



The Planning Inspectorate

Report to King's Lynn and West Norfolk Borough Council

by David Hogger BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO THE KING'S LYNN AND WEST NORFOLK SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES LOCAL PLAN

Document submitted for examination on 22nd April 2015

Examination hearings held on 7th July 2015 and between 30th September and 2nd October; 3rd November and 5th November; and 17th November and 19th November 2015.

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Abbreviations Used in this Report

AONB	Area of Outstanding Natural Beauty
CA	Conservation Area
CS	Core Strategy
EA	Environment Agency
ha	Hectare
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
SA	Sustainability Appraisal
SADMPP	Site Allocations and Development Management Policies Plan
SAM	Scheduled Ancient Monument
SoCG	Statement of Common Ground

Non-Technical Summary

This report concludes that the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan provides an appropriate basis for the planning of the Borough, providing a number of modifications are made to the Plan. King's Lynn and West Norfolk Borough Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted. I have 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 Wighenhall St Germans.

Introduction

1. This report contains my assessment of the King's Lynn and West Norfolk Site Allocations and Development Management Policies Plan (SADMPP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound Plan. The basis for my examination is the pre-submission document dated January 2015.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed Main Modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. A small number of modifications were omitted from the initial consultation process. These were subsequently published by the Council and a further 6 week period of consultation was undertaken (ending on 22nd June 2016). I have taken into account all the consultation responses, including the petition with over 900 signatories objecting to development at Knights Hill, in coming to my conclusions in this report. To avoid confusion I have used the same reference numbers for the MMs as set out in the Council's Index of Modifications, with the 'omitted' modifications following on sequentially.

Preliminary Matters

The Consideration of Alternative Sites for Housing Allocations

5. The Sustainability Appraisal (SA) includes an assessment of 66 settlements in the Borough and for most of those settlements a relatively large number of potential housing sites have been appraised. To accord with paragraph 182 of the NPPF and in the interests of brevity, the focus of this Report is on the soundness of the submitted Plan rather than on individual objections. Consequently it is only necessary for me to refer to alternative sites for housing allocations in circumstances where there is sufficient cause to justify comparing the soundness of the Council's proposals with other options that

may be available (i.e. where there is sufficient doubt that the most sustainable and appropriate strategy is being followed by the Council).

Current and Recent Planning Applications

6. I am aware that a number of allocated and non-allocated housing sites have been granted planning permission (or are currently being considered by the Council) during the course of the Examination. It is not appropriate for me to comment on detailed proposals and for the avoidance of doubt I do not refer to all of them in this Report.

Settlement Boundaries

7. A number of concerns were raised regarding the delineation of some of the settlement boundaries. In the interests of brevity I address this matter only under Issue 6 (policy DM2) and not in relation to every specific settlement (see page 33).

The Weight to be Attached to Nature Conservation Issues

8. There are a number of sites within the Borough that are of European nature conservation importance. Some of the proposed housing allocations, however, may have detrimental consequences for these protected sites and species and this is acknowledged by the Council. Policies in the submitted plan (for example E2.1: West Winch Growth Area and E4.1: Knights Hill) refer to the need for habitat protection measures to mitigate the potential adverse impacts but no evidence was initially submitted to demonstrate how those impacts could be satisfactorily addressed.
9. In response to my concerns about this matter the Council prepared the 'Natura 2000 sites Monitoring and Mitigation Strategy'¹. In summary the document considers existing and proposed monitoring and mitigation measures; funding and implementation; governance arrangements; and ongoing review and monitoring. As a consequence of this 'new' evidence I am satisfied that any potential adverse impacts of development on sites of European importance will be avoided or mitigated against. My confidence is strengthened by the Statement of Common Ground on the matter that was signed by the Council, Natural England, the Royal Society for the Protection of Birds and the Norfolk Wildlife Trust².
10. I am satisfied that the Council's up-dated approach is sound and that appropriate weight is now placed on issues of nature conservation. It is on this basis that I have considered the contents of the SADMPP.

The Policies Map

11. The Council is required to maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a Plan for examination, the Council is then required to provide a submission policies map showing the changes to the adopted policies

¹ Core document CD 32 Appendix

² SoCG under Issue 1

map that would result from the proposals in the submitted plan. In this case the submission policies map comprises the plans as set out throughout the submitted document.

12. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published main modifications do require corresponding changes to be made to the policies map. In addition there are some instances where the geographic illustration of the policies on the submission policies map is not justified and changes should be made to the map to ensure that the relevant policies are effective. I am satisfied that all such changes have been subject to appropriate public consultation.
13. When the SADMPP is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include, where appropriate, all the changes now proposed.

Public Consultation

14. A number of concerns were raised regarding the public consultation undertaken and in particular the dissemination of details regarding the timetable for such consultation. However, I am satisfied that the requirements of the Council's Statement of Community Involvement have been met and that the statutory consultation has been undertaken in accordance with the relevant Regulations.

Assessment of Duty to Co-operate

15. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
16. The Council's 'Duty to Cooperate Statement' (April 2015) sets out the key relationships with a number of strategic partners and summarises actions that have already been taken and how on-going co-operation will be sought. The achievement of co-operation was evident in the written submissions and also at the hearings. Examples include evidence presented by the Highways Authority (Borough wide); a range of nature conservation groups; Fenland District Council (Wisbech fringe); and the Environment Agency (flood risk). This Plan has been prepared within the framework already provided by the Core Strategy (CS) and consequently the wider strategic implications of the Plan are limited and the duty should be seen within this context. No evidence was submitted to demonstrate that co-operation has not occurred and I am satisfied that the Council has engaged constructively, actively and on an on-going basis and it can be concluded that the duty to co-operate has been met.

Assessment of Soundness

Main Issues

17. Taking into account all the representations, written evidence and the discussions that took place at the examination hearings I have identified seven main issues upon which the soundness of the Plan depends.

Issue 1 – Whether or not the Amount and Distribution of Housing (including with regard to the needs of gypsies and travellers) is in Accordance with the Adopted Core Strategy and is Sound.

The Relationship Between the SADMPP, the Adopted Core Strategy and Housing Need

18. Paragraph A.0.8 of the SADMPP makes it clear that the purpose of the Plan is 'to complement and facilitate the implementation of the Core Strategy (CS) by providing detailed policies and guidance' (including site specific policies and allocations). The objective is to deliver the CS policies through the provision of detailed development management policies and the allocation of development sites. It is on that basis that I have conducted the Examination.
19. The CS was adopted in July 2011 and it sets out the broad development requirements for the Borough up to 2026 (the same end date applies to the SADMPP). The lifespan of the SADMPP will therefore be only about 10 years (the NPPF suggests 15 years). The Council is to commence an immediate review of the Local Plan (LP) and in the interests of clarity and effectiveness **MM3** is recommended accordingly.
20. Concerns were expressed regarding the overall number of dwellings being proposed and in relation to some of the directions of growth being supported by the Council. However, the housing figures being used are established in the adopted CS and the broad areas for urban expansion at King's Lynn, Downham Market and Hunstanton are clearly illustrated in CS Inset figures 7, 9 and 10. The area for potential urban expansion to the east of Wisbech is shown on the CS Strategy Diagram. I acknowledge that the CS is 5 years old but it is not before me for examination and there is no evidence that would lead me to conclude that the Council's broad approach is fundamentally flawed.
21. In order to strengthen the flexibility of the Council's approach it is recommended in **MM1** that all the policies include the words 'at least' before the proposed number of dwellings. This reflects the need for the SADMPP to be positively prepared.
22. A number of representors questioned the inclusion of more than one settlement in what is described as a 'Key Rural Service Centre' or a 'Rural Village' – for example West Walton and West Walton Highway are 'combined' for the purposes of allocating development. I understand the concerns that were voiced but the settlement hierarchy is defined in policy CS02 of the adopted CS. The opportunity to reconsider the settlement hierarchy (and the overall housing figures) will come when the LP is reviewed (initial work on which has already started). In the meantime the Council is correct to base the SADMPP on the framework provided by the CS.
23. The SADMPP includes minor amendments to CS policy CS02 – the re-categorisation of Emneth from 'a settlement adjacent to Wisbech' to a 'key rural service centre'; and the inclusion of Blackborough End as a 'smaller village and hamlet'. The justification for the changes is clearly set out in the supporting text and no substantive evidence was submitted that would lead me to conclude that the Council's approach is not sound.

Five Year Housing Supply and Windfall Development

24. The Borough Council confirmed in the response to my Question 5³ that, at that time, it was unable to demonstrate a five year supply of housing. However, an explanation is given in the Council's response as to the measures being taken to regain the ability to demonstrate the five year supply and of course the adoption of the SADMPP will help significantly in that regard⁴. On that basis and bearing in mind the imminent review of the LP, I consider there would be little value in further delaying the adoption of the SADMPP. This conclusion is strengthened by the fact that the Council is proposing 'new' or increased allocations at Denver, Feltwell, Terrington St John and Wiggshall St Germans; and introducing greater flexibility in the policies with regard to the capacity and density of development allocations. I have attached weight to the fact that the number of dwellings in the allocation at Bankside, West Lynn will be reduced (see paragraph 55) but I am satisfied that the resultant shortfall of 80 dwellings will be sufficiently made up by the changes to the allocations and policies referred to above.
25. In order to up-date the situation it is necessary to amend the Summary Table in paragraph D.1.5 which sets out some housing statistics, including completions/commitments and allocations. It is also justified to include a Windfall allowance (which is defined in the Glossary), in line with paragraph 48 of the NPPF. **MM16** is therefore recommended. It is noted that, following consideration of the responses to the MM consultation, the Council is proposing a minor change to remove the reference to development boundaries in paragraph D.1.8.

