



Planning Committee
Wednesday, 31st March, 2021 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Decisions on Applications (Pages 2 - 74)**

To consider and determine the following application submitted by the Executive Director (to follow):

20/00724/FM

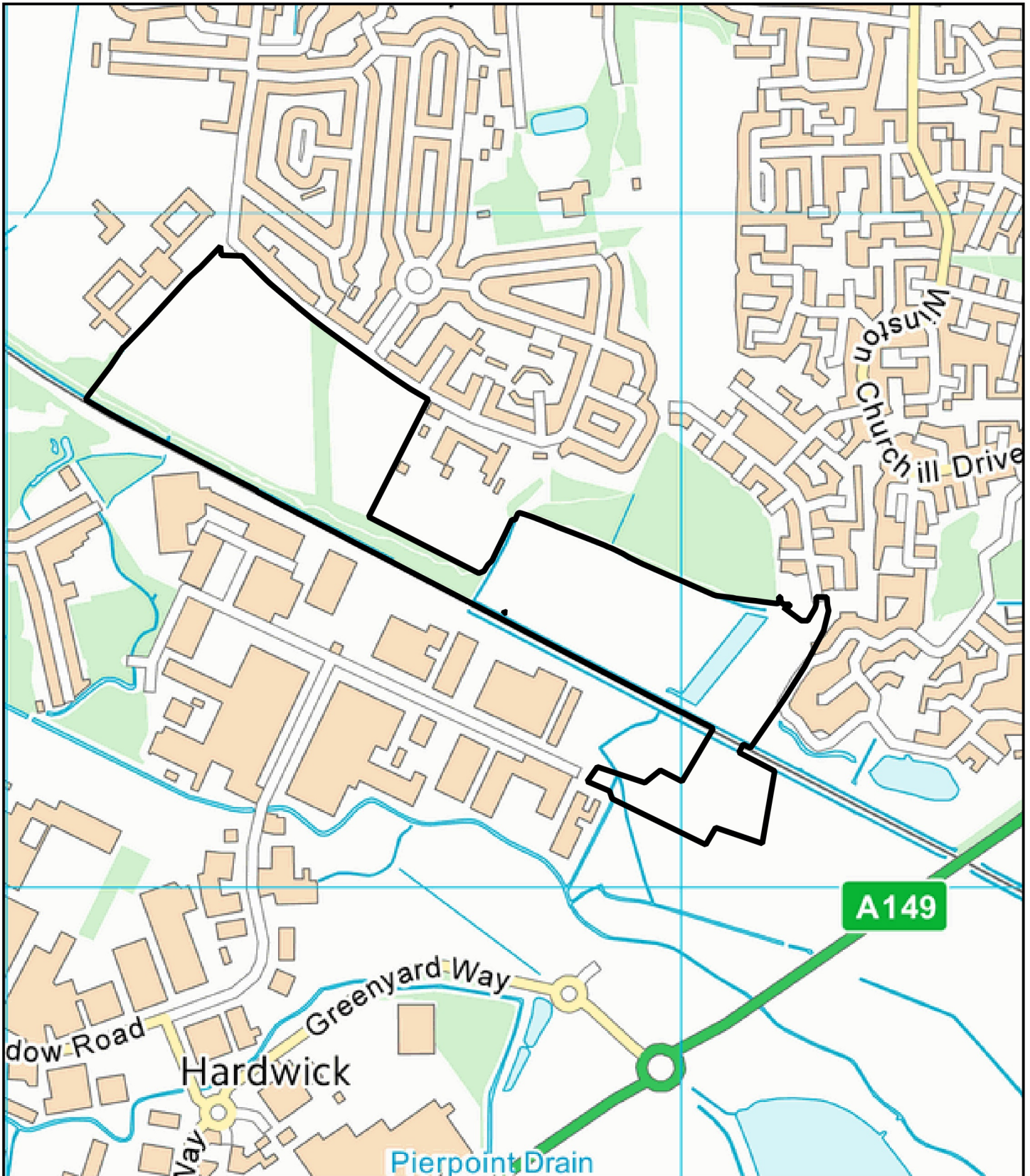
**Land SE of Queen Mary Road N of Railway Line And S of Parkway
Gaywood King's Lynn: 379 new homes and associated green space,
landscaping and infrastructure, together with a new vehicular bridge
over the sand line, including new roads, infrastructure and hard and
soft landscaping**

