre-Submission Draft King’s Lynn and West Norfolk Local Plan Review (2016-2036) | https://west-norfolk-consult.objective.co.uk/kse/event/36371 |
| A2 | Schedule of Additional Modifications to the Local Plan Review | [To be finalised and submitted alongside the Local Plan Review] |
| A3 | Sustainability Appraisal (SA) Incorporating Strategic Environmental Assessment (SEA) for the Local Plan Review | https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents |
| A4 | Habitats Regulations Assessment (May 2021) | https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents |
| A5 | Equalities Impact Assessment Screening (Cabinet report, 15 June 2021) | https://democracy.west-norfolk.gov.uk/mgChooseDocPack.aspx?ID=4856 |
| A6 | Duty to Cooperate Statement (May 2021) | https://www.west-norfolk.gov.uk/info/20216/local_plan_review_2016_-_2036/882/proposed_pre-submission_local_plan_review_documents |
| A7 | Regulation 22 Statement of Consultation (February 2022) | [To be finalised and submitted alongside the Local Plan Review] |
| A8 | Representations on the Pre-Submission Draft Local Plan Review – Consultation Portal | https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/ |
| A9 | Statement of Community Involvement (June 2017) | https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/550/state_of_community_involvement_sci |
| A10 | Local Development Scheme (updated June 2021) | https://www.west-norfolk.gov.uk/info/20214/emerging_local_plan_review/500/local_development_scheme |
| A11 | Planning Advisory Service Local Plan Route Mapper Toolkits 1-4 | [To be finalised and submitted alongside the Local Plan Review] |

3.3 The documents A2 and A7 (above) have been prepared in draft form and will be published in advance of submission. Officers are also finalising a Local Plan Route Mapper (A11: template updated October 2021⁵), which will provide a comprehensive detailed checklist of the Plan and supporting documentation. Documents A2, A7 and A11 all form part of the supporting evidence base and are all procedural in nature. Document A2 (Additional Modifications) indicates proposed changes to the Plan (albeit factual corrections and/ or updates), so in the interests of clarity this is attached as Appendix 1 to this report.

⁵ <https://www.local.gov.uk/pas/plan-making/local-plan-review-update/updated-nppf-2021-local-plan-route-mapper-toolkit>

4.0 Statements of Common Ground

- 4.1 In collating the documents, the PINS guidance highlights the importance of the Duty to Cooperate and the role of Statements of Common Ground (paragraph 1.2):

Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan, including any raised by statutory undertakers and government agencies. Particular attention should be given to the duty to cooperate. Statements of Common Ground can be very helpful in this regard.

- 4.2 In reviewing Regulation 19 representations, it was noted that these contained outstanding objections by the following statutory Duty to Cooperate bodies:

- Environment Agency
- Historic England
- Homes England
- Natural England
- Norfolk County Council – Highway Authority/ Lead Local Flood Authority (LLFA)

- 4.3 Representations from the Environment Agency and Historic England included explicit challenges to the soundness of the Local Plan Review. Of greatest potential concern is the response from the Environment Agency, which states:

Allocation policy E1.15 [Former Del Monte Factory site – West Lynn - Land West of St Peter's Road] is unsound because it is not justified, and therefore is not compliant with national policy.

- 4.4 Historic England also objected with reference to the soundness of the Plan, particularly the West Winch Growth Area Strategic Policy (E2.1) and its approach to the historic environment. The PINS guidance is clear; that the Local Plan Review should not be submitted without some sort of resolution/ agreement between the Environment Agency/ Historic England, and the Borough Council.

- 4.5 Other representations, from Homes England, Natural England and Norfolk County Council all raise detailed objections or improvements as to how the Local Plan Review could be amended. However, none of these relates to the overall soundness of the Plan.

- 4.6 Agreements with statutory consultation bodies should take the form of Statements of Common Ground (SoCG). This has therefore entailed drafting SoCG with the Environment Agency and Historic England (also with Homes England, Natural England and Norfolk County Council, for completeness), which are currently under discussion with the relevant parties (February/ March 2022).

5.0 Statements of Common Ground – process for engagement with statutory bodies (February/ March 2022)

5.1 Officers consulted with each of the other relevant Duty to Cooperate bodies in turn, enclosing a draft SoCG for each. The email requested feedback from each party by 1 March 2022, with a view to finalising officer level SoCGs by 4 March. Details of feedback from each respondent is summarised below.

| Body | Date of initial response | Details | Proposed actions/ outcome |
|--------------------|--------------------------|--|--|
| Environment Agency | 16/02/2022 | Meeting arranged to resolve matters (04/03/2022) | Approval, in principle, of officer level SoCG and agreement to way forward to Plan submission. Officers of the Environment Agency and Borough Council met on 04/03/2022 and agreed a way to address the Agency's site-specific objections. SoCG expected to be agreed between parties, in advance of submission. |
| Historic England | 22/02/2022 | Meeting arranged to agree a way forward (24/02/2022). This was followed up by telephone conversation (25/02/2022), to finalise agreed pre-submission position between parties. | Historic England could not agree to draft SoCG in the form submitted. However, a position statement was agreed by parties and followed up by email (25/02/2022). This agreement was confirmed, at officer level, on 01/03/2022. |
| Homes England | 24/02/2022 | Phone calls, followed by email (24/02/2022) | To be agreed, in advance of submission of the Local Plan Review (March 2022) |
| Natural England | 24/02/2022 | Email highlighted small editing correction; otherwise Natural England satisfied to sign SoCG (24/02/2022) | Finalised SoCG received 24/02/2022 and signed by both relevant parties |
| Norfolk County | 23/02/2022 | Request for extension for feedback to | Arrangements for Main Modifications |

| Body | Date of initial response | Details | Proposed actions/ outcome |
|---------|--------------------------|---|---|
| Council | | 04/03/2022; 10/03/2022 for Lead Local Flood Authority. | (MMs) and Additional Modifications (AMs) discussed between parties. MMs to be addressed, post-hearings (autumn 2022). Officers of the Lead Local Flood Authority and Borough Council met on 02/03/2022 to discuss the draft SoCG. In response, this was updated and agreed between the parties on 03/03/2022. Similar agreement is anticipated between the Highway Authority and Borough Council in advance of submission. |

5.2 Given the tight turnaround period, it was not considered reasonable to expect that detailed matters of policy text/ wording to be resolved prior to submission, although this was the position agreed between Natural England and the Borough Council. Instead, an officer agreement (in principle) of a way forward to address the outstanding concerns of each of the statutory consultation bodies was considered appropriate to fulfil the requirements of the Duty to Cooperate, and will not hold up submission of the plan.

5.3 An agreed statement (memorandum of understanding) is to be submitted for each of the five statutory bodies.

6.0 The next stages

6.1 Officers held a series of meetings with representatives of the statutory consultation bodies (weeks commencing 28 February and 7 March 2021) to secure agreement for the timely submission of the Local Plan Review, while ensuring that the concerns of these key consultees are satisfactorily addressed. Now that broad agreement has been reached between each party and the Borough Council, this should allow submission of the Local Plan Review during March 2022.

- 6.2 Resolutions have already been agreed and signed off between Historic England and Natural England, and the Borough Council. These will be submitted to the Secretary of State alongside the Local Plan.
- 6.3 Resolutions are also anticipated to be agreed between the Environment Agency, Homes England and Norfolk County Council, and the Borough Council, during the week commencing 7 March 2022. Setting a final submission date is dependent upon written approval of the broad verbal agreements already made between these parties and the Borough Council.
- 6.4 Once the outstanding SoCGs between the parties are signed/ agreed in writing, this paves the way for submission of the Local Plan.