Density

26. The Council's approach towards the density of the residential allocations lacks clarity. It is therefore proposed to provide additional supporting text which explains the broad justification for the densities proposed and **MM17** is recommended accordingly.

Brownfield Development

27. The appropriate re-use of land that has been previously developed is a core planning principle but there is little indication of the Council's attitude to this issue in the submitted Plan, although I acknowledge that the adopted CS refers to the matter. Nevertheless the Council is proposing to include a new section of text entitled 'Development on Brownfield Sites' which explains the Council's approach and I agree that this is justified and demonstrates that the SADMPP has been positively prepared in this respect. **MM18** is therefore recommended.

Gypsies and Travellers

28. The SADMPP does not make reference to gypsies and travellers but the Council explained that for this matter it relies on CS policy CS09 which sets out the

³ Library document CD34

⁴ In an appeal decision issued in July 2016 the Borough Council was held to have a five year supply

criteria against which any such proposal would be assessed. In response to my Question 2⁵ the Council referred to the up-dated 2014 Gypsy and Traveller Accommodation Needs Assessment. This estimates that 16 new pitches will be required in the Borough between 2013 and 2031 – just less than one a year. Over the last four years, however, three pitches have been approved each year. With regard to travelling showpeople there is a need for up to 5 plots by 2021.

29. At the present time policy CS09 appears to be satisfactorily enabling the provision of pitches to meet need. However, paragraph 9(b) of the Planning Policy for Traveller Sites⁶ states that a supply of specific deliverable sites or broad locations should be identified for years 6 to 10 and where possible for years 11 to 15. The Council has not done this. However, in these circumstances where need is currently being exceeded, I consider that a pragmatic approach should be adopted, especially as the LP is to be reviewed shortly. In these circumstances I do not consider the soundness of the SADMPP is significantly threatened but the onus will be on the Council to ensure that it fully complies with national policy on the matter in the preparation of the forthcoming review.

Conclusion on Issue 1

30. The SADMPP satisfactorily reflects the policies of the adopted CS with regard to the amount and distribution of housing and is sound.

Issue 2 – Whether or not the Selection of Housing Sites has been based on a sound process of Sustainability Appraisal and the Testing of Reasonable Alternatives

The Sustainability Appraisal (SA)

31. A number of respondents criticised the SA, including in relation to the options considered and the consistency of the site 'scoring' system. In terms of the site options the Council considered a wide range of potential alternative development sites and I am satisfied that they are reasonable alternatives, that they are sufficiently distinct and that they are realistic and broadly deliverable. It is possible that during the plan preparation process circumstances will change or new evidence about a site may arise. Indeed even at the hearing sessions up-dated evidence about sites was introduced. However, this does not necessarily mean that the SA has to be revised. Indeed the National Planning Practice Guidance (NPPG) confirms that even if a local plan is to be modified there may not be a need to amend the SA. I consider that it would not be reasonable to expect the Council to review the SA in response to every change in circumstance. Bearing in mind the extensiveness of the SA such examples are not sufficiently widespread to cast doubt on the appraisal and site selection process as a whole and I conclude that the approach taken is appropriate and proportionate.
32. With regard to the scoring of sites, the SA sets out very clearly the approach taken to the whole process. In essence sites were scored against 10

⁵ Library document CD03

⁶ DCLG March 2012

sustainability factors and then an explanation of the Council's conclusion in relation to each settlement is given. It is almost inevitable that when many sites are being considered in a single small settlement there may be little to differentiate one from another and a degree of planning judgement is required. However, where that has been the case the Council has satisfactorily explained the conclusion that it has drawn and I am satisfied that the sites have been assessed as objectively as possible and that a fair comparison of sites has been achieved. I am mindful that the SA should focus on what is needed to assess the likely *significant* effects of the SADMPP and that it does not need to be done in more detail, or using more resources, than is considered appropriate. The Council has satisfactorily followed this advice.

Flood Risk

33. Concerns were raised regarding the Council's approach to issues of flood risk. Consequently I asked the Council to explain how such issues would be addressed in the development management process and to consider whether or not sufficient flexibility was embedded in the SADMPP should housing numbers not be met on a particular site as a consequence of flood risk issues. The Council prepared a detailed schedule of all allocated sites at risk from flooding⁷ and summarised the comments made by the relevant consultees. It is clear that the Council works satisfactorily with the Environment Agency, the Middle Level Commissioners, the Internal Drainage Boards, Anglian Water Services and Norfolk County Council and I note that there were no objections to any of the allocations from the Environment Agency.
34. Should it be found that an allocated site could not accommodate the proposed level of development because of flood risk issues, it is important that the SADMPP incorporates sufficient flexibility to address such a situation. To this end it is proposed to allocate some additional land for housing and also to ensure that the wording of each allocation policy incorporates sufficient flexibility, for example by prefacing the proposed number of dwellings by the term 'at least' (see paragraph 21). In this regard the plan is sound.

Highway Capacity

35. There is a perception that throughout the Borough, but particularly with regard to roads in and around King's Lynn, the level of traffic is already the cause of significant delays, particularly during peak hours and that the development of further housing will only exacerbate the situation. I understand the frustration this can cause to residents and local businesses and I am mindful that the NPPF confirms that transport policies have an important role in facilitating sustainable development.
36. The starting point in the consideration of this issue is the CS which sets out the spatial strategy for the Borough and identifies the broad locations for growth. Policy CS11 sets out the Council's approach and confirms that priority will be given to improving the strategic networks, including the provision of a number of by-passes and junction improvements. It is clear from the CS Inspector's Report that he considered a number of transport related matters but concluded that in this respect the CS was sound.

⁷ Library document CD31

37. I accept that the situation has changed since 2011 but the Council has provided a range of evidence (including in response to my Question 4 to the Council) to demonstrate that the impact of growth on the road network can be satisfactorily accommodated.
38. With reference to the A47/A10/A149 Hardwick junction, work on transport modelling and assessment has been carried out on behalf of Highways England, the County Council (as Highway Authority) and the Borough Council. The focus was on the implications of development and the Hardwick Transport Strategy (May 2015) concludes that there are three potential strategies (which are costed) that could be adopted for the interchange. I am satisfied that the evidence demonstrates that improvements can be made to the interchange that will satisfactorily accommodate increased vehicular movements as a result of the proposed growth.
39. In terms of delivering highways improvements I note that Appendix 2 to the Infrastructure Study (May 2015) lists projects that are 'potentially critical to the delivery of growth across the Borough'. These include improvements to the King's Lynn Gyratory; the West Winch link road; and the Hardwick interchange. Policy E2.1 – West Winch Growth Area, specifically refers to the need for the link road and local highway improvements including consideration of the Hardwick interchange. It is also a policy requirement that a comprehensive strategic transportation plan for the area be prepared (to include consideration of the interchange) and that an Infrastructure Delivery Plan is submitted.
40. With regard to the other two major edge-of-settlement allocations the policy for land at Hall Lane, South Wootton, requires the submission of a comprehensive transport assessment. However, there is currently no such requirement for the site at Knights Hill (policy E4.1). In the interests of consistency and to ensure that the Council's approach is justified it is therefore recommended that a requirement for a comprehensive transport assessment is added to policy E4.1 (part of **MM29**).
41. I note that there are no objections to the Council's approach from either Highways England or the County Council as Highways Authority and I am satisfied that policies will be in place to ensure that issues relating to the implications of growth on the highway network will be satisfactorily addressed.

Conclusion on Issue 2

42. The approach of the Council towards the selection of housing sites has been sufficiently thorough, proportionate and justified and in all respects is sound.

Issue 3 – Whether or not the Policies, including the Allocations, for King's Lynn and the Surrounding Area are Justified.

43. As concluded above the SADMPP is sound in principle. Accordingly the following sections only consider the specific points about the allocations that give rise to concern about potential unsoundness.
44. The Council has provided confirmation that all the allocated sites are available and deliverable and it is on that basis that the following paragraphs should be

read.

King's Lynn

45. King's Lynn is identified as a Sub-Regional Centre in the CS and it acts as the focus of growth in the Borough. Figures 7 and 8 in the CS identify the broad areas for residential and employment expansion, together with other strategic objectives. It is against the background provided by the CS that the following matters have been addressed.

Housing

46. The CS requires the provision of at least 7,510 new dwellings in the plan period in the King's Lynn area and in particular at the four strategic locations identified in CS03. I consider these locations later in this Report.
47. In terms of the 8 allocations in the town of King's Lynn the evidence demonstrates that they are sustainable, viable and deliverable. Concerns were raised for example regarding flood risk, highway implications, loss of open space and impact on heritage assets. However, where these may be significant issues the relevant policy identifies how they should be addressed. So for example the allocation at Boal Quay (policy E1.5) requires the submission of an Archaeological Assessment and an Ecological Study. Concerns were raised regarding the protection of heritage assets but CS policy CS12 affords appropriate protection to the historic and built environment.
48. Since the SADMPP was submitted, planning permission has been granted for 130 dwellings at Marsh Lane (policy E1.4 which proposed about 170 dwellings) and in response to the results of public consultation the area of land (and the proposed number of dwellings) allocated at Lynnsport (policy E1.7) has also justifiably been reduced. The SADMPP should reflect this situation and therefore **MM21** and **MM22** are recommended.
49. With the reduction in numbers at the two sites referred to above (and at West Lynn – see paragraph 55) the total provision in the King's Lynn area over the plan period is now estimated at 7,421 dwellings (see table in MM16). This is a shortfall of just over 1%. However, when considering the plan area as a whole there are increases in the level of development at a number of other settlements. The consequence is that the total number of dwellings completed, committed or allocated in the Borough is 16,449 and this rises to 19,335 if the windfall allowance is taken into account. The evidence satisfactorily demonstrates that, even with the reduction in numbers at the sites referred to above, the CS requirement of 16,500 new dwellings is likely to be exceeded.
50. On this basis the approach to the allocation of housing sites in King's Lynn is justified.