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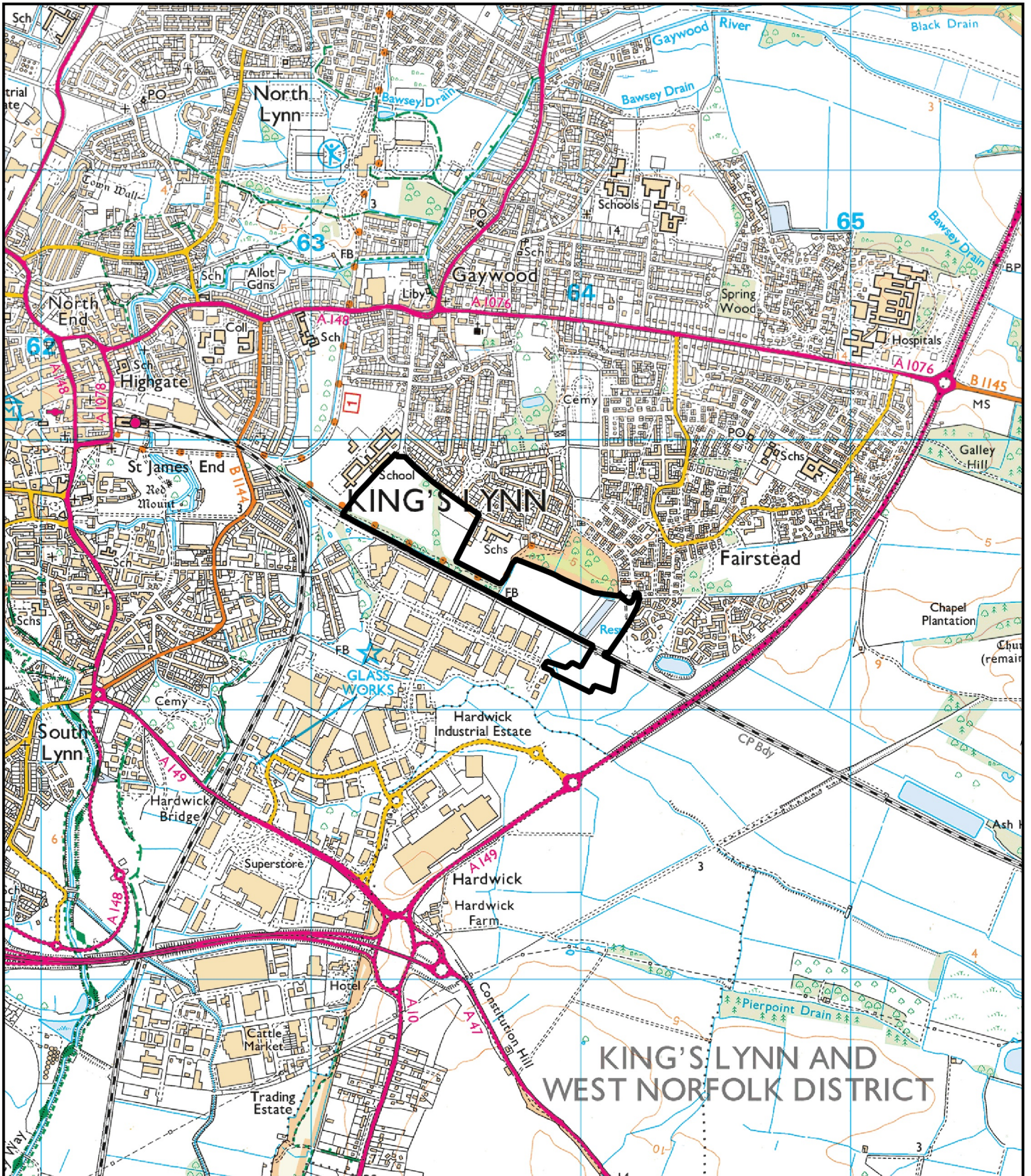
20/00724/FM

Land SE of Queen Mary Road N of Railway Line And S of Parkway
Gaywood King's Lynn Norfolk



20/00724/FM

Land SE of Queen Mary Road N of Railway Line And S of Parkway
Gaywood King's Lynn Norfolk



Parish:	King's Lynn	
Proposal:	379 new homes and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping	
Location:	Land SE of Queen Mary Road N of Railway Line And S of Parkway Gaywood King's Lynn Norfolk	
Applicant:	Borough Council of King's Lynn & West Norfolk	
Case No:	20/00724/FM (Full Application - Major Development)	
Case Officer:	Mrs H Morris	Date for Determination: 21 August 2020 EOT Date: 31st July 2021

Reason for Referral to Planning Committee – The applicant is the Borough Council and there have been objections to the proposed development.

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission for the construction of 379 new homes (including 15% policy requirement of affordable homes) and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping.

The application site lies within King's Lynn and covers an area of approximately 19.5 hectares that is located to the south of the Gaywood and Fairstead estates, comprising land set either side (east and west) of the Howard Junior School and King's Oak Academy in Gaywood, as well as land to the north and a small part south of the railway sand line which is a freight railway to Leziate. Further to the south beyond the rail line is Hardwick Industrial Estate.

The site is comprised predominately of vegetated parkland, scrubland and open fields, with the westernmost section of the site being situated within disused playing fields to the east of the King's Lynn Academy. The eastern section of the site consists of rougher scrubland and roughly interspersed woods, whilst the southern-most portion of the site consists of agricultural land. It should be noted that the eastern section of the site extends further south beyond the sand line railway and is bound by agricultural land to the east and south, while the industrial estate binds this portion of the site in the west.

The western part of the site is currently allocated for a residential development of some 260 dwellings under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (2016). This area measures approximately 9.3 hectares and was formerly used as the College of West Anglia playing fields. It comprises land immediately south of Parkway and north of the sand line railway situated between King's Lynn Academy to the east and Howard Junior School and King's Oak Academy to the west. Along its southern side, adjacent to the rail line, this part of the site is bounded by the Swaffham Belt path and tree belt. The Swaffham Plantation (along the southern boundary) and the Cross Belt (running north/south across the site) are significant belts of mature tree planting within the western side of the site.

A total of 220 dwellings are proposed for the western part of the site with two vehicular access points directly off Parkway, one to the west of Thoresby Avenue and one directly to the east.

The eastern side of the application site measures approximately 7.6 hectares and includes a large (circa 0.5ha) Anglian Water attenuation pond. This part of the site predominantly lies to the north of the sand line railway and to the south of Gaywood Plantation county wildlife site (CWS) and The Rookery which are a small woodland and plantation characterised by large mature oak trees. To the west this part of the site abuts the Howard Junior School and King's Oak Academy playing field and to the northeast and east of the site lie the existing residential areas of Silver Green and Fred Ackland Drive respectively.

There is also a tree belt and Swaffham Belt path which currently link the western and eastern sides of the application site. Additionally on this eastern side there is a parcel of land to the south of the Sand Line rail line. Land within this southern parcel comprises areas of arable farmland and scrub. The farmland is currently an area allocated for employment development (allocation E1.12-HAR) and has had previous permissions for these uses. In wider context, the application site to the immediate south of the rail line is bounded by the A149 to the east, and by the Hardwick Industrial Estate to the south and west.

In the eastern part of the site 159 dwellings are proposed and a new road would be provided through the tree belt to the south of the Howard Junior / King's Oak Academy playing field, linking the western section of the site.

The total 379 new homes would comprise a mix of 1, 2, 3 and 4 bed properties, accommodated within house types including flats, detached, terraced and semi-detached properties. Proposed numbers are as follows: 37 no. 1-bed dwellings; 139 no. 2-bed dwellings; 152 no. 3-bed dwellings; and 51 no. 4-bed dwellings. Out of this total 57 no. units would be affordable dwellings (40 no. affordable rent and 17 no. shared ownership units), which is the policy requirement of 15%.

