

REPORT TO CABINET

| | | | | | |
|--|--------------------------------------|--|---|-------------------------------------|-------------------------------------|
| Open/Exempt | | Would any decisions proposed : | | | |
| Any especially affected Wards | Mandatory/ | Be entirely within Cabinet's powers to decide | | YES/ NO | |
| | Discretionary/ | Need to be recommendations to Council | | YES/NO | |
| | Operational | Is it a Key Decision | | YES/NO | |
| Lead Member: Cllr James Moriarty E-mail: <i>cllr.James.Moriarty@West-Norfolk.gov.uk</i> | | Other Cabinet Members consulted: Cllr Terry Parish | | | |
| | | Other Members consulted: Local Plan Task Group | | | |
| Lead Officer: Alex Fradley E-mail: <i>alex.fradley@west-norfolk.gov.uk</i> | | Other Officers consulted: Planning Policy Team, Development Management Team, Strategic Housing Team. | | | |
| Financial Implications NO | Policy/ Personnel Implications NO | Statutory Implications YES | Equal Impact Assessment YES If YES: Pre-screening | Risk Management Implications YES | Environmental Considerations YES |

Date of meeting: 11 June 2024

LOCAL PLAN UPDATE: PROCESS TO ADOPTION, INCLUDING MAIN MODIFICATION CONSULTATION

Summary

The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State for the Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound.

The Local Plan Examination process involved a first round of hearings which took place in December 2022 and January 2023. These were then adjourned, with reconvened hearings taking place in March and April 2024. As part of this an accelerated timescale through to adoption was agreed and has been published. This will result in the Local Plan being adopted before the conclusion of this financial year (March 2025). The process going forward includes consulting on Main Modifications required to ensure that the Local Plan is legally compliant and sound.

These Main Modifications will be subject to a six-week public consultation. Representations received will inform the Inspectors Local Plan Report. It is anticipated that this will recommend that the Local Plan can be adopted subject to the inclusion of a series of Main Modifications. Following this a report will be prepared and taken to Cabinet and Full Council recommending that the Local Plan be formally adopted (February / March 2025).

Recommendation

Cabinet Resolves the following:

1. Cabinet notes and endorses the agreed accelerated timescale for the Local Plan through to adoption, as agreed with the Inspectors at the recent Examination hearings, and as set out in the updated Local Development Scheme (LDS), April 2024.
2. Cabinet notes and endorses the requirement to consult on the Main Modifications, which is legally required to ensure that the Local Plan can be made sound.

Reason for Decision

To ensure that the Local Plan process, including the upcoming Main Modification consultation is noted and endorsed.

1 Background

- 1.1 The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State for the Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound as follows: *'The Council requests, under the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the appointed Inspector recommends any modifications of the Plan that he or she may consider would be needed to make the Plan legally compliant and sound. I would be pleased if this letter could be treated as the formal request to the Secretary of State that is required under that legislation.'* (Please see Appendix 1 for the Local Plan submission covering letter).
- 1.2 The Local Plan is being examined to assess whether it has been prepared in accordance with legal and procedural requirements, and whether it is sound (as per the National Planning Policy Framework [paragraph 35](#)). Plans are 'sound' if they are:
 - a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, where relevant.