Employment including King's Lynn Port

51. CS policy CS10 proposes about 50ha of employment land in King's Lynn. Two sites are allocated in the SADMPP at Hardwick (27 ha) and Saddlebow (23ha). Although I was told that the main landowners at Hardwick entered

administration in 2014, outline planning permission was granted in 2012 and no evidence was submitted that would lead me to conclude that there is a significant risk to the delivery of either site.

52. The SADMPP refers, in the supporting text, to protecting and supporting King's Lynn port in its role 'as a strategic transport hub'. There is no reference to its role as a source of employment. This is a significant shortcoming in the Plan because it does not reflect the need to secure economic growth, recognise the port's role in serving businesses or afford support to sustainable development at the port. To rectify the situation it is recommended that a new policy and supporting text relating to the Port is included in the Plan (**MM20**) and that reference to development at the Port is also made in policy E1.1 (**MM19**).

Town Centre/Retail

53. It is clear that the Council is committed to securing a viable and vital town centre in King's Lynn and policy E1.1 sets out the way that this will be achieved. As well as seeking a mix of uses emphasis is placed on ensuring that there will be a high standard of design. Encouragement is given to the expansion of the retail area but the policy also includes sufficient flexibility to ensure that town centre premises are occupied rather than remain vacant. In terms of the Gaywood Clock area policy E1.3 supports the retention and strengthening of its retail function. The Council's approach on this matter is positive and in all respects sound.

West Lynn

54. Sites at St Peter's Road and Bankside are allocated for residential development and the SA satisfactorily explains why they were selected. I have attached significant weight to issues of flood risk and the loss of agricultural land but I broadly agree with the conclusions drawn in the SA. However, in order to ensure that the issue of flood risk at Bankside is given the appropriate consideration, the Council proposes to include a requirement in the policy for a site specific Flood Risk Assessment. Such an approach would make the plan sound and is therefore recommended (**MM64**).
55. Whilst I acknowledge that the Bankside site will make use of a derelict brownfield site, it extends some distance along the bank of the river and it will be clearly seen not only from the river but more importantly from the riverside in King's Lynn. The visual implications of 200 dwellings on this site could be significant. The Council (with the landowner) has given this matter further consideration and has concluded that the number of dwellings should be reduced to 120 in order to ensure that an appropriate standard of design and layout would be achieved. In these circumstances I agree that a reduced level of development on this prominent site is likely to result in a visually more satisfactory scheme which would represent the most appropriate strategy for the site. It is therefore recommended that the allocation be reduced to 'at least 120 dwellings' (**MM23**).
56. Concerns were expressed by residents about the traffic implications of development in West Lynn and the restricted access to King's Lynn as a result of having to cross the river. Whilst I understand these concerns I am mindful that the settlement enjoys a range of facilities and services and that for the

purposes of CS policy CS02 it is specifically included within the definition of the King's Lynn sub-regional centre. No substantive evidence was submitted that would justify the Council adopting a different approach.

West Winch

57. The principle of urban expansion at West Winch is established in the CS which allocates at least 1,600 new homes to the area and identifies the location as a direction of growth for beyond the plan period (policy CS09). The SA and the indicative Concept Plan satisfactorily demonstrate that the proposed area for development would assimilate well into the existing village; retain gaps between West Winch and nearby settlements; incorporate significant landscape buffers; and enable the provision of the relief road between the A10 and the A47.
58. Work on the delivery of the West Winch Growth Area has been underway for some time and the Statement of Common Ground confirms that significant progress has been made⁸. However, the submitted Plan does not identify land off Gravel Hill (also known as site F) as part of the Growth Area. The owner of the land argues that the non-inclusion of this land threatens the viability and delivery of the Growth Area as a whole, including the provision of the necessary supporting infrastructure, for example the relief road.
59. The Report to Cabinet (9th September 2015) reconsiders the Council's approach and refers to the updated SA that has been undertaken (paragraph 9.11) which identifies a broadly positive scoring for the inclusion of the Gravel Hill site. It is clear that the inclusion of the site would have a number of advantages, particularly bearing in mind the need to secure sustainable residential development which would boost the supply of housing in the Borough.
60. I have taken into account the objections to the identification of the Gravel Hill site for development but conclude that there are no matters of such significance that would justify the continued exclusion of the site from the Growth Area. Issues such as highway safety and the outlook from existing dwellings can be appropriately considered at the planning application stage. There is no evidence of sufficient weight that would enable me to conclude that the Council's revised approach (as set out in the Cabinet Report) is not sound. Consequently, in order to ensure that policy E2.1 will be effective, it is recommended that an additional area of land, off Gravel Hill, is included within the growth area boundary (**MM24** and **MM25**).
61. Concerns were expressed regarding the highway implications of development of this scale. It is a requirement of the policy, however, to submit a comprehensive strategic transportation plan for the area and an Infrastructure Delivery Plan. No substantive evidence was submitted to cast doubt on the ability of these documents to satisfactorily address transport issues and I note that there were no objections to the Council's approach from either Highways England or the County Highway Authority.
62. There is no reference in policy E2.1 to the provision of public transport

⁸ SoCG under Issue 5

improvements and in the interests of sustainable movement this should be a stated requirement. Also the hectareage of the Growth Area needs to be increased to reflect the addition of the Gravel Hill site. Therefore **MM26** (which encompasses both of these points) is recommended in order to ensure that the policy is up-to-date and reflects the most appropriate strategy to follow.

63. Policy E2.2 relates to development within the existing built-up areas of West Winch. In order to strengthen and clarify part 1a it is proposed to refer specifically to restricting significant 'new traffic' until the link road is open and to define what is meant by 'significant'. These changes are required to ensure that the plan is justified and are recommended accordingly. Similarly in terms of policy E2.2 2 a reference to which views should be specifically considered (i.e. views from the west) should be included and is therefore recommended (both modifications are included within **MM27**).
64. In order to ensure that the most appropriate strategy will be followed the Council proposes to include an additional requirement in the policy for the submission of a site specific Flood Risk Assessment. This change is necessary for soundness and is recommended accordingly (**MM65**).

South Wootton

65. The strategy for growth at South Wootton is established in CS policy CS03 and is set out in more detail in policy E3.1 of the SADMPP. About 40ha is allocated for 300 dwellings. On the one hand the Parish Council, for example, considers the housing figure to be too high whilst others have claimed that the site could accommodate about 500 dwellings. It is important that the best use of land is achieved but that should not be at the expense of other considerations such as the provision of open space. In any event paragraph E.3.13 clearly states that if it can be shown that more than 300 dwellings could be accommodated on the site then further development may be considered in a future plan.
66. There are no objections from the Highway Authority and in any case the policy requires the submission of a comprehensive transport assessment. There are also requirements for a site flood risk assessment; a landscape assessment; an ecological assessment (including Habitats Regulation Assessment); and a heritage assets assessment.
67. In the interests of accuracy and clarity a small number of changes are recommended to policy E3.1 (**MM28**) and on that basis I am satisfied that the Council's approach to development at South Wootton is sound.

Knights Hill

68. The CS identifies Knights Hill as an urban expansion area and no evidence was submitted that would lead me to challenge the requirements of the CS. The site can be satisfactorily accessed, there is a low risk of flooding, issues of layout and landscaping can be appropriately addressed at the Masterplan stage; and there is no evidence that the development cannot be delivered.
69. However, there are two issues of particular concern to me – namely the protection of sites of nature conservation importance and the protection of

heritage assets. In terms of nature conservation, paragraphs 8-10 above summarise the concerns and the Council's response, which I consider satisfactorily addresses the need to identify and address the provision of mitigation measures, particularly with regard to European sites of nature conservation importance.

70. Turning now to heritage assets, of which there are several in the locality, including scheduled monuments and listed buildings. The conservation and enhancement of heritage assets and their settings is an important objective. Although CS policy CS12 seeks to protect and enhance the historic environment, I consider that policy E4.1 (Knights Hill) should be more explicit in seeking to preserve and enhance nearby assets and their settings and should make it clearer that appropriate weight will be placed on such constraints to development in the consideration of development proposals for the area.
71. It is important that these constraints are acknowledged in the SADMPP. In this way the Plan will enable the most appropriate strategy to be followed and ensure the sustainable delivery of the policy. **MM29** (as it relates to this matter) is therefore recommended accordingly.

North Wootton

72. North Wootton is identified in CS policy CS03 as an area for growth. However, the revised SA (attached to Council's Statement on Issue 8) considered three potential development sites but it confirms that in particular there are issues regarding access and the impact of development on the Area of Outstanding Natural Beauty (AONB). The County Highways Authority objects to sites 712 and 1290 on the grounds that a satisfactory access could not be provided and the Natural England do not support site 1180 because it is within the AONB.
73. Whilst I accept that there is a reasonable range of facilities and services nearby I agree with the Council that at the present time it has not been demonstrated (because of the constraints referred to above) that significant new development could be satisfactorily accommodated in a sustainable way. In coming to this conclusion I have also placed weight on the fact that a substantial amount of new housing is proposed nearby at both South Wootton and Knights Hill. This is a matter that could be reconsidered as part of the local plan preparation, should circumstances so dictate.

Conclusion on Issue 3

74. I am satisfied that, as modified, the policies and allocations for King's Lynn and the surrounding area are justified and in all other respects sound.