As part of the scheme to build the new link road, a new vehicle, pedestrian and cycleway bridge will span across the freight rail line. Originally, the proposed new road bridge and associated new roads were intended to provide a link from the north at Swallowfield Road, to the south at Rollesby Road. However, in light of concerns raised by NCC Highways in respect of a vehicular link into Swallowfield Road, this part of the proposal has been amended and will now only provide a pedestrian / cycle / emergency vehicle route into Fairstead. The new road bridge will still enable crossing of the sand line railway and provide a new vehicular route from Hardwick Industrial Estate into the application site.

Key Issues

The key issues identified in the consideration of this application are as follows:

- * Principle of development;
- * Form and character;
- * Flood risk and drainage;
- * Highway impact;
- * Impact on trees;
- * Ecology – protected sites;
- * Ecology – protected species;
- * Open space and landscaping;
- * Affordable housing;
- * Noise;
- * Residential amenity;
- * S106 requirements;
- * Other considerations; and
- * Crime and disorder.

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane and a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting within 4 months of the date of this Committee meeting.

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane and a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting.

THE APPLICATION

The application seeks full planning permission for the construction of 379 new homes (including the 15% policy requirement of 57 no. affordable homes) and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping.

The application site lies predominantly within the development boundary of King's Lynn and covers an area of approximately 19.5 hectares that is located to the south of the Gaywood and Fairstead estates, comprising land set either side (east and west) of the Howard Junior School and King's Oak Academy in Gaywood, as well as land to the north and a small part south of the railway sand line which is a freight railway to Leziate.

The site is comprised predominately of open fields and scrubland, with the westernmost section of the site being situated within disused playing fields to the east of the King's Lynn Academy, divided by a large line of mature trees. The eastern section of the site consists of rougher scrubland and roughly interspersed woods, whilst the southern-most portion of the site consists of agricultural land, currently allocated for employment uses. It should be noted that the eastern section of the site extends further south beyond the sand line railway and is bounded by Hardwick industrial estate in the west.

The western side of the site is currently allocated for a residential development of some 260 dwellings under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (SADMP) (2016). This area measures approximately 9.3 hectares and was formerly used as the College of West Anglia playing fields. Reflecting this former use, this part of the site appears as maintained amenity land, largely given over to mown grassland. The park is bounded by Parkway to the north, the Howard Junior School to the east, the Swaffham Belt path, tree belt and sand line railway line to the south and King's Lynn Academy to the west. The Swaffham Plantation (along the southern boundary) and the Cross Belt (running north/south across the site) are significant belts of mature tree planting within the western side of the site.

The eastern side of the site measures approximately 7.6 hectares and includes a large (circa 0.5ha) Anglian Water attenuation pond. The eastern site is bounded by a woodland and county wildlife site (CWS) known as Gaywood Plantation and The Rookery plantation to the north, existing residences on Silver Green and Fred Ackland Way to the northeast and east, the sand line railway to the south and Bridge Way footpath, tree belt and King's Oak Academy to the west. There is also a tree belt and Swaffham Belt path which currently link the western and eastern sides of the application site.

Additionally, on this eastern side there is a parcel of land to the south of the Sand Line rail line. Land within this southern parcel comprises areas of arable farmland and scrub. In wider context, the application site to the immediate south of the rail line is bounded by the A149 to the east, and by the Hardwick Industrial Estate to the south and west.

The new homes would comprise a mix of 1, 2, 3 and 4 bed properties, accommodated within house types including flats, detached, terraced and semi-detached properties. Proposed numbers are as follows: 37 no. 1-bed dwellings; 139 no. 2-bed dwellings; 152 no. 3-bed dwellings; and 51 no. 4-bed dwellings.

The accommodation mix offers a wide range of choice for purchasers and social landlords, with Open Market, Private Rented Sector, Affordable Rent and Shared Ownership options. Numbers are as follows: 189 no. open market; 134 no. private rent; 40 no. affordable rent units; and 17 no. shared ownership units.

Retention and, where possible, reinforcement (through additional planting) of the existing green infrastructure has been fundamental to planning the layout of the scheme. The mature trees within the Cross Belt and Swaffham Belt are therefore predominantly retained, established formal and informal routes across the site are retained and improved, and substantial green buffer zones are retained along the southern edge of the Rookery and Gaywood Plantation woodlands.

Formal recreation provision would be provided by the relocated and improved MUGA facility together with the relocated and improved equipped play area. Both of these facilities would be relocated within the site within 1 minutes' walk from their existing locations. The existing Skate Park will also remain in situ.

Routes through the site take advantage of the sustainable location, with new shared use paths alongside the spine road and connections provided into existing shared use pathways crossing the site (for example the Bridge path and Swaffham Belt path). Suitable space for cycle storage is provided for each new home in the development.

A total of 964 car parking spaces are proposed for the development and . All 4-bed units would be provided with a minimum of 3 spaces per dwelling, 3-bed and 2-bed units would

each have a minimum of 2 spaces per dwelling and 1-bed units would each have 1 space plus access to shared visitor parking.

All new homes will use air source heat pumps and, where house type and plot orientation allow, will be fitted with solar panels. All garages will include electric charging points.

Originally as part of the development proposals, the proposed new road bridge and associated new roads were intended to provide a link from the north at Swallowfield Road, to the south at Rollesby Road. However, in light of concerns raised by NCC Highways in respect of a vehicular link into Swallowfield Road, this part of the proposal has been amended and will now only provide a pedestrian / cycle / emergency vehicle route into Fairstead. The new road bridge will still enable crossing of the sand line railway and provide a new vehicular route from Hardwick Industrial Estate into the application site.

The proposed bridge would be a five span viaduct structure with an overall length of approximately 149.2m. The bridge would be flanked at either end by reinforced earth approach embankments which would measure 44.7m long at the southern end of the viaduct and 52.75m long at the northern end. The bridge will be supported on reinforced concrete abutments at each end, with four intermediate reinforced concrete piers.

The deck of the proposed structure will measure approximately 12.24m wide, and will include a 2m wide footway on the western side, a 3m shared pedestrian/cycle route on the eastern side, and an intervening carriage width of 6.0m (enabling two way vehicle movements over the bridge).

SUPPORTING CASE

The importance of addressing the need for new homes in the Borough is greater than ever in these increasingly challenging times. Recent months have shown the value of strong community networks and the need to focus on boosting the well-being of our local communities. Well-designed homes in the right place are key to achieving this.