- 1.3 The Local Plan examination process involved reconvened hearing sessions in March and April 2024. The March sessions examined the spatial strategy and policies related to this, the economy (retail policy at the Hardwick retail area, the south-eastern part of King's Lynn urban area), the West Winch Housing Growth Area, and Wisbech Fringe. The April sessions examined further aspects of the spatial strategy, site allocations and policies across rural West Norfolk (Key Rural Service Centres and Rural Villages), housing land supply and associated policies (deliverability and developability of sites), environment policies, community and culture policies, and the monitoring framework.
- 1.4 There are further hearing sessions scheduled for September 2024 to examine the Gypsy and Traveller and Travelling Showpeople site allocations and policies.
- 1.5 As part of the March and April sessions an accelerated timescale for the Local Plan through to adoption was agreed and has been published. This schedule is available to view at Appendix 2, and forms part of the published Local Development Scheme, available to view via the following link: https://www.west-norfolk.gov.uk/info/20214/emerging_local_plan_review/500/local_development_scheme
- 1.6 This accelerated timescale will enable the Local Plan to be adopted before the conclusion of the current financial year (March 2025). The process going forward includes consulting on the modifications required to ensure that the Local Plan is legally compliant and sound. These are known as Main Modifications, the consultation taking place following the Local Plan hearings and forming the final stage(s) in the examination process.
- 1.7 The accelerated approach was proposed by the Inspectors to ensure the Local Plan is adopted as soon as practically possible. The Plan period has been proposed to be amended to start from 2021/22 through to 2039/40 (19 years). This is primarily to ensure that there is 15 years remaining of the plan period from the anticipated adoption date, in line with the National Planning Policy Framework and associated Planning Practice Guidance. Going over the into the following financial year (2025/26) would likely result in the Local Plan period being extended by a further year (to 2041) and the need for the Local Plan to identify a further years' worth of housing supply to meet local housing need.
- 1.8 The process is accelerated by separating the majority of the Local Plan content from the Gypsy and Traveller and Travelling Showpeople element. This means two Main Modifications consultations. This enables the Inspectors to issue their report to the Borough Council as soon as possible, meaning a quicker time for overall adoption can be achieved.
- 1.9 The Borough Council asked formally as part of submitting the Local Plan for examination, under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended, that the Inspectors recommend

Main Modifications. These are changes that materially affect Plan policies; necessary to make a submitted Local Plan sound and legally compliant.

- 1.10 The Inspectors will require the Borough Council to consult on all proposed Main Modifications. Depending on the scope of the modifications, further Sustainability Appraisal and Habitats Regulations Assessment may also be required.
- 1.11 The Main Modifications will be subject to a six-week public consultation. This will allow anyone and everyone the opportunity to comment on the Main Modifications. It is important to note that the consultation relates solely to proposed Main Modifications in the consultation schedule and does not allow interested parties to comment on other aspects of the Local Plan.
- 1.12 At the same time the Borough Council will also consult on Additional Modifications of its own to deal with more minor matters which are not legal or soundness matters, and a schedule of proposed changes to the Policies Map. The Policies Map is not subject to the examination but should accurately represent spatial elements of policies, this includes for example site allocations and development boundaries.
- 1.13 The Inspectors' Report on the Local Plan (anticipated early 2025) will only be issued once the Main Modifications consultation has taken place and the Inspectors have had the opportunity to consider the representations on these. It is anticipated that the Inspectors' Report will recommend that the Local Plan be adopted subject to the inclusion of a series of Main Modifications which are necessary to allow this. The examination concludes once the Borough Council is in receipt of the Inspectors' Report.
- 1.14 Following on from this a report will be prepared for Cabinet and Full Council recommending that the Local Plan be adopted.

2 Options Considered

- 2.1 Realistically the only option is to proceed with the Local Plan process as detailed in Appendix 2, because this is a legal process as set out in the The Town and Country Planning (Local Planning) (England) Regulations 2012.

3 Policy Implications

- 3.1 It is important that the Borough Council has an adopted Local Plan in place which provides a planning policy framework that is consistent with the National Planning Policy Framework and is up-to-date. Planning law requires that applications for planning permission be determined in accordance with the development plan (Local Plan and/ or Neighbourhood Plans), unless material considerations indicate otherwise. The National

Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

3.2 The examination will ensure that the Local Plan is consistent with the National Planning Policy Framework, has been positively prepared, justified and effective. Once adopted the Local Plan will be a key document within the Local Development Plan (alongside any made neighbourhood plans and Norfolk County Council's Minerals and Waste Plan). The Local Plan will supersede the entirety of the Borough Council's Local Plan, which currently comprises the Core Strategy (CS 2011) and the Site Allocations and Development Management Policies (SADMP 2016).