Issue 4 – Whether or not the Policies, including the Allocations, for the Identified Towns are Justified.

Downham Market

Housing

75. Two sites are allocated for housing and both sit within the broad 'area for

urban expansion' as identified on CS Figure 9: Downham Market Diagram. It was suggested, for example by the Town Council, that the allocation should be spread over a larger number of smaller sites. This would be one way of meeting the housing requirement and indeed the SA did consider a relatively high number of potential sites. However, taking into account sustainability factors, the views of consultees and the need to secure delivery, the Council concluded that the allocation of two sites was sound. I was presented with no robust evidence that would demonstrate to the contrary and I conclude that the Council's approach, as set out in policies F1.3 and F1.4, is justified. In order to reflect the current situation and to ensure that the policies for the town will be effective, the Council is proposing that the plan 'Inset F1 Downham Market' is amended to correctly identify the Strategic Road Network in the area (**MM30**).

Employment

76. Policy F1.2 allocates land off St John's Way for employment purposes. The site has good access, would form an extension to an existing employment area and its location conforms with the employment expansion area as identified in Figure 9 of the CS. The allocation of this land is justified.
77. In the interests of highway safety and to reflect the appropriate strategy for the site, more detail is required regarding access arrangements to the land and **MM31** is therefore recommended.

Hunstanton

Housing

78. The CS requires new allocations to accommodate at least 220 new dwellings over the plan period and Figure 10 of the CS clearly indicates the areas for urban expansion. Comparatively few sites were considered in the SA and no site displays a highly positive effect in the majority of categories. However, those sites selected are within the CS indicative direction of growth, would not have an adverse impact on the AONB and are reasonably located in terms of the town's facilities and services. Concerns were expressed regarding highway safety and the impact of development on heritage assets. However, where appropriate, safe vehicular and pedestrian accesses are required; Heritage Asset Statements are required; and Archaeological Field Evaluations should be submitted with any planning application. I am satisfied that the criteria listed in the policies cover the appropriate issues and that the Council's approach is sound.
79. There is a lack of clarity regarding the precise proposals for the site to the south of Hunstanton Commercial Park (policy F2.3). In order to ensure the satisfactory delivery of the site the Council is proposing to include more detail about the various forms of residential development that would be expected on the site and to require the preparation of a comprehensive scheme for the whole site. Such changes are justified and **MM32** is therefore recommended.
80. Policy F2.4 for land north of Hunstanton Road includes no reference to the local highway improvements that would be required or to the need to submit a site-specific Flood Risk Assessment. These are requirements necessary to

ensure that the development can be satisfactorily delivered and therefore **MM33** is recommended.

Town Centre

81. It is important that the viability and vitality of Hunstanton Town Centre is retained and if possible improved and policy F2.1 seeks to enable the achievement of that objective and is justified.

Employment

82. The provision of about 1ha of employment land is required by CS policy CS10 and this is allocated under policy F2.5. The site is adjacent to housing allocation F2.3 and the supporting text confirms that it may be appropriate to develop the two sites together in order to optimise viability. Bearing in mind that the Borough Council would support the provision of a care home on the employment site but that there is also reference to the provision of 'housing with care' on the adjacent residential allocation, I agree that a comprehensive approach to the two sites would be favourable and that the approach being taken is justified.

Wisbech Fringes and Walsoken

83. Wisbech is within Fenland District but lies adjacent to the boundary with the Borough. The town is a significant service centre for the wider area and the CS makes provision for at least 550 dwellings within the Borough to help meet the town's housing needs. The Core Strategy Diagram identifies potential areas for urban expansion to the east of the town and the CS identifies Walsoken as 'a settlement adjacent to a main town' where there is potential for urban expansion. The Council has identified land immediately to the south of Walsoken, and adjacent to Wisbech, for development.
84. The co-operation between the Borough and Fenland District Council is evident, as exemplified in the submitted Statement of Common Ground⁹ and in order to ensure that consistency of approach is achieved, policy F3.1 requires a Masterplan for the wider area (including the Fenland allocation) to be submitted. Any such plan must be agreed by both Councils and it must satisfactorily demonstrate how all the elements of growth can be integrated and delivered. The East Wisbech Development Group has been established, comprising a range of interested parties, and it is clear to me that the mechanisms are in place to successfully take forward this area of growth.
85. A range of alternative sites were assessed in the SA and although there were similar scores for a number of sites the allocated site scored comparatively well. One factor, to which I have attached weight, is the relationship between the allocated site and the adjoining allocation in Fenland District. I agree with the Council that the relationship between the two sites will enable a comprehensive approach to be taken which I consider will be of value in terms of the provision of access, services and facilities, consistency in terms of layout and design (thus responding appropriately to local form and character) and delivery.

⁹ Library document: Council's Statement on Issue 11 (Appendix 1)

86. A number of representors consider that more growth should be allocated to the Wisbech fringe. Whilst in principle there may be opportunities for further growth in the locality one of the functions of the forthcoming local plan review will be to assess need and if necessary propose appropriate growth in sustainable locations throughout the Borough.
87. In the interests of consistency it is proposed to include references in policy F3.1 to the requirement for the submission of a Flood Risk Assessment. It is also proposed to require the provision of a local centre which would serve the wider allocation. The principle of such provision (which would be a component of the Masterplan) is justified in terms of maximising the sustainability credentials of the proposed development. Issues of scale and delivery would have to be addressed in the Masterplan. **MM34** is recommended accordingly.
88. No significant constraints to delivery have been identified and I am satisfied that the Council's approach is justified and in all other respects sound.

Conclusion on Issue 4

89. The evidence satisfactorily demonstrates that the policies and allocations for the identified Towns are sound.

Issue 5 – Whether or not the Allocations for Settlements in Rural West Norfolk are Justified.

Brancaster/Brancaster Staithe/Burnham Deepdale

90. The SADMPP allocates a site for at least 5 dwellings at Brancaster and a site for at least 10 dwellings at Brancaster Staithe/Burnham Deepdale. The site at Brancaster is within the AONB but because it is bordered by existing development on two sides the visual impact will be minimal, especially as planting along the boundaries could be strengthened to provide natural screening. The site is close to the Brancaster Conservation Area boundary but there is no reason to doubt that the Borough Council will take this into account in the consideration of any planning application. In any event the policy specifically refers to the need to take into account the impact of any development on the AONB and the setting of the Conservation Area.
91. Concerns were expressed by the Parish Council regarding the ability to walk or cycle safely to village services and facilities. However, there is no objection to the proposal from the Highways Authority and no reason to conclude that the addition of 5 dwellings would have any serious implications in terms of highway safety.
92. The site at Brancaster Staithe/Burnham Deepdale (G13.2) scored best in the SA. The site is available, there are no hindrances to its delivery and I am satisfied its allocation is sound.

Burnham Market

93. A number of sites were assessed in the SA and the Council concluded that land at Foundry Field should be allocated for at least 32 dwellings. The settlement is within the AONB but it is identified within the CS as a key rural service

centre. The allocation includes the provision of public parking and public toilets and the Council states that these are the exceptional circumstances that would justify allocating this scale of development in the AONB. I agree that significant weight should be attached to the provision of these facilities and I am also mindful that there were no objections to the proposal from Natural England or the Norfolk Coast Partnership.

94. I consider that the Council's approach is sound but in any event I understand that planning permission has now been granted for development on the site and that a majority of the houses have been built.
95. In order to accurately reflect the Council's strategy it is recommended that the boundary of site G17.1 is amended to remove land which is not in the ownership of the developer and which it was not intended to allocate for development (**MM35**). This will ensure that policy G17.1 will be effective.

Castle Acre

96. Castle Acre is an attractive rural village, much of which is designated a Conservation Area. The site, which is allocated for at least 15 dwellings, lies to the north of the village, to the west of Massingham Road. I saw on my visits the setting of the site, the listed buildings to the east of the site and the unlisted buildings within the site (on its eastern edge) which are described as 'important' in the Castle Acre Conservation Area Statement.
97. There are very few opportunities for sustainable growth in Castle Acre but the site that has been allocated is on the edge of the settlement, would not impact significantly on heritage assets, could be assimilated satisfactorily into the village and indeed could provide an attractive entrance into the settlement through appropriate design, layout and landscaping. The site is supported by the Parish Council.
98. A number of respondents argue that the unlisted buildings should be retained in any development. However, they appear to be in a poor state of repair and add little to the quality of the townscape and the Council states that they have been derelict for many years. No evidence was submitted regarding whether or not the restoration of these buildings would be viable. In any event policy G22.1 does not specifically require their demolition and the submission of a Heritage Asset Statement would be required together with measures to demonstrate that the development would preserve and enhance this part of the village. In terms of the nearby Grade II listed building there is no reason to conclude that development on the other side of the road would have any significant negative impact on the building or its setting.
99. Concerns were expressed about the impact of development on the landscape but there is existing development to the south and east and the relatively small size of the site would not cause a significant intrusion into the countryside. In any event the policy requires the provision of a significant landscaping belt along the northern and western boundaries which will soften the impact of the development in the wider landscape.
100. It was argued by representors that the allocation of an alternative site adjacent to the school (site 1193) would represent the most appropriate

strategy for the village but the land would only accommodate 8 dwellings (for access reasons) and its development would not contribute significantly to improving the setting of the village. The Council's allocation at Castle Acre is sound.