Since 2018, we have seen a significant change in the way local authorities' housing performance is assessed and monitored with this moving from a focus on housing supply i.e. ensuring sufficient housing sites were allocated and permissions granted, to a new focus on housing delivery; ensuring enough homes are built out each year. This new approach presents its own difficulties as local authorities are not able to control when schemes come forward and delays in delivery as a result of the pandemic are likely to be ongoing for some time.

The Parkway proposals have been developed in detail over time to ensure that the planning and development constraints were fully examined, and detailed solutions put forward to reduce the risk of deliverability being impacted by future detailed design considerations.

The application site has been described by the officer in detail. It sits within the development boundary and includes the current housing allocation E1.6 (King's Lynn – South of Parkway and part of the former allocation 5/33Lynn East South Fairstead-Housing from the 1998 Local Plan). The current allocation and part-former allocation are separated by an area of 'White land'. The application site is situated in a highly sustainable location, within easy reach of the town centre and with easy access to local shops, services and amenities in the town. It is within walking distance of a number of local schools, only 1.4 miles from the King's Lynn Railway Station, 1.5 miles from the Queen Elizabeth Hospital, 0.5 miles from Gaywood Park, and adjacent to key employment sites on the eastern edge of the town. It is just over a mile from the College of West Anglia King's Lynn Campus.

The proposed development would provide 57 affordable and 322 market homes alongside substantial areas of green infrastructure (with proposed on and off-site biodiversity enhancements), improvement of existing footpaths and cycleways, a new vehicular bridge, relocation of a Multi-Use Games Area (MUGA) and an equipped play area.

Retention and, where possible, reinforcement (through additional planting) of existing green infrastructure has been fundamental to planning the layout of the scheme with the majority of the trees within the Cross Belt and Swaffham Belt being retained. Established formal and informal routes across the site are retained and improved, and substantial green buffer zones are retained along the southern edge of the Rookery and Gaywood Plantation woodlands.

In addition to the above, a s106 agreement would be in place to secure the provision of affordable homes, contributions for further biodiversity and open space enhancements, etc. This is detailed below.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the Borough is comprised of the Local Plan (The Core Strategy and the Site Allocations and Development Management Policies Plan), adopted Neighbourhood Plans, and the Norfolk County Council Minerals and Waste Plan.

The planning application has demonstrated compliance to all relevant policies of the Core Strategy as follows:

- Policy CS01:- sets out the development priorities for the Borough which includes, among other things:
 - the improvement of accessibility for all to services, education, employment, health, leisure and housing
 - the protection and enhancement of cultural and environmental assets and
 - fostering sustainable communities with an appropriate range of facilities.
- Policy CS02:- sets out the Settlement Hierarchy, identifying King's Lynn including West Lynn and Gaywood at the top tier as a sub-regional centre.
- Policy CS03:- sets the framework for development in the King's Lynn Area and contributes to Core Strategy objectives 1-15 (Economy Society and Environment) and 16-20 (King's Lynn).
- CS08:- (Sustainable Development)
- CS09:- (Housing Distribution)
- CS10:- (The Economy)
- CS11:- (Transport)
- CS12:- (Environmental Assets)
- CS13:- (Community and Culture)
- CS14:- (Infrastructure Provision)

The proposed development also complies fully with the relevant provisions of the Site Allocations & Development Management Policies Document. Namely, Policies DM1(Presumption in favour of sustainable development), DM2 (Development boundaries), DM12 (Strategic road network), DM15 (Design & amenity), DM16 (Provision of recreational open space for residential developments), DM17 (Parking provision in new development: Residential dwellings), DM19 (Green infrastructure/ habitats monitoring and mitigation), DM21 (Flood risk), DM22 (Protection of local open space) and E1.6 (Allocation: King's Lynn – South of Parkway).

The NPPF is a material consideration in planning decisions. The proposal is in accordance with the NPPF. Key relevant paragraphs of the NPPF include; paragraphs 11 (Presumption in favour of sustainable development), 59 (Boosting the supply of homes), 109 (Consideration of highway representations), and 149 (flood risk) and 165 (provision of sustainable drainage systems).

The need to ensure that all matters raised were assessed fully and the proposals revised accordingly, has meant that the target determination date will be exceeded by 4 months.

As an important site in the Borough, this planning application has attracted the expected level of local, non-statutory and statutory representations. Care has been taken to ensure that all concerns raised have been adequately addressed. A summary of the status of consultation responses is provided below.

Combined Cultural, Environment Social and Economic Impacts

The proposed development has been carefully considered and would result in significant community benefits including:

- enhancing quality of life of existing and new residents and visitors to the area through good design, providing community infrastructure;
- promoting development in an area where the need to travel is reduced, promoting travel by alternative modes, optimising the site potential and ensuring a high standard of design;
- the scheme would enhance existing footpaths and cycle paths, provide new and enhance existing infrastructure including a new vehicular bridge;
- the proposals have been informed by detailed assessments of their impact on the environment and ensure that the environmental, social and economic needs of the local communities and the wider Borough would be addressed; and
- facilitating improved connectivity.

Summary of Planning Obligations

- £30,000 towards improvements to the grass pitches at River Lane
- £19,050 Habitat Monitoring and Mitigation Payment
- Affordable Housing Scheme: 57 Affordable Homes in perpetuity
- Contributions for public open space in accordance with the current local plan policy

In addition to the above, further measures have been proposed to create a mixture of woodland and other habitat resulting in an enhanced package of measures. Natural England has confirmed that it is satisfied with the package of measures proposed to address any impacts likely to result from the development.

Conclusion

In conclusion, the application would deliver good quality, and much needed, new market and affordable housing in a highly sustainable location, as well as significant infrastructure improvements which would confer real benefits for existing and proposed new residents. As such, the development is considered to accord with relevant policies in the adopted Local Plan and national planning guidance in the National Planning Policy Framework.

PLANNING HISTORY (Relevant)

16/00149/PREAPP – Pre-application enquiry (Outline with consultations): Construction of 50 residential properties (Mixed houses and flats) and associated works.

12/01490/OM – Outline application for employment use (B1(A), B1(C),B2 and B8). Approved 04.12.2012 (committee).

12/00826/OM – Outline Application for employment use Classes B1(a), B2 and B8. Refused 30.07.2012 (committee).