3.3 It is important to note that once the Local Plan is adopted, under the current National Planning Policy Framework (paragraph 76), the Borough Council will be protected against challenges to its 5-year housing land supply for 5 years. This is because the adopted Local Plan will have identified at least a 5-year supply of specific, deliverable sites at the time that its examination concludes. The aim of this is to encourage adoption of local plans and provide protection whilst the next local plan is being prepared (they should be reviewed every 5 years).

4 Financial Implications

4.1 None specifically.

5 Personnel Implications

5.1 None specifically.

6 Environmental Considerations

6.1 The Local Plan is a statement of the Borough Council's planning policies relating to environmental matters (also economic and social) and is subject to a strategic environmental assessment and sustainability appraisal process.

7 Statutory Considerations

7.1 Statutory considerations include:

- The Town and Country Planning (Local Planning) (England) Regulations 2012.
- Planning and Compulsory Purchase Act 2004.

7.2 Other relevant considerations include:

- National Planning Policy Framework.
- Planning Practice Guidance (including for 'Plan Making' and the 'Procedure Guide for Local Plan Examinations').

8 Equality Impact Assessment (EIA)

8.2 Please see the completed pre-screening report template included at the end of this report.

9 Risk Management Implications

9.2 There are two particular issues that result in risks. Firstly, the Government has significantly increased the potential penalties for Local Planning authorities not delivering housing growth to the required scale. The 5-year housing land supply position assesses if there are enough planning permissions to meet the housing need over the next 5-year period, and the Housing Delivery Test assesses if enough homes have been built out over the past 3 years. The ultimate penalty for failure to be able to demonstrate a positive 5-year housing and supply position or failure of the Housing Delivery Test is the presumption in favour of sustainable development. This could mean that relevant Local Plan policies may carry less weight / could be rendered out of date in the planning decision making process. A new, up to date Local Plan will protect against this.

9.3 Secondly, the Borough Council must keep its Local Plan up to date. A statutory obligation for the Borough Council to prepare and maintain an up-to-date Plan is set out in the 2023 Levelling-Up and Regeneration Act. There are potential interventions if an authority is looking to rely on older policies and allocations; ultimately there could be a risk of Government intervention.

10 Declarations of Interest / Dispensations Granted

10.2 None.

11 Background Papers

11.2 Appendix 1 provides the Local Plan submission covering letter.

11.3 Appendix 2 provides the accelerated Local Plan timetable. The Local Plan website provides all the details of the examination and the associated documents. This can be via the following link: https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/951/local_plan_review_2016-2036_examination

Appendix 1: Local Plan Submission Covering Letter

Your ref:
Our ref: MB/LPR
Please ask for: Michael Burton
Direct dial: (01553) 616573
E-mail: planningpolicy@west-norfolk.gov.uk

Borough Council of
**King's Lynn &
West Norfolk**



Geoff Hall
Executive Director

Stuart Ashworth
Assistant Director Environment and
Planning

By email: plans.admin@planninginspectorate.gov.uk

Planning and Compulsory Purchase Act 2004 – Section 20 Notice of Submission of King's Lynn and West Norfolk Local Plan Review (2016-2036) to the Secretary of State for Levelling Up, Housing and Communities

29 March 2022

FAO Matthew Giles and Lee McClean (Planning Inspectorate)

Dear Matthew and Lee

I write with reference to the Planning and Compulsory Purchase Act 2004, as amended. In accordance with Regulation 22(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Borough Council of King's Lynn and West Norfolk (BCKLWN) is submitting the King's Lynn and West Norfolk Local Plan Review (2016-2036) to the Secretary of State for Levelling Up, Housing and Communities.

The Council requests, under the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the appointed Inspector recommends any modifications of the Plan that he or she may consider would be needed to make the Plan legally compliant and sound. I would be pleased if this letter could be treated as the formal request to the Secretary of State that is required under that legislation.

The submission documents include the Plan and other documents as required by Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). All the submitted documents, including the Local Plan Review, accompanying this letter, are being transferred to you by WeTransfer.