Clenchwarton

101. Three sites are allocated for housing in the village. Of particular concern to some residents is the issue of flood risk and drainage and I note that in the SA all the sites that were appraised in the settlement scored 'very negative' in this regard. The Council confirmed that Clenchwarton falls within the highest flood risk area – there are no potential sites in lower flood risk areas.
102. I have placed great weight on matters of flood risk but the settlement is defined as a Key Rural Service Centre in the CS and I saw that it enjoys a relatively wide range of services and facilities. The NPPF states that 'when new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures'. The policies for all three allocations require the submission of flood risk assessments and details showing how sustainable drainage measures would be incorporated into the development. No evidence was submitted that would lead me to conclude that that issues of flood risk and drainage could not be satisfactorily addressed but if such evidence should emerge the requirements of the policies would ensure that inappropriate development would not be permitted. Similarly there is no conclusive evidence to show that any issues of sewage disposal cannot be overcome.
103. With regard to site G25.1 (between Wildfields Road and Hall Road) although it is on the edge of the settlement, it is possible to comfortably walk to a number of facilities. In terms of appearance, there is development to the south of the site and on the opposite side of the road to the east, and with an appropriate layout and design, there is no reason why housing on this site would appear unduly incongruous. It is acknowledged that there would be a loss of some agricultural land but this is not a factor unique to this site and bearing in mind the relatively small size of the allocation I am satisfied that the Council has placed sufficient weight on this matter in its deliberations.
104. The land to the north of Main Road (policy G25.2) is allocated for at least 20 dwellings. The site is relatively well located in relation to services and facilities and although a relatively high density is proposed much of the development would be sited behind existing dwellings, thus reducing its visual impact. CS policy CS08 requires high quality design that will enhance the environment, whilst also making the best use of land and there is no reason to conclude that the development of this allocation will not meet those requirements.
105. The allocation to the south of Main Road (policy G25.3), which is linear in form, sits comfortably with the nearby layout of development. It is within walking distance of services and although it would result in the loss of some agricultural land this is not a unique situation and in any event the amount that would be lost would be minimal and there is no evidence that it would put at risk the agricultural use of the remaining large fields. There were no objections to the allocation from the Highway Authority in terms of highway safety. The boundary of site G25.1 as shown in the submitted plan is not

accurate it therefore recommended that the correct site boundary is identified on the Inset map (**MM36**), thus ensuring that policy G25.1 will be effective.

106. Subject to the issue of flood risk being satisfactorily addressed, the evidence satisfactorily demonstrates that the allocations at Clenchwarton are justified. In any event I understand that planning permission has been granted on all three allocated sites.

Denver

107. Denver is identified as a rural village and it lies only one mile south of Downham Market which enjoys a range of facilities and services. In other circumstances the Council suggests that the village should have an allocation of 8 dwellings but because of constraints relating to common land, wildlife habitats and access it was not proposed to make any allocations in the settlement.

108. At the preferred options stage in 2013 a site was allocated (Site DEN1) but it was discounted by the Council because access to it is across common land, there is a pond where great crested newts may be present and there is a Grade II listed building nearby. However, following the hearing, evidence was submitted at my request¹⁰ which confirms that there is a right of access across the common land; that measures would be put in place to protect the newts; and that there would be no significant harm to the setting of the listed building.

109. As a consequence of this further evidence the Council has decided to allocate a site to the south of Sluice Road for at least 8 dwellings. I agree that such an allocation is justified and represents an appropriate strategy for the settlement. The policy includes a number of requirements but there is no evidence that would suggest that they cannot all be successfully provided. **MM37** is therefore recommended.

Dersingham

110. Dersingham enjoys a wide range of facilities and services and two sites for housing are allocated. Objections to the site to the north of Doddshill Road (policy G29.1) were received from local residents and the Parish Council. The main concerns were ones of highway safety and visual intrusion. The County Highway Authority has not objected to the allocation and in any event it is a requirement of the policy to provide safe access, including footpath extensions, junction improvements and road widening. The concerns of residents in this regard should therefore be addressed. In terms of visual intrusion CS policy CS08 requires development to enhance the quality of the environment and this is reflected in policy DM15 of the SADMPP. The policy itself requires a Heritage Asset Statement, a high quality of design (to avoid harm to the setting of the Conservation Area), and the provision of high quality landscaping. I am satisfied that the risk of harmful visual intrusion can be minimised.

111. With regard to land at Manor Road (policy G29.2) the site boundary is not

¹⁰ Library documents under FW18

correctly delineated in submitted Inset Map G29. It is therefore recommended that the correct boundary is identified on the plan (**MM38**) in order that the policy will be effective. Concerns were raised regarding access to the site but alternative access arrangements have now been identified and agreed by the main parties and it is therefore recommended that the policy is amended to reflect the agreed way forward. In the interests of sustainable development it is also proposed to include a requirement for a project level Habitats Regulation Assessment to be submitted. Both these changes are recommended in **MM39**.

112. The site is within the Dersingham Conservation Area and opposite a Grade 1 Listed Church. There is no reason to conclude that development of this site, which would be restricted to single storey dwellings, would cause harm to any heritage asset, especially as a Heritage Asset Statement would have to accompany any planning application and it is a requirement of the policy that the design of the development will need to preserve and enhance the Conservation Area.

Docking

113. Concerns were expressed regarding the impact of development on the allocated site (policy G30.1) on the setting of the Conservation Area and on a number of nearby listed buildings. However, a Heritage Asset Statement will be required and the policy framework exists to ensure that those concerns can be satisfactorily addressed. The site is close to village services and would enable the existing pond at the centre of the site to be ecologically improved. I am satisfied that the Council's approach, as encapsulated in policy G30.1, is sound.

Emneth

114. A very large number of sites were considered at Emneth but the allocated site to the south of The Wroe (policy G34.1) scored comparatively well in the SA. It is located close to village services and would cause little visual harm to the setting of the village. The policy requires the provision of safe access and highway visibility and no impediments to the delivery of the site were identified. In order to ensure that the public footpath that crosses the site is satisfactorily accommodated within any development it is recommended that it is a requirement of the policy to secure the appropriate integration of the right of way into any scheme (**MM40**). In this way Policy G34.1 is sound.

Feltwell and Hockwold cum Winton

115. Three housing allocations are proposed for Feltwell and the SA satisfactorily justifies their selection. The boundary of allocation G35.1 (land to the rear of Chocolate Cottage, 24, Oak Street) excluded land that was considered to be at risk of flooding. However, a Flood Risk Assessment has now been prepared which has been considered by the EA, who have concluded that there would be no objection to the extension of site allocation G35.1. Such an extension (which is supported by an updated SA) would make the best use of a site which sits comfortably within the settlement, with the number of dwellings increasing from 15 to at least 50. The amended policy includes a number of requirements which are justified in order to secure the satisfactory

development of the site. The Council is proposing consequential amendments to the text and the Inset Map for Feltwell which are justified. **MM41** and **MM42** are therefore recommended.

116. One site in Hockwold cum Winton is allocated for housing (G35.4) and this has been satisfactorily justified by the Council. However, in order to ensure the protection of the nearby Scheduled Ancient Monument (SAM) it is recommended that two additional criteria are added to the policy requiring the submission of a Heritage Asset Statement and the recognition of the SAM in terms of the design and appearance of the development (**MM43**).

Gayton, Grimston and Pott Row

117. The allocation at Gayton (G41.1) scored relatively well in the SA, particularly as its central position in the village provides good access to services and facilities. Criticisms were made, however, about the comparative scores given to sites in the settlement and the Council acknowledged that there are a number of sites that would provide similar opportunities. It is inevitable that in situations such as this, where there is little to differentiate one site from another, that there will be an element of subjectivity. However, having visited the village I am satisfied that the Council's allocation is sound and I understand that planning permission has been granted.

118. At Grimston and Pott Row it was suggested by a representor that smaller sites that reflect the linear nature of the village would be more appropriate. Whilst I understand this point of view there is no certainty that such an approach could be successfully implemented. In any event the Council's allocated site (which now benefits from a planning permission) would infill a gap (albeit relatively large) and importantly it is in a sustainable location close to village services. The allocation is sound.

Great Bircham and Bircham Tofts

119. The Council acknowledges that none of the appraised sites have an overwhelming advantage in terms of sustainability and I agree. The issue is therefore whether or not the allocated site is justified based on proportionate evidence. The visual impact of the development would be comparatively low; the site is close to services; and there has been no objection from the Highway Authority. The Parish Council has neither supported nor objected to the allocation. I am satisfied the allocation is sound.

Great Massingham

120. It has been demonstrated in the SA that land south of Walcup's Lane is the most sustainable option. Concerns were expressed regarding potential archaeological remains on the site; the impact on the Great Massingham Conservation Area; and ecological issues. With regard to the former the policy requires the submission of a full archaeological assessment and a Heritage Asset Statement and these are appropriate tools to address the issues. In terms of ecological consequences it is recommended that an additional clause is added to the policy that requires the submission of an Ecological Study (**MM 44**). On that basis the approach to growth in the village is sound.

Harpley

121. The allocated land at Nethergate Street/School Lane scores well in the SA. The site is relatively well screened and would sit comfortably within the village environment. It is close to village services. Other sites that were appraised did display other benefits but none are of such significance to outweigh the Council's conclusion, which I agree is justified.

Heacham

122. Heacham is a Key Rural Service Centre and two sites are allocated for housing (off Cheney Hill and to the south of St Mary's Close), which I consider are satisfactorily justified bearing in mind the findings of the SA. The main issue to address is whether or not an alternative/additional area for development should be identified which would incorporate the provision of specialist accommodation for the elderly – as suggested by one of the representors. There is no dispute between the parties that there is a need for housing for the elderly in the north of the Borough. However, in order to assist in addressing that need the Council is allocating a site in Hunstanton (policy F2.3) which includes the provision of housing with care.
123. Irrespective of whether or not there remains a significant need for housing with care (taking into account the aforementioned allocation at Hunstanton), consideration needs to be given to whether or not the site being promoted for such a use is appropriate. There has been a planning application on the site for 'a care home, housing with care facilities and 70 new homes' but it was refused by the Council. At the subsequent recent appeal (July 2016) the Inspector concluded that the proposed development would cause harm to the character and appearance of the area and would not contribute towards achieving sustainable patterns of development. No substantive new evidence was submitted that would lead me to contradict the conclusions of my colleague.