08/01761/OM – Outline Application: residential development of open amenity space and access from Parkway. Application withdrawn 25.09.2008.

07/01398/F – The construction of a macadam multi use games area including 3 & 5m high fencing and 12m high floodlights. Approved 04.09.2007 (committee).

07/00171/F – Variation of condition 9 attached to planning permission 06/01397:-re vehicular crossing of railway line. Approved 27.03.2007 (delegated).

06/01397/NMA_1 – NON-MATERIAL AMENDED TO PLANNING CONSENT 06/01397/F: Variation of condition 1 attached to Planning Permission 2/99/1367/O to extend the time period for submission of reserved matters and implementation by 3 years. Approved 15.08.2016 (delegated).

06/01397/F – Variation of condition 1 attached to Planning Permission 2/99/1367/O to extend the time period for submission of reserved matters and implementation by 3 years. Approved 16.08.2006 (delegated).

2/99/1367/O – Site for residential development including associated infrastructure open space and storm water reservoir (revised proposal). Approved 21.09.2001 (committee).

2/94/1424/F – Construction of a 2.1 m high palisade security fence. Approved 14.10.1994 (delegated).

2/90/2905/O – Site for industrial development including provision of access and balancing reservoir. Application withdrawn 10.02.2000.

RESPONSE TO CONSULTATION

KLACC Planning Sub-group: The Sub-Group expressed the following concerns in relation to the application:

- Impact on school places;
- Impact on doctors' surgery;
- The need for traffic calming to stop it becoming a rat-run;
- Density; and
- Loss of open space.

NCC Highways: NO OBJECTION subject to conditions.

Further to the Highway Authority response dated 17 September 2020, further submissions have been provided by the applicant in respect of:

- Development layout ;
- Traffic distribution resulting from changes to the development connection at Parkway and Swallowfield Road;
- Proposed mitigation options at the Gaywood Road/Gayton Road/Lynn Road traffic signal junction;
- Road Safety audit at the proposed bridge and connections to the existing highway network; and
- Revised highway layout drawings.

It is accepted that the development is proposed at a sustainable location, which is in-part allocated. It is therefore considered that it will be possible to recommend approval subject to conditions.

Use of proposed roads by through traffic:

A technical report has been provided which examines how traffic distribution might be altered by some potential changes to estate road access at the proposed spine road and also by not providing the proposed link to Swallowfield Road. The proposed layout has been modified to include a vehicular link to Swallowfield Road but for emergency use only. It is recognised that provision of a link south from Parkway to Rollesby Road at the Hardwick Industrial Area will improve resilience of the area by providing an alternative access to Queen Mary Road. In order to allay potential broader issues the Highway Authority requests conditions to be applied that monitors usage at the bridge and if required, implementation of control measures. Those measures might for example comprise peak hour bus gates with automatic enforcement.

Gaywood Clock proposed highway mitigation:

The traffic signal scheme proposal seeks to reduce blocking of vehicles travelling ahead to Lynn Road by those waiting to turn right to Wootton Road. This might be achieved by widening the road into the northern footway. The potential impact on a shared use cycleway/footway at the north of the road has not been fully demonstrated by the feasibility drawing.- Improved capacity at Gaywood Road would be welcomed and detailed drawings will be required to enable delivery of the works. Those drawings will need to demonstrate that the shared use facility can be safely retained, if that is not possible, the Highway Authority may not require delivery of the scheme.

Road Safety:

It should be ensured that all footways and cycleways at the development are provided in accordance with the Inclusive Mobility guidance. Indicative drawings of proposed modifications to the approach ramp at the existing pedestrian/cycle bridge over the rail line have been provided. The modifications must comply with current guidance, the drawings will require further attention to achieve an acceptable layout and this will be addressed through the technical approval process with the Highway Authority.

The proposals should secure time-limited school 20mph zones for King's Lynn Academy and & King's Oak Academy at Parkway and Queen Mary Road respectively.

Travel Plan:

In addition to the above, the Highway Authority requires that the development implements a strong travel plan to promote sustainable travel and minimise vehicular impact upon the local highway network. This is fundamental to the Highway Authority and is to be secured by condition.

Summary:

In light of the above and the agreed mitigation package, the highway authority is satisfied that the impact of the proposed development would not be severe and recommends no objection subject to conditions.

NCC PROW: NO OBJECTION. We have no objections on Public Rights of Way grounds as there are no existing Public Rights of Way on the site. We welcome the inclusion of several cycle routes around the perimeters which the applicant suggests they are going to keep and enhance including the bridge over the railway which offers direct access to town.

NCC Strategic Planning: NO OBJECTION. The following infrastructure will need to be funded through either CIL and / or S106:

Education – Mitigation required at the Secondary Education Sector for 47 places.

Library – Mitigation required at the library serving the development to develop self-serving system for the local area.

Fire – This development will require 1 fire hydrant per 50 dwellings at a cost of £843 per hydrant, which should be dealt with through condition.

Lead Local Flood Authority: NO OBJECTION subject to condition.

Highways England: NO OBJECTION.

Network Rail: NO OBJECTION.

Environment Agency: NO OBJECTION subject to condition requiring the development is carried out in accordance with the submitted flood risk assessment (FRA).

The FRA and associated plans demonstrate that although the floor levels have been raised above the estimated surface water flood level, the majority haven't been raised above the tidal breach level. No justification within the FRA has been provided as to why the floor levels haven't been raised to be above the breach level. While the inclusion of other resistance measures means that the application is compliant with the local plan policy, it results in a residual risk in the event that occupants do not enact the resistance measures in time during a flood. Raising floor levels is the most sustainable way of ensuring no internal flooding occurs as it doesn't require any action by the occupant and should be the default option for major applications.

We have no objection to the proposed development, providing that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) reference 20/00724/FM, prepared by Royal Haskoning DHV, dated 27th April are adhered to. In particular, the FRA recommends that:

- Flood resilient measures will be incorporated into the development.
- Flood resistant measures will be included up to 350mm above finished flood levels. * Finished floor levels will be raised to the levels stated in drawing number 'PB9582-RHD-CE-HN-DR-D-0120 P03' and 'PB9582-RHD-CE-HN-DR-D-0121 P03'
- No ground floor sleeping accommodation where flood depths exceed 1m.

Anglian Water: NO OBJECTION.