In summary there were 111 duly made responses to the Regulation 19 consultation raising approximately 440 separate representations. There were

also 3 further responses raising approximately 30 further representations that arrived following the close of the consultation, but these were accepted by the Borough Council, recorded and submitted alongside the other representations.

Copies of the full representations made at the Proposed Submission stage are available to view at the Council's consultation portal at: <https://west-norfolk-consult.objective.co.uk/kse/event/36371/peoplesubmissions/section/>. These are submitted, as follows:

- **Full representations – available to view through the Council's consultation portal**
- **Excel spreadsheet of summary representations in Plan order (attached)**
- **Excel spreadsheet of summary representations in respondent order (attached)**

The consultation portal also contains copies of all supporting documents as published at the proposed submission stage. The core documents are as follows:

| | | |
|------------|--|---|
| 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 [including draft policies map] |
| A2 | Schedule of Additional Modifications to the Local Plan Review | Document presented to Local Plan Task Group, 16 March 2022: https://democracy.west-norfolk.gov.uk/ieListDocuments.aspx?CId=409&MId=5138&Ver=4 |
| 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 (March 2022) | Including details of plan preparation process and the potential main issues for the examination [Pdf document submitted via WeTransfer] |
| 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 | Pdf documents submitted via WeTransfer |

| | | |
|------------|--|---|
| A12 | Statements of Common Ground (March 2022) | Pdf documents attached: <ul style="list-style-type: none"> • Environment Agency • Historic England • Homes England • Natural England • Norfolk County Council – Highway Authority/ Lead Local Flood Authority (LLFA) |
| A13 | Draft West Lynn: Flood Risk Sequential Test (March 2022) | Pdf document submitted via WeTransfer |

Copies of core documents A1-A7 (above) will, in due course, be made available to view at the Borough Council’s King’s Court offices (upon appointment) and local libraries (as follows) during normal opening hours (see Norfolk¹ and Cambridgeshire County Council² websites for further details):

- Dersingham
- Downham Market
- Gaywood
- Hunstanton
- King’s Lynn
- Wisbech

Other Core Documents and the supporting evidence base are available to view through the Borough Council’s Local Plan Review web pages (https://www.west-norfolk.gov.uk/info/20079/planning_policy_and_local_plan/902/local_plan_review_2016_to_2036). The full suite of submission documents will be sent via WeTransfer.

Please confirm receipt of the Local Plan Review submission documents, or please do not hesitate to contact me if you have any queries.

Yours sincerely

Michael Burton
Principal Planner (Planning Policy)

Attachments:

[Local Plan Review and full suite of submission documents submitted via WeTransfer]

¹ <https://www.norfolk.gov.uk/libraries-local-history-and-archives/libraries/your-local-library/locations-and-opening-times>

² <https://www.cambridgeshire.gov.uk/residents/libraries-leisure-culture/libraries/visit-a-library>

Appendix 2: Proposed Local Plan Timetable

LDS Addendum / Update

| Month | Main Local Plan | Gypsy and Traveller Work |
|-----------------------|--|--|
| April 2024 | w/c 22/04/2024 – Preparation of Main Modifications (part 1) following Hearings. | 25/04/2024 – Full Council to approve Gypsy and Traveller site allocations and policies for consultation. |
| May 2024 | Prep for Main Modifications consultation | 10/05/2024 – Consultation start date (Gypsy and Traveller site allocations and policies) |
| June 2024 | Prep for Main Modifications consultation | w/c 21/06/2024 – Close of Gypsy and Traveller site allocations and policies consultation |
| | w/c 24/06/2024 – Start consultation on Main Modifications | 28/06/2024 – Submission of Gypsy and Traveller site allocations and policy responses, with summary table of responses, to the Inspectors |
| July 2024 | Main Modifications consultation period | |
| August 2024 | w/c 02/08/2024 – End of consultation period on Main Modifications | w/c 05/08/2024 – Receipt of Gypsy and Traveller MIQ's |
| September 2024 | w/c 9/09/2024 – Submission of Main Modification responses (part 1) to Inspectors with summary table of responses | 03/09/2024 – 04/09/2024 – Gypsy and Traveller examination hearings |
| | | Agree Main Modifications with Inspectors following Hearings. |
| October 2024 | | w/c 07/10/2024 – Start consultation (Main Modifications part 2) |