Hilgay

124. There are a number of constraints to development in the village, including the highway network and the quality of the surrounding agricultural land. The SA, however, provides sufficient justification for the allocation of site G48.1, which in terms of design and layout could be assimilated well into the existing settlement. There is no reason to doubt that a satisfactory access can be achieved or that the existence of the water main and sewer crossing the site cannot be accommodated within the overall development. The allocation of land to the south of Foresters Avenue is sound.

Leziate

125. Leziate is designated a 'smaller village and hamlet' and as such has no allocations or a development boundary. There is, however, a significant minerals business in the settlement (Sibelco UK Ltd.) and it was requested that its future role in the economy of the area should be acknowledged. However, the area is subject to mineral safeguarding restrictions so any proposals would need to be considered by the County Council as minerals authority. Depending on the County's conclusions, CS policy CS10 would

provide support for appropriate development or redevelopment. I was told that there are currently no major proposals for the site but should circumstances change there may be an opportunity to reconsider the situation in the forthcoming LP review.

Marshland St James/St John's Fen End/Tilney Fen End

126. Two housing sites are allocated in the village and their allocation is justified by the conclusions of the SA. However, the boundary of site G57.2 is incorrectly delineated on Inset Map G57 and it is therefore recommended that the correct boundary (which does not include an adjacent dwelling and garden land) should be identified on the plan (**MM 45**) in order to ensure that the policy will be effective.

Methwold Hythe

127. Methwold Hythe is classified in the CS as a 'Smaller Village and Hamlet' where it would be inappropriate to seek further development. No development boundaries are delineated for such settlements. In terms of sustainability the village does not score well and there is no evidence that would justify the Council in taking a different approach in Methwold Hythe to the other 53 settlements in this category. In any event policy DM3 does allow for some limited provision of new housing, subject to meeting the necessary criteria. The Council's approach is sound.

Methwold and Northwold

128. No sites are allocated in Northwold (primarily for highway reasons) but there are four allocations in Methwold. Concerns were raised regarding errors in policy G59.1 and G59.4 in relation to heritage issues. The Council acknowledges these errors and is proposing to amend the policies accordingly. This is necessary to reflect the most appropriate strategy.

129. Similarly policy G59.4 should refer to the need for highway improvements to be provided to the satisfaction of the Highway Authority. **MM46** and **MM47**, which address all these matters, are consequently recommended.

130. I am satisfied that the SA provides the broad justification for the Council's approach in Methwold and Northwold, and that it is sound.

North Runcton

131. The CS identifies North Runcton as a 'smaller village and hamlet' and it has no development boundary. Nevertheless, because of its proximity to the West Winch Growth Area, a number of sites around the village were appraised by the Council. It was concluded that in terms of access, heritage, settlement character and the relationship with West Winch, none of the sites around the village were sufficiently sustainable to justify being allocated and I agree with this conclusion. As development at West Winch progresses there could be a justification for reconsidering the approach to development at North Runcton but if that were the case it would be a function of the forthcoming local plan review to address the matter.

Snettisham

132. One site is allocated in the village and the northern part of it has already been granted planning permission for 23 dwellings. Drainage and highways issues have been resolved to the satisfaction of the Borough Council. The site is close to services and facilities and would assimilate well into the existing settlement. The Council's approach is sound.

Southery

133. There is not a clear frontrunner in terms of the sites appraised by the Council but the selected site (policy G85.1) is near the village centre, close to services, and would integrate well into the existing settlement form. It has been confirmed that Lions Close has been adopted by the Council and therefore a satisfactory access can be achieved. The site off Lions Close is therefore justified and there is no reason to consider amending the development boundary elsewhere in the village to accommodate further growth. There is no longer sufficient justification for requiring the submission of an 'odour assessment' in relation to the site and therefore it is recommended that the reference to the assessment is removed from the policy (**MM49**).

Stoke Ferry

134. Three sites in Stoke Ferry are allocated for residential development. They are all relatively close to the village centre and score well in the SA. It was argued at the hearing that land to the north of Stoke Ferry should be allocated but it is further away from facilities and services, would result in the loss of some grade 2 agricultural land and would be more difficult to assimilate into the existing settlement. I am satisfied that the allocations are sound.

135. A site to the south of the village (Site 491) was appraised in the SA but rejected by the Council, one of the reasons being the loss of employment land. However, I understand that outline planning permission has now been granted for 15 dwellings on the site¹¹.

136. In order to reflect recent development it is recommended that the development boundary to the north of site G88.1 is updated (**MM48**) thus ensuring the effectiveness of the policy.

137. Site G88.3 sits within the Conservation Area and this should be reflected in the policy in order to ensure that an appropriate design and appearance is achieved. **MM50** is therefore recommended.

138. The Council's locations for growth in Stoke Ferry are sound.

Syderstone

139. There is no site within the village that clearly ranks higher than others in terms of sustainability. Two sites achieved similar scores (1026 and 753). Site 753 was selected by the Borough Council and I note that it placed weight

¹¹ Ref: 15/01622/OM

on the fact that the Parish Council did not support site 1026. Development on the allocated site would complement the existing development on the other side of the road and would not appear as a significant intrusion into the countryside. There is no evidence that the development of the site would have a detrimental impact on the nearby Syderstone Common SSSI and I conclude that the Council's approach is justified.

Ten Mile Bank

140. Ten Mile Bank is classified as a rural village and the Council is allocating land off Church Road for at least 5 dwellings and such an allocation is justified. The SA confirms that there is little to differentiate between the three sites that were appraised but the allocated site would sit comfortably within the existing built environment and would result in the loss of less agricultural land. The allocation is sound and the site now benefits from planning permission.

Terrington St Clement

141. Three sites are allocated for housing in Terrington St Clement, which is a relatively large settlement that enjoys a range of services and facilities. The allocations at Church Bank (policy G93.1) and King William Close (policy G93.2) are both centrally located and their development would have little impact on the character of the village or its setting. Satisfactory access can be achieved and although the north-east corner of the site at Church Bank falls within a medium flood risk area that is not considered to be a significant impediment to the development of the site as a whole. Also the site is designated as high quality agricultural land but that is also the case for other potential housing sites around the village and bearing in mind the site is only 0.5ha in size and displays other elements of sustainability, I am satisfied that the Council's approach is justified.

142. In the interests of clarity and consistency it is recommended that reference is made in policy G93.2 to the requirement for the submission of a Flood Risk Assessment (**MM51**).

143. In terms of the site to the west of Benn's Lane (policy G93.3) this is classified as brownfield land and its development is supported by the Parish Council. Although slightly further away from facilities it is proposed to be linked by public footpath to the core of the village. It can be concluded that this allocation is sound.

Terrington St John/St John's Highway/Tilney St Lawrence

144. The allocation for this group of settlements is at Terrington St John (policy G94.1) – to the east of School Road. The site, which is adjacent to existing development, is close to the school and can be well integrated into the existing settlement. Consideration of flood risk and drainage measures are a requirement of the policy, as is the replacement of the school playing field. I understand that a planning application that satisfactorily addresses these issues has been permitted. The allocation is justified.

145. Planning permission has been granted on appeal for residential development on part of the KGB Transport site (site 779/780)¹². The remainder of the land

within the curtilage of the depot wraps round the site that has planning permission and this residual land contributes little to the character and setting of the village and has no agricultural value. Although not central to my deliberations I have attached some weight to the representor's statement that without the development of the additional land there would be insufficient finance to relocate the business, which has no restrictions in terms of operating hours and vehicle movements and which my colleague in her appeal decision (referred to above) concluded was not compatible with its residential surrounding. I am satisfied that the allocation of the whole site for residential development is justified and in all other respects sound and therefore I recommend **MM 53**. In order to reflect this change it is recommended that paragraph G.94.1 be updated to reflect the additional allocation (**MM52**).

Thornham

146. The Council has not allocated any land for housing at Thornham which lies within the Norfolk Coast AONB. Site THM1 was promoted at the hearings but there were objections from the County Highways Authority and the Norfolk Coast (AONB) Partnership. The representation from the objector included a landscape and visual survey, a Transport Note and a Highway Improvement and Access Plan. However, having visited the site I share the concerns of the Partnership about the visual implications of development on the land and the loss of the visual link between the village and the marshes to the north. This concern is strengthened by the requirement to attach great weight to conserving landscape and scenic beauty in AONBs. I am also unable to conclude that adequate footway links could be provided and it was confirmed at the hearing that the County Highways Authority maintains its objection.
147. It has not been satisfactorily demonstrated that the allocation of any site at Thornham would be sound and therefore the Council's restrictive approach is appropriate.

Three Holes

148. Concerns were expressed by a respondent regarding the drainage implications of development on the allocated site at Three Holes (at least 5 dwellings - policy G96.1). The Council, however, in the Statement on Issue 37, satisfactorily summarises the consultation that has been undertaken on the matter and I am satisfied that an appropriate form of surface water drainage can be achieved. I note that there is no objection to the allocation from the
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Environment Agency and that the policy requires the submission of a flood risk Assessment (to include surface water drainage). The allocation is justified.