King's Lynn Drainage Board: NO OBJECTION.

Natural England: NO OBJECTION. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Habitats Regulations Assessment (HRA):

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Overall we are satisfied with the conclusions of the HRA and recommend that the measures prescribed in section 7 are implemented to mitigate recreational impacts to designated sites in combination. These measure include:

High quality multi-functional onsite green infrastructure;

Footpaths and cycle routes that connect to existing paths providing further recreational access;

Enhanced management of nearby designated sites, including visitor management and information provision as in accordance with Policy DM-19;

Natural England recommends that large developments include green space that is proportionate to its scale to minimise any predicted increase in recreational pressure to designated sites, by containing the majority of recreation within and around the developed area;

Circular dog walking routes of 2.9 km within the site and/or with links to surrounding public rights of way (PRoW);

Dedicated 'dogs-off-lead' areas;

Signage/information leaflets to householders to promote these areas for recreation; Dog waste bins; and

Contribution to the long term maintenance and management of these provisions.

Net gain:

Biodiversity net gain is a key tool to help nature's recovery and is also fundamental to health and wellbeing as well as creating attractive and sustainable places to live and work in. We draw your attention to Para 170, point d and Para 175, point d of the National Planning Policy Framework which states that: Para 170: "Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures". Para 175: "When determining planning applications, local planning authorities should apply the following principles: d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity". Natural England considers that all development, even small scale proposals, can make a contribution to biodiversity. Your authority may wish to refer to Technical Note 2 of the CIEEM guide which provide useful advice on how to incorporate biodiversity net gain into developments.

Sport England: NO OBJECTION subject to condition and a commitment being made to secure a financial contribution towards off-site priorities contained within the Local Football Facilities Plan (LFFP) for King's Lynn and West Norfolk.

We would object to the application without a commitment to an off-site contribution as the proposal would then not make a contribution towards meeting the needs of the local population for formal sports facilities.

Conclusion:

Given the above assessment, Sport England does not wish to raise an objection to the principle of this application as it is considered to broadly meet exception 5 of the above policy, subject to the following amendments: the addition of floodlights to the replaced MUGA, to encourage more activity in the winter months the agreement of the applicant to make a contribution towards the improvement of the grass pitches at River Lane to compensate for the loss of these former playing fields, the contribution could be based on an estimate of the likely cost of the works.

BCKLWN Public Open Space: NO OBJECTION. The open space proposals are agreed in principle. We look forward to working together to agree the finer details, including a detailed specification for equipped play (to meet BSEN1177 and BSEN1176 standards), maintenance regimes and landscaping (in particular species selection and locations for tree planting).

BCKLWN Arboricultural Officer: NO OBJECTION subject to conditions.

Having worked closely with the design team on this, I am satisfied that the development can proceed with the minimal of interference to the trees that remain.

The new road has been sited so it minimises the tree removal along its route. It will also be built using a 'no-dig' type road foundation, which should ensure the remaining rooting areas will be safeguarded. The routes through the existing tree belt, to service the proposed buildings have also been chosen to minimise the tree loss/impact.

BCKLWN Housing Strategy & Enabling Officer: NO OBJECTION.

I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy. At present a 15% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in King's Lynn. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

In this instance 57 units would be required, 40 for rent and 17 for shared ownership. It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors; Market Land Values House Prices Level of contribution sought overall Index of Build Costs However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

The applicant has proposed 17 x 2 bed houses, 17 x 3 bed houses, 12 x 1 bed flats, 9 x 2 bed flats and 2 x 4 bed houses as affordable housing. I can confirm the proposed affordable units meet both our space standards and are fully integrated within the site. The affordable

Planning Committee
31 March 2021

units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

BCKLWN Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to noise protection and a Construction Environmental Management Plan to include hours of work, delivery times, dust and noise suppression, site lighting and management of waste from the site.

BCKLWN Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions.

Contaminated Land:

The D&A Statement provides some history of local area. The site is open land or amenity land with little history of contaminative use. We have discussed informally, at an early stage, with Delta Simonds regarding the potential for land contamination and hazardous ground gas.

The Planning Statement discusses contamination in section 8.9 refers to the Geo-Environmental Risk Assessment by Delta Simonds. The Planning Statement states that 'widespread contamination is considered unlikely and the preliminary risk assessment has identified a Low to Moderate risk of soil/groundwater contamination and hazardous ground gas at the site'. Testing to determine the presence or absence of ground gas is reported to be ongoing. The Planning Statement states that if ground gas is found to be present, it is considered that its presence can be adequately mitigated using industry standard techniques.

The applicant has submitted a Preliminary Geo-Environmental Risk Assessment (PRA), Delta Simonds, August 2019. The PRA identifies limited potential sources of contamination: underlying Tidal Flat Deposits (peat), localised Made Ground deposits, the adjacent Hardwick Industrial estate, adjacent railway, off-site electrical substation and deposited waste (fly-tipped) on-site. It is noted that some parts of the site were inaccessible due to vegetation. Some plausible pollutant linkages are identified in the PRA of low/moderate risk. The report recommends further work be undertaken to characterise the site:

- Intrusive geo-environmental investigation to assess presence, thickness and nature of any Made Ground, and in-situ geotechnical soil strength testing / laboratory testing, in order to inform proposed foundation design;
- Assess presence and concentrations of substances of concern in shallow soils (including Made Ground) on-Site;
- Presence of substances of concern in any perched water/soil pore water or shallow groundwater beneath Site; and
- Likelihood of significant ground gas and/or soil vapour intrusion into future on-Site and off-Site buildings.

As further work is required to characterise the site and assess remedial options, I recommend conditions be included should consent be granted.

Air Quality (comments regarding the revised Air Quality Assessment):

Most recent comments - This is in relation to a second addendum to support the original air quality assessment (AQA) and has been commissioned to assess the effect of changes in road traffic emissions on the Gaywood Clock Air Quality Management Area (AQMA) associated with the development's updated design.

Two access points to the development remain, the new bridge from the Hardwick Industrial Estate in the south, and northern access via Queen Mary Road and the Gaywood Clock AQMA. 22 sensitive receptors within or close to the AQMA, previously modelled in the main AQA have been included, with three scenarios considered; Base year 2018, Do Minimum (without proposed development) 2026 (DM), and Do Something (with proposed development) 2026 (DS).

