

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	
ALL	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr R Blunt E-mail: <i>cllr.richard.blunt@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: ALL		
		Other Members consulted: ALL		
Lead Officer: Alan Gomm E-mail: <i>alan.gomm@west-norfolk.gov.uk</i> Direct Dial: 01553 616237		Other Officers consulted: Management Team		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

7 September 2016

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICES PLAN - PROPOSED ADOPTION

Summary

The Inspector undertaking the examination into the Site Allocations and Development Management Policies Plan (SADMP) has found the document sound subject to the inclusion of modifications.

The purpose of this report is to seek Council's agreement to adopt the SADMP as amended by the Main Modifications, set out in the Inspector's Report (Appendices 1 and 2).

Recommendation

That Cabinet recommend to Council:

1. To note the outcome of the Inspector's report into the Examination of the Site Allocations and Development Management Policies Plan (SADMP) as shown in Appendices 1 and 2 to this report.
2. That the Council adopts the Site Allocations and Development Management Policies Plan (SADMP) Plan, incorporating the Main Modifications as shown in Appendix 2 to this report.
3. That Council notes that the saved policies of the King's Lynn and West Norfolk Local Plan (1998) will be superceded by SADMP.
4. That the Executive Director, following consultation with the Portfolio Holder for Development, be authorised to undertake any minor updates and drafting changes to improve the presentation of the Site Allocations and Development Management Policies Plan (SADMP) as proposed to be modified prior to publication of the final version. This includes the Minor

Modifications agreed by the Council on 24 March 2016.

Reason for Decision

To enable the Borough Council to adopt the Site Allocations and Development Management Policies Plan (SADMP) and, therefore, ensure that we have an up to date plan to use when we make decisions on planning applications.

1. Background

1.1 The Pre-Submission version of the Site Allocations and Development Management Policies Plan (SADMP) was published for representations in January 2015. Having received representations the Borough Council resolved to seek an Examination of the SADMP. The Secretary of State appointed David Hogger BA MSc MRTPI MCIHT as the Inspector from the Planning Inspectorate to carry out an independent examination of the Local Plan. His task was to establish whether the Local Plan is 'sound'. He was responsible for hearing evidence; reporting on his findings; and advising us if changes were needed to make the Local Plan sound. He held Examination hearings between July and November 2015. Following agreement by the Borough Council on 24 March 2016 the Proposed Main Modifications were advertised between April and June 2016. The responses to these were passed to the Inspector to consider before making his report to the Borough Council.

1.2 We have now received the Inspector's Report and recommended Main Modifications (See Appendices 1 and 2)

1.3 This report concludes that the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (SADMP) provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the Plan. The Borough Council specifically requested the Inspector to recommend any modifications necessary to enable the Plan to be adopted. He has recommended their inclusion after considering the representations from other parties on the issues.

The Main Modifications can be summarised as follows:

- The confirmation of a commitment to an early review of the local plan;
- The introduction of greater flexibility in the housing allocations policies;
- Clarification of the Council's approach to development boundaries and development in smaller villages and hamlets;
- Clarification of the Council's approach to the retention of community facilities; proposals for holiday accommodation; the strategic road network; railway trackways; densities and brownfield development; and development at CITB Bircham Newton and RAF Marham;

- Reference to a Monitoring and Mitigation Strategy (in relation to the Habitats Regulations Assessment);
- Clarification of the Council's approach to wind energy and flood risk;
- A new policy on King's Lynn port;
- A reduction in housing numbers at Bankside, West Lynn;
- The inclusion of land at Gravel Hill Lane into the West Winch Growth Area;
- Clarification of the approach to development in the existing built-up areas of West Winch;
- Clarification of the approach to development at Knights Hill; land off St John's Way, Downham Market; and at Wisbech fringe;
- A new housing allocation at Denver;
- An increased housing allocation to the rear of Chocolate Cottage, Feltwell;
- A new housing allocation north of St Johns Road, Tilney St Lawrence;
- A reduced housing allocation to the north-west of Townley Close, Upwell;
- The replacement of the allocation at The Springs, Flegg Green, Wereham, by one to the rear of Natanya, Hollies Farm; and
- A new housing allocation at Wiggshall St Germans.

1.4 The Inspector concludes that with the recommended Main Modifications, set out fully in the Appendix to his report (See Appendix 2 to this report), the Site Allocations and Development Management Policies Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework. (As noted above these proposed modifications were previously agreed by the Borough Council on 24 March 2016 and have been subject to public consultation and sustainability appraisal/ habitats regulations assessment).

1.5 There is a very clear expectation that the Borough Council will proceed quickly with adopting a plan that has been found sound. (See section 7 below 'Risk Management'). On adopting a Local Plan, the Council has to make publicly available a copy of the Local Plan; an Adoption Statement; and Sustainability Appraisal Report, in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. We will make these available to view on the Council's website and available for inspection at the Council's offices. The Council will also notify statutory consultees and those who commented at the Regulation 19 stage and other interested parties.