Upwell with Outwell

149. Upwell and Outwell are long linear villages which enjoy a reasonable range of facilities and services. A very large number of sites were appraised and consequently many of them display similar characteristics. The Council concluded that 6 sites should be allocated.
150. The site to the north-west of Townley Close (G104.1) was proposed to accommodate 15 dwellings. However, on reconsideration of the character and density of nearby development the Council has concluded that only 5 dwellings could be satisfactorily accommodated on the site. Having visited the locality I agree and recommend **MM54** accordingly.
151. The site at Low Side (policy G104.3) is located adjacent to the Conservation Area (CA) and the Council is keen to ensure that any development on the site responds appropriately to the CA. To this end it is recommended that an additional requirement is added to the policy in order to secure an appropriate design and appearance (**MM55**). In order to achieve consistency throughout the SADMPP the Council is proposing to amend criterion 4 of policy G104.4 (land off St Peter's Road) to make reference to the provision of sustainable drainage measures. Such an approach is sound and is therefore recommended (**MM56**).
152. In general I consider that the allocated sites could be assimilated well into the existing built environment and would not detract from the setting of the villages. Satisfactory access can be achieved and where necessary the policies require due consideration to be given to issues of drainage/sewerage and the character and appearance of the development. The allocated sites would meet the identified housing requirement for the settlements.
153. At the hearing I requested that the Council reconsiders the site at Lode House (site 82) and in response Submission FW26 was prepared. This explains the Council's approach regarding the allocation of the site and in particular highlights the concerns regarding the effect of development on the character and appearance of the CA. Having seen the site I consider the Council's concerns to be justified. In the same document the Council satisfactorily confirms the reasoning behind the rejection of site 607, particularly in terms of the distance from the site to a number of local services and facilities.
154. I am satisfied that the Council's approach to housing allocations in Upwell with Outwell (as modified) is sound.

Walpole Cross Keys

155. The Council has concluded that there are no sustainable sites in the village that could be allocated. In some respects the site of the former food processing factory (site 1212) scored higher than other options but the allocation of this land would result in the loss of former employment land, which would be contrary to CS policy CS10. I share the views of the owner's Agent that a future use for this derelict site in the centre of the village needs

to be secured. However, the Council in FW27 expresses concerns regarding lack of evidence regarding the potential for a 'new' employment use on the site; the potential scale of any redevelopment for residential purposes; and issues of delivery and viability.

156. I agree with the Council that, with a number of outstanding issues, the allocation of this site could not currently be justified. Nevertheless it is important that the Council's approach to the future of what is a very significant site in the context of Walpole Cross Keys, is clear. It is therefore noted that the Council is proposing to include (as a minor change) a paragraph in the supporting text which explains the position.

Walpole Highway

157. A site east of Hall Road is allocated for at least 10 dwellings (policy G106.1). It is within walking distance of services and facilities and the policy requires the provision of a safe access and footway improvements. A Flood Risk Assessment will be required. The development would assimilate well into the existing settlement and although it would result in the loss of agricultural land this is a characteristic common to many of the options considered by the Council and in circumstances such as are found here, such a loss is almost inevitable. In any event the site scores well in most other respects and taking all matters into account is justified.

Walpole St Peter/Walpole St Andrew/Walpole Marsh

158. Many site options were considered and, as in many other settlements, there is often little to differentiate one site from another. One of the main reasons for the selection of the two sites that are allocated at Walpole St Peter (policies G109.1 and G109.2) is their comparatively minimal visual impact. Both sites could loosely be described as 'infill' and would form the natural continuation of existing development. With appropriate layout and design I am satisfied that development on these sites would not detract from the character of the settlement and that their allocation is justified.

Watlington

159. A number of sites in Watlington appraised in the SA scored at similar levels but the Council selected a site south of Thieves Bridge Road to be allocated for at least 32 dwellings. The site is bordered on three sides by existing development and although views across the site would be lost that is not a unique characteristic in terms of the other sites considered. The location is relatively close to services and facilities and the issue of potential mineral extraction is satisfactorily addressed in criterion 1 of policy G112.1.

160. I am aware that with regard to site 370 in the SA (Mill Road), circumstances have changed with regard to the provision of an appropriate access route. However, even if the SA score for Highways and Transport was amended accordingly there would still be little to differentiate between the sites and I am mindful that the Highway Authority expressed a preference for the allocated site. In terms of urban form I consider that the allocated site would assimilate well into the existing settlement. I conclude that the Council's allocation at Watlington is sound.

Welney

161. Two housing allocations are proposed for Welney and I am satisfied that they are justified based on the evidence in the SA. However, the site off Main Street (policy G113.2) is near to the listed Church of St Mary the Virgin. In order to ensure that any development on the site would not harm the setting of the Church it is recommended that an additional criterion is included in the policy to that effect (**MM57**).

Wereham

162. Land at the The Springs, Flegg Green, Wereham, is allocated for at least 8 dwellings. However, in the SA it was given a similar score to a site at Hollies Farm. The reason the latter site was not selected was because it was previously used for employment purposes. Having visited the site and considered the evidence of the owners I am satisfied that the buildings at Hollies Farm have not been used for employment purposes for many years and that they are in a state of decay. No compelling evidence was provided to demonstrate that there is a need for this site to be retained in employment use or that it would be viable so to do. Bearing in mind the need to make the best use of previously developed land I asked the Council to reconsider the allocation at Wereham, which it has done – including a revised SA (Ref: FW28).

163. The conclusion is that the site at Hollies Farm is 'considered appropriate for allocation' – a conclusion that is strengthened by the fact that the access road at the The Springs has not been adopted, raising doubts about the delivery of development on that site. Consequently it is recommended that a replacement policy (for at least 8 dwellings), inset map and supporting text is included in the Plan, replacing the allocation at The Springs with one to the rear of 'Natanya', Hollies Farm, Flegg Green, Wereham (**MM58**).

West Walton/Walton Highway

164. The two settlements are largely linear in nature and between them provide a reasonable range of facilities and services. Two sites are allocated in Walton Highway (policies G120.1 and G120.2) and both score relatively well in the SA. Concerns were expressed regarding the loss of agricultural land but this would be a consequence with regard to many of the potential sites considered and although I have placed it in the balance, it does not outweigh the factors in favour of allocating land for housing in the settlements, which are identified as a key rural service centre in the CS.

165. Similarly issues relating to highway safety were raised but both policies require the provision of safe access and no evidence was submitted to demonstrate that this could not be satisfactorily achieved.

166. The Council's approach to development in West Walton/Walton Highway is sound.

Wiggenhall St Germans

167. No housing allocation was originally proposed for the village because a suitable

site could not be identified by the Council. However, at a very late stage in the process a suitable sustainable site for 4 dwellings on land north of Mill Road was put forward and a planning application was submitted during the Examination period. This application was approved by the Council in March 2016. The settlement is defined as a Rural Village in the CS and consequently some growth to sustain local services and facilities is justified. In these circumstances **MM59**, which relates to the additional allocation, is recommended.

168. A representation was submitted seeking the allocation for housing of the former canning factory in Fitton Road. I acknowledge that it is important that the best use is made of previously developed land. However, this site lies outside the development boundary of Wiggshall St Germans. In any event CS policy CS10 applies and although this seeks to secure the continuation of employment land for that use, if such a use is no longer viable or there would be unacceptable environmental consequences or greater benefits to the community could be secured, then consideration will be given by the Council to other uses. In these circumstances the Council's approach is sound.

Other Rural Settlements

169. Housing allocations are proposed at East Rudham; East Winch; Fincham; Hillington; Ingoldisthorpe, Marham; Middleton; Runcton Holme; Sedgford; Shouldham; Tilney All Saints; and Wiggshall St Mary Magdalen.

170. Where representations have been submitted regarding these other settlements I have taken them into account in my deliberations. However, I consider that the Council has satisfactorily justified these allocations, primarily through the SA, and that there is no compelling evidence that would lead me to conclude that any of these allocations are not sound.

171. A number of settlements have no housing allocations or development boundaries but there are circumstances where residential development may be acceptable in such locations (see policy DM3). This approach affords protection to the rural character of much of the Borough whilst enabling the provision of appropriate sustainable development.

Conclusion on Issue 5

172. The allocations and policies (as modified) for settlements in rural West Norfolk are justified and in all other respects sound.

Issue 6 – Whether or not the Development Management Policies are Justified and Effective.

173. The LP includes 22 Development Management Policies that cover a wide range of issues.

174. Concerns were raised regarding Policy **DM2 Development Boundaries**, with several respondents suggesting that the boundaries should be drawn more widely in order that the Council could adopt a more flexible approach to development in the settlements. Others questioned the logic and consistency in the delineation of the settlements. Many of the boundaries follow the route

of those delineated in the 1998 Local Plan and in general the Council has excluded backland where the development of such a site would be difficult to satisfactorily achieve. The supporting text to the policy makes it clear that not all development outside a boundary will be resisted by the Council provided it would deliver wider sustainability objectives.