The assessment assumes 2026 is the earliest opening year of the proposed development and that all traffic will be present in this year. Worst case traffic data was also utilised. In accordance with EPUK/IAQM criteria, the NO₂ impacts in road traffic emissions associated with the proposed development are categorised as 'negligible' to 'moderate adverse'. The largest predicted increase in NO₂ pollutant concentration at a receptor is 4.3µg/m³, which increases the annual mean NO₂ DS concentration at Receptor 21 (Parkway 1) to 25.4µg/m³. Receptor 21 is located close to the entrance of the development. In line with EPUK/IAQM Guidance, this change in NO₂ concentration is 'moderate adverse'. However, the modelled concentration is well below the annual mean air quality standard of 40µg/m³.

The maximum predicted DS NO₂ concentration is 34.4µg/m³, located at Receptors 17 (Lynn Road 1) and Receptor 8 (Gayton Road 3, within the AQMA). Once again, the predicted concentration is below the annual mean air quality standard of 40µg/m³.

The impact at Receptor 17 is classed as 'slight adverse' (concentration increase of 0.7µg/m³), with Receptor 8 classed as 'negligible' (concentration increase of 0.2µg/m³). For the short term NO₂ objective, as the annual mean NO₂ concentration is not predicted to exceed 60µg/m³, the short-term objective is not likely to be exceeded at worst-case locations.

Particulate matter emissions are also considered within the assessment. Regarding the PM₁₀ short term (24-hour) objective, the maximum predicted number of days above 50µg/m³ is 10 days per year at Receptor 17 (Lynn Road 1). This is well below the objective of 35 days, with the short term PM₁₀ impact concluded to be 'negligible'.

At all modelled receptors, PM₁₀ and PM_{2.5} concentrations are predicted to be well below the annual mean objective, with the impact of the proposed development considered 'not significant' at all modelled receptors.

Overall, although a moderate adverse impact on NO₂ concentrations is predicted at one receptor, and slight adverse impacts predicted at seven receptors, no exceedances of the respective air quality objectives are predicted. Additionally, the traffic flows used within the modelling are conservative. Therefore, the overall effect of the development on NO₂ concentrations at receptors within and adjacent to the Gaywood Clock AQMA is considered to be 'not significant'.

Furthermore, EV charging points have been incorporated into the proposed development at 179 plots. This addition will facilitate the uptake of low emission vehicles, and aid in mitigating pollutant concentrations. We therefore have no objection to the proposed development and highway changes as modelled in the new air quality addendum, based on the specified vehicular links (Queen Mary Road and Hardwick Industrial Estate Bridge), and that these links will be present in the development's opening year, as outlined within the assessment.

Previous comments - The 380 proposed dwellings will be served with 830 parking spaces. As detailed within the Design and Access Statement, all garages will have electric charging points. We welcome this addition, as it will facilitate the uptake of low emission vehicles within the development. The application also includes a Travel Plan, in which each

household will receive a Sustainable Travel Information Pack to encourage the uptake of sustainable transport methods within the development. A range of local amenities and schools are within a 20-minute walk or 7-minute cycle of the site. A National Cycle Network Route borders the southern edge of the site providing a direct route to the King's Lynn town centre, train station and transport interchange. Existing pedestrian infrastructure within the site will be retained and secure cycle storage will be provided for each dwelling. All properties will also have air source heat pumps installed.

An Air Quality Assessment (AQA) was undertaken to assess the impact of the development on the national air quality objectives. The assessment focused on NO₂, PM₁₀ and PM_{2.5}; with three assessment scenarios included: Base Year 2018, Do Minimum (without proposed development), and Do Something (with proposed development). The AQA has been produced based on the assumption that the development will be constructed and occupied by 2026, and that all the new vehicular links will be completed prior to occupation. We are happy with the location of the modelled receptors which cover the surrounding area, road links, AQMAs, and the development itself. The Howard Junior School and King's Oak Academy have not been included as receptors as they are located approximately 90 metres away from any new road links. The Borough Council have previously monitored annual mean nitrogen dioxide concentrations at the Howard Junior School from 2008 to 2011, with the concentrations of nitrogen dioxide recorded at this site well below the annual mean objective. Additionally, Receptors 22, P1 and P3 are suitably placed to record any air quality impacts in this area.

The first section of the AQA concluded that the impact upon NO₂ concentrations, from changes in road traffic emissions associated with the proposed development around the Gaywood AQMA, are categorised as 'moderate beneficial' to 'slight adverse'. The overall effect on NO₂ concentrations is therefore considered 'not significant'. The maximum modelled 'Do Something' annual mean NO₂ concentration was predicted at Receptor 8 (Gayton Road) at 32.8µg/m³. This is below the annual mean objective and classed as a 'Slight Beneficial' effect as it is a 0.8µg/m³ reduction from the 'Do Nothing' scenario. As the annual mean NO₂ concentration is not predicted to exceed 60µg/m³, the short-term objective is not likely to be exceeded. The impacts upon PM₁₀ concentrations from changes in road traffic emissions are also considered 'not significant'.

An air quality addendum has been produced, with a quantitative approach used to assess the operational impact of the proposed development on relevant receptors within or adjacent to the Town Centre AQMA. Regarding NO₂ emissions, the proposed development is predicted to cause increases in pollutant concentrations in the southern part of the AQMA (London Road) and decreases in the northern part (Railway Road, Blackfriars Road and Auston Street).

The maximum predicted Do Something concentration is at Receptor 8, located along London Road, with an annual mean concentration of 38.9µg/m³. Whilst this is within 10% of the annual mean objective, the predicted concentration is classed as 'slight adverse' as the 'Do Something' scenario only results in an increase of 0.2 µg/m³ above the 'Do Nothing' scenario at the same site. Receptor 8 is the only receptor to record a 'slight adverse' change in annual mean concentrations within the Town Centre AQMA, with three others classed as 'slight beneficial' and the remaining 24 'negligible'. Therefore, in accordance with EPUK/IAQM significance guidance, the overall NO₂ impact associated with the proposed development is considered 'not significant'.