1.6 The Planning & Compulsory Purchase Act (2004) makes provision for existing local plan policies to be saved for a period of time until new policy documents are in place. Following a direction from the Secretary of State (September 2007) certain policies in the Borough Local Plan (1998) were saved. When the SADMP is adopted, the saved policies from the old Local Plan will cease to be

valid and be superceded by those in the SADMP.

- 1.7 Once adopted SADMP; the Adopted Core Strategy (2011) and any made Neighbourhood Development Plans (being prepared by Town and Parish Councils), will collectively form the statutory development plan for the Borough. The Council has already commenced a review of both the Core Strategy and the SADMP in line with one of the Inspector's Main Modifications.
- 1.8 In addition to the proposed Main Modifications a list of **Minor** Modifications which the Borough Council wished to see was agreed by Council on 24 March. This consisted of items such as grammatical or syntax errors and clarifications to text, and other things which did not affect the 'policy' approach from the Borough Council which the Inspector was examining. The Inspector had in any case agreed that the changes did not affect the matters he was looking into. These will be incorporated into the final version of the Plan.

2. Options Considered

- 2.1 The options available to the Council are to:
- (a) Adopt SADMP as amended by the Main Modifications set out in the Inspector's Report;
 - or
 - (b) Not to adopt SADMP - In which case the Council will not have an adopted local plan.
- 2.2 The key point about examining Local Plans is that they need to be found 'sound'. Following our Examination it is not possible to make any further changes to policies contained in SADMP or to reject any of the Main Modifications since these modifications are necessary to make the plan sound.
- 2.3 Adopting the SADMP with the proposed modifications will ensure that the Council has an up to date plan on which to make its decisions on planning applications. Failing to adopt the plan would leave the Council with no local plan, which would:
- Mean we are unable to demonstrate a five year land supply
 - Result in the Government imposing a local plan on the Council prepared by a third party
 - Risk the loss of New Homes Bonus (£3.3M for 2016/17) if the Council fails to have an adopted plan in place by spring 2017
 - Mean very little weight would apply to any saved policies when determining planning applications because of the age of the existing Local Plan (1998)

2.4 There has been a significant amount of work undertaken by Officers, Members, consultants and a wide range of stakeholders; parish and town councils; and community groups who have participated in consultation events, made representations and engaged with the Borough Council throughout the process. Adopting SADMP will give the Council a sound basis for planning future development in the Borough.

2.5 It is therefore recommended that the local plan is adopted.

3. Policy Implications

3.1 The SADMP is with the Core Strategy a key policy document. It sets out the framework for provision for new housing, community and employment proposals and protecting and enhancing the environment. It is an important part of delivering our corporate objectives. It is also important in providing a strategic framework within which groups preparing neighbourhood plans need to operate.

4. Financial Implications

4.1 The financial implications arising from adopting the SADMP can be met from existing resources. As noted above failing to have an up to date Local Plan could have negative implications in terms of the grant that the Borough Council receives through the New Homes Bonus.

5. Personnel Implications

5.1 None directly arising from this report.

6. Statutory Considerations

6.1 We are required to publish the Inspector's recommendations and reasons as soon as 'reasonably practicable' once received. This we have done and copies have been made available at our King's Court offices and on our website. Copies will also be sent to other offices and libraries in the borough.

6.2 Clearly we need to comply with both the relevant planning legislation and the strategic environmental assessment regulations which include publishing a Sustainability Appraisal Report (SAR). (A revised SAR / SEA accompanied the Proposed Main Modifications consultation). There is provision within the Planning and Compulsory Purchase Act (2004) for the SADMP to be challenged by way of a judicial review.

7. Risk Management Implications

7.1 It is national policy for all local planning authorities to have an up to date Local Plan which includes provision for both local needs and national priorities. This includes the requirement for a five year supply of deliverable housing sites to meet the need for housing within the plan area. Without an up to date Local Plan the Borough Council could face significant challenges in defending its decisions on planning applications, or appeals.

8. Equality Impact Assessment (EIA)

(Pre screening report template attached)

8.1 It is not considered that the adoption of SADMP will adversely impact on the particular needs of specific groups of the community.

Declarations of Interest / Dispensations Granted

None received.

Background Papers

Those documents relating to the **previous stages** of the preparation of SADMP can be accessed via the following web page link:

https://www.west-norfolk.gov.uk/info/20093/site_allocations_and_development_plan

Appendix 1

Report on the Examination into King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (SADMP) Local Plan

Appendix 2

Inspector's Schedule of Main Modifications

Pre-Screening Equality Impact Assessment

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



Name of policy/service/function		Planning Policy/ Development Services				
Is this a new or existing policy/ service/function?		Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations		Adoption of a land use policy plan with development management policies and allocations.				
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 according to their different protected characteristic, 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>			Positive	Negative	Neutral	Unsure
		Age			X	
		Disability			X	
		Gender			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)			X			
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?	Yes/ No					
3. Could this policy/service be perceived as impacting on communities differently?	Yes/ No					
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes / No					
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes/ No	Actions:				
		<p>Actions agreed by EWG member:C Dorgan.....</p>				
Assessment completed by: Name Alan Gomm						
Job title LDF Manager		Date 25.08.2016				