175. Bearing in mind the very large number of settlements in the Borough I am satisfied that an appropriate level of consistency has been achieved in identifying settlement boundaries. In order to more accurately reflect the Council's strategy it is recommended (**MM2**) that the policy sets out types of development that may be acceptable in the countryside and confirms that infilling may be permitted in the Smaller Villages and Hamlets. In this way I am satisfied that the policy would be justified, noting that the opportunity exists (and has been taken by a number of Parish Councils) for the boundaries to be re-assessed as part of the Neighbourhood Plan process.
176. The smaller villages and hamlets do not have a settlement boundary. Nevertheless there may be a justification for allowing small-scale sustainable development in such settlements, for example to meet local need or maintain the vitality of the community. Consequently Policy **DM3 Infill Development in the Smaller Villages and Hamlets** supports appropriate development in such locations. However, the submitted policy does not identify the types of development that may be suitable. Consequently, in the interests of effectiveness, it is recommended that the types of development that may be suitable in rural areas are referred to in the policy and that the policy refers to 'Development' rather than just infill housing (**MM4**). I consider this approach to be reasonable, sufficiently flexible and in accordance with the principles of sustainability.
177. Concerns were expressed regarding the variations in the affordable housing requirements across the Borough and the fact that need is not being met. These are legitimate issues to be tackled but that will be the role of the forthcoming Review of the Local Plan which is timetabled to commence this year.
178. The retention of existing community facilities is an important objective and the Council's approach is embodied in Policy **DM9 Community Facilities**. However, the submitted policy is overly complicated and inflexible and therefore the Council is proposing to amend the policy and the supporting text. I agree with the Council that this is necessary to ensure that the policy is justified and effective and therefore **MM5** is recommended. Similarly Policy **DM10 Retail Development Outside Town Centres** lacks clarity and consequently the Council proposes to make amendments to better explain the intent and scope of the policy. I agree that this is required in the interests of consistency with national policy and recommend **MM6** accordingly.
179. Policy **DM11 Touring and Permanent Holiday Sites** establishes the locational requirements and the conditions to be applied to new holiday accommodation. Many such sites are located within the AONB or nearby but the submitted policy and supporting text lacks sufficient clarity with regard to the protection of the AONB and its setting. Therefore the Council is proposing amendments to the text and policy (**MM7**) which I endorse and recommend to ensure that the most appropriate strategy will be followed.

180. A number of corrections and additions to the **Strategic Road Network** (policy DM12), as identified on the Inset Maps, are required for accuracy and completeness. It is also proposed by the Council to clarify the advice in the policy. These changes are necessary to ensure that the most appropriate strategy will be followed and **MM8 and MM61** are therefore recommended.
181. A number of former railway routes (policy **DM13 Railway Trackways**) are to be safeguarded for their recreational potential. The Council is now proposing to include the section of the former King's Lynn to Fakenham route between West Winch and the Bawsey/Leziate countryside sports and recreation area and to amend the policy to allow alternative route protection if appropriate. These changes are required to ensure that the policy is justified and I recommend them accordingly (**MM9**). Reference was made by respondents to protecting the Watlington to Wisbech route because it has been suggested that the proposed re-opening of the rail route between March and Wisbech could be extended to King's Lynn. However, such a proposal is at the very earliest stages of consideration and no viability evidence was submitted so I attach very little weight to the suggestion. However, there is no reason to doubt that the Council will consider any potential opportunities to improve connectivity at the appropriate time and respond accordingly.
182. Policy **DM14 Development Associated with the National Construction College, Bircham Newton and RAF Marham** outlines the Council's support for these significant employers which are located in the countryside and confirms that a positive approach will be adopted towards associated new development. I agree that the role that these employers play should not be under-estimated and that opportunities to further secure their long-term retention should not be dismissed. However, the Council is right to ensure that any development is appropriate to both the location and with regard to the existing uses. No evidence was submitted that would lead me to conclude that a significant relaxation in the Council's stance would be justified at this time. Nevertheless greater clarity is required regarding the Council's approach and consequently it is recommended that the advice in policy DM14 about enabling development and also in the supporting text about the evidence required to support a planning application, are both strengthened (**MM10**).
183. Concerns were expressed regarding the lack of detail in policy **DM15 Environment, Design and Amenity** which establishes the broad principles of design to be taken into account in the consideration of a planning application. Whilst I understand those concerns the Council states that it will seek specialist advice, for example in terms of noise, air quality and contamination. On balance I consider the Council's approach to be sound because the inclusion of a wide range of 'environmental' requirements to be applied to a wide range of potential development types would make the policy unwieldy. I am also mindful that recognised standards in such matters are often subject to change which it would be difficult to acknowledge within the policy. However, it is important that appropriate weight is attached to the heritage impact of any proposed development and therefore it is recommended that policy DM15 includes heritage impact as an additional factor to be considered (**MM62**).
184. Policy **DM16 Provision of Recreational Open Space for Residential Developments** establishes the open space requirements of the Council. Core

Strategy policy CS14 requires the provision of green infrastructure (reinforced by SADMPP policy DM19). In the interests of clarity the Council is proposing to amend the policy to make a distinction between the requirements for sites of 20-99 dwellings and sites of 100 units or more. This reflects the most appropriate strategy to secure the provision of appropriate open space and therefore **MM63** is recommended.

185. Minimum parking standards are set out in policy **DM17 Parking Provision in New Development**. The standards derive from the Norfolk Parking Standards and no substantive evidence was submitted to demonstrate that the Council should be taking a different approach. Concerns were expressed regarding the non-inclusion of garages under 7m x 3m in size. The Council suggests that garages of this relatively small size are normally used for domestic storage and no evidence was submitted that would lead me to conclude that the Council is incorrect. In the interests of clarity the Council is proposing to amend the reference to reductions in car parking in town centre and other urban locations. I agree with the Council's proposal and recommend **MM11** accordingly.
186. As referred to in paragraph 33 above a number of respondents voiced concerns regarding the Council's approach to flood risk as set out in policies **DM18 Coastal Flood Risk Hazard Zone** and **DM21 Sites in Areas of Flood Risk**. Managing flood risk is a significant challenge but it is clear that the Borough Council works closely with a number of other agencies in assessing coastal processes and climate change and in drawing up appropriate policies to guide development away from areas of high flood risk. This is an issue which is subject to regular change and there is no reason to doubt that the Council and other agencies have the necessary monitoring mechanisms in place to ensure that should there be a significant change in circumstances, appropriate action (for example in planning policy terms) could be taken. I am mindful that none of the relevant bodies, including the Environment Agency (EA), expressed any substantive objection to policy DM18 or policy DM21. With regard to the latter policy the Council is proposing to include a requirement that new dwellings should be designed in accordance with the EA/Borough Council document entitled 'Flood Risk Design Guidance' and I agree that this reflects the most appropriate strategy to follow. The Council is also proposing to correct the northern boundary of the Coastal Flood Risk Hazard Zone as shown on Map DM18. This is necessary in the interests of effectiveness and **MM12 and MM15** are therefore recommended.
187. Policy **DM19 Green Infrastructure** reflects the advice in the Council's Green Infrastructure Strategy 2010¹³ and embellishes the framework provided by CS policies CS12, CS13 and CS14. A dogmatic approach to the provision of green infrastructure would not be appropriate because circumstances are constantly changing. Opportunities for provision may arise unexpectedly or conversely there may be unforeseen impediments to the delivery of identified schemes. The Council's aspirations are clear and taken as a whole I am satisfied that the Council's approach to the identification and delivery of green infrastructure is sound.

¹³ Library document DCS06

188. In order to strengthen the Council's commitment to protecting and enhancing green infrastructure it is proposed to clarify and provide more detail with regards to habitats monitoring and mitigation (see also paragraph 8). Reference is to be made to the preparation and implementation of both a Green Infrastructure Delivery Plan and a Monitoring and Mitigation Strategy. A Co-ordination Panel is to be established to oversee the provision and monitoring of green infrastructure. The changes to policy DM19 (including its title) and its supporting text are necessary in order to ensure that the Council is pursuing the most appropriate and effective strategy which is consistent with national policy. **MM13** is therefore recommended. For the avoidance of doubt I am recommending the wording as set out in the SoCG that was signed by all relevant parties¹⁴.
189. The Council's approach to renewable energy is encapsulated in CS policy CS08 and in SADMPP policy **DM20 Renewable Energy**. I am satisfied that, together with national advice on the matter, sufficient guidance is provided regarding the provision of sustainable development leading to a reduction in greenhouse gas emissions and the increased generation of energy from renewable sources. However, in order to ensure consistency with current national advice it is proposed to clarify that policy DM20 does not apply to proposals for wind energy development. **MM14** is recommended accordingly.
190. Policy **DM22 Protection of Local Open Space** establishes the Council's approach to assessing the value of open space and affords adequate protection to such areas. I agree with some respondents that there are 'links' between this policy and policies DM16 and DM19 on the provision of open space and green infrastructure but individually they are all justified and in terms of soundness there would be no reason to draw them together.

Conclusion on Issue 6

191. I have considered all the DM policies (DM1 to DM22) and, subject to the changes that I refer to in the paragraphs above, I am satisfied that they are all justified and effective and in all other respects sound.

Issue 7 – Whether or not the Council's approach to Delivery and Monitoring will be Effective.

192. In order for the SADMPP to be found sound it must be effective and to test its effectiveness the document's policies must be capable of appropriate monitoring. The submitted Plan includes an Appendix entitled 'Monitoring Framework' but there is no substantive explanation of the Council's approach and the Appendix appears weak. Consequently it is proposed that a more robust explanation of the Council's monitoring process is included within the Appendix and that more detail is included in the Monitoring Table. In this way the delivery of the SADMPP can be properly assessed and should it be shown that circumstances have changed, the Council will be able to react in a timely manner. For these reasons **MM60** is recommended. The consequent approach to delivery and monitoring is sound.

¹⁴ SoCG under Issue 1

Assessment of Legal Compliance

193. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The SADMPP is identified within the approved LDS for November 2014 to 2016 which sets out an expected adoption date of December 2015. The Plan's content and timing (up to the start of the hearing sessions) have been compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in January 2007 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out (including in relation to the MMs) and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations Assessment (September 2014 and updated version of September 2015) includes an AA which is satisfactory. There is no objection from Natural England.
National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

194. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

195. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix 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.

David Hogger

Inspector

This report is accompanied by an Appendix containing the Main Modifications