Stage 1 - Pre-Screening Equality Impact Assessment

| | | |
|-----------------------------|--|--|
| <p>November 2024</p> | | <p>w/c 18/11/2024– Close of Main Modifications part 2 consultation</p> <p>w/c 25/11/2024- Submission of Main Modification responses (part 2) to Inspectors with summary table of responses</p> |
| <p>December 2024</p> | <p>Early January – Receipt of Inspectors’ final report</p> <p>04/02/2025 - Cabinet report to consider Inspectors’ Report and recommend adoption of the Local Plan</p> <p>27/2/2025 – Full Council adopt Local Plan</p> <p>w/c 03/03/2025 – Begin process of preparing publication version adopted Local Plan – Including incorporation of Main Modifications and Policies Map amendments etc..</p> <p>10/04/2025 – Expiry of 6-weeks legal challenge period</p> | |
| <p>January 2025</p> | | |
| <p>February 2025</p> | | |
| <p>March 2025</p> | | |
| <p>April 2025</p> | | |

| | | | | | |
|---|--|----------|----------|---------|--------|
| Name of policy/service/function | Local Plan | | | | |
| Is this a new or existing policy/service/function? <i>(tick as appropriate)</i> | New | | Existing | X | |
| Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation. | <p>The Local Plan provides a sustainable planning policy framework for dealing with new development in the Borough. This includes site specific allocations and policies for residential and employment use, and economic, environmental, and social policies.</p> <p>Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.</p> <p>This Cabinet Report sets out the Local Plan process from now through to adoption including the main modification consultations.</p> | | | | |
| Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i> | n/a | | | | |
| Question | Answer | | | | |
| <p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p> | | Positive | Negative | Neutral | Unsure |
| | Age | | | X | |
| | Disability | | | X | |
| | Sex | | | X | |
| | Gender Re-assignment | | | X | |
| | Marriage/civil partnership | | | X | |
| | Pregnancy & maternity | | | X | |
| | Race | | | X | |
| | Religion or belief | | | X | |
| | Sexual orientation | | | X | |
| Other (eg low income, caring | | | X | | |

| | | responsibilities) | | | | |
|--|---------------------|---|--|--|--|--|
| Question | Answer | Comments | | | | |
| 2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another? | No | Policies relate to sustainable land use and meeting the needs of all of the community as per the National Planning Policy Framework. | | | | |
| 3. Could this policy/service be perceived as impacting on communities differently? | No | <p>The main modifications are the Inspectors and required to make the plan sound. They will be consulted upon and anyone and everyone will have the opportunity to make a representation should they so wish. Representations will be considered by the Inspectors and inform their Local Plan Report.</p> <p>The Local Plan (as submitted) was previously subject to Equalities Impact Assessment screening (Report to Cabinet, 15 June 2021 – p60: (Public Pack)Agenda Document for Cabinet, 15/06/2021 15:00 (west-norfolk.gov.uk)).</p> | | | | |
| 4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination? | No | The Local Plan must meet the test of soundness as set out in the National Planning Policy Framework. It is the role the Government appointed Inspectors who are examining the Local Plan to carry this out. | | | | |
| 5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section | No | <p>Actions: No actions required.</p> <hr/> <p>Actions agreed by EWG member: Claire Dorgan</p> | | | | |
| <p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>N/A</p> <p>Decision agreed by EWG member:Claire Dorgan.....</p> | | | | | | |
| Assessment completed by: | Alex Fradley | | | | | |

| | |
|-----------------------|--------------------------------|
| Name | |
| Job title | Planning Policy Manager |
| Date completed | 29/04/2024 |

Complete EIA Pre-screening Form to be shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)