For the northern zone of the AQMA (Railway Road), an alternative model adjustment factor has been presented in Appendix A due to an underestimation in the previous model. The resultant NO₂ concentration changes range from 'moderate beneficial' to 'negligible'. The overall effect on NO₂ concentrations is therefore again considered 'not significant'. Across

all modelled receptors within the Town Centre, PM10 concentrations are predicted to be well below the relevant annual mean objective. For the short term 24-hour objective, the maximum number of days to have predicted concentrations over 50 µg/m³ is 16 days per year at receptor 8 on London Road. This is well below the allowance of 35 days, therefore short term PM10 impacts are concluded to be 'negligible'.

In accordance with EPUK/IAQM guidance, the effect descriptors for PM10 are 'negligible' at all modelled receptors, and the impact of the proposed development is considered 'not significant'. The same is also concluded for PM2.5, with impact descriptors 'negligible' at all modelled sensitive receptors. We therefore have no objection to the proposal on the grounds of air quality. However, an incorrect vehicular link from the proposed development to Fred Ackland Drive was included within the AQA. We are therefore in discussion with Mott MacDonald to establish if the removal of this link will alter the outcome of the AQA. If so, a revision of these comments will be produced.

Lastly, we welcome the future production of a detailed Construction Traffic Management Plan (CTMP). With regards to dust emissions from construction however, there is predicted to be a 'medium' risk of health effects from PM10 at nearby receptors to the proposed site. However, if the mitigation measures listed in Section 6 of the AQA are implemented appropriately, of the effects are predicted not to be significant. Therefore, I recommend the following condition: Prior to commencement of development, a detailed Construction Environmental Management Plan must be submitted to and approved by the Local Planning Authority; this must include the mitigation measures proposed in Section 6 of the AQA to protect residents from construction dust. The scheme shall be implemented as approved.

BCKLWN Waste & Recycling: NO OBJECTION.

BCKLWN Emergency Planner: NO OBJECTION. Submitted updated flood evacuation plans now take into account revised road arrangements and are fit for purpose.

Norfolk Constabulary: NO OBJECTION.

Norfolk Fire & Rescue: No comments received. Although fire hydrant provision has been confirmed by NCC Strategic Planning.

King's Lynn Civic Society: OBJECT on the following grounds:

We have reviewed the additional documents uploaded since we previously sent an objection in June. We have also spoken online to representatives at La Ronde Wright and Feilden Mawson. Whereas the new drawings and documents now submitted provide additional detail, the scheme has not been altered in any substantial way since that first circulated for consultation much earlier in the year. In spite of some 200 letters of objection, it is quite clear that BCKLWN officers have not given an inch on their ideas for this site.

Housing need: There is an accepted need for new affordable homes in the UK – although increasingly the numbers being promoted by Government are being questioned. We are in no doubt that national projected need will be scaled back in coming years. In addition, it now seems likely that much urban housing will be provided in re-purposed retail and office buildings (or redevelopment of those sites). There will be less need for 'greenfield' development.

Which crisis? The Government say we have a housing 'crisis' – but we are all free to choose our own favourite 'crisis' at present. Providing truly sustainable development must take into account the climate change 'crisis'. If we are to halt global warming (a pressing problem for low lying King's Lynn), it's important to provide energy-efficient new housing that uses

renewable energy. Whereas current building regulations are not good enough, we support this project's goal to use renewable energy sources.

Loss of trees and habitat: However, we object to the proposal to remove mature oak trees and 17 acres of scrub woodland that the Norfolk Wildlife Trust have now confirmed would be appropriate for County Wildlife Site status. The east end of the site was not included as an allocated site in the current local plan and was therefore not considered necessary to meet projected housing needs. It is now well understood that naturally established habitats like this provide far greater benefits for biodiversity and carbon sequestration than plantations. The current habitat has cost nothing to establish and is now providing obvious benefits. The development proposal would see public funds spent to remove it and public funds spent to replace it. No details have been offered as to how compensatory habitat will be created to offset these losses. The proposed losses will not be replaceable in a relevant time frame. The proposal is directly contrary to the BCKLWN pledge to increase urban tree cover in King's Lynn or assist in planting one million trees across Norfolk. This whole aspect of the plan makes no sense in terms of sustainable housing delivery, informed environmental management or responsible use of public funds.

Expensive, unsustainable road: We continue to fail to understand the proposed road layout for this scheme – with its link to a minor residential street at Fairstead; the need for expensive bridge infrastructure over the railway line; and provision of access to Hardwick Industrial Estate. Either this is a very expensive way to achieve an undesirable rat-run (through the existing housing, new housing and through the industrial estate), or it is a disingenuous fudge until some other scheme can be brought forward. Either way, it doesn't provide a transport proposal that will help to reduce traffic within the town and is very likely to exacerbate traffic problems (both north and south of the railway line).

Please review our previous letters regarding this application for additional issues that we feel are still problematic with this scheme. Please review this scheme We again urge BCKLWN to scale down this scheme, and:

- Provide 180–200 high quality energy-efficient homes at the west end of the site (corresponding to Phase 1, Phase 2 and part of Phase 3 of the scheme).
- Retain and improve the existing cycle/pedestrian network and bus service that already serves this area.
- Keep and enhance the existing play area / MUGA adjacent to Howard School, whilst retaining the existing tree belt to separate the play area from the new housing.
- Safeguard the entire eastern end of the site and create a woodland park / reserve for the benefit of neighbours and the whole town. In 20 years' time, precisely nobody will regret that 200 additional houses were not squeezed on to this site – but the entire community could celebrate that this reduced scheme marked a turning point in the way BCKLWN approached sustainable planning and housing delivery in the 21st century.

Norfolk Wildlife Trust: Recent comments - Further to our comments of October 2020, regarding potential County Wildlife Site value of the Eastern Zone of Gayton Parkway development, we wish to add some clarification to our previous comments.

We appreciate that surveys carried out by the applicant that accompany the application would not necessarily be expected to consider the potential of an area of mixed habitat in terms of CWS criteria, if the area concerned was not already designated as such. We also appreciate that for a site to become a CWS this needs to be with the permission of the site owner and for any decision to be approved by the County Wildlife Site Partnership. However, we would expect the value of these habitats to be assessed as a whole. As a result, whilst we accept that the eastern Zone cannot be considered a CWS within current local planning policy, we nevertheless maintain our view, as expressed in previous comments that the

mosaic of habitats that covers much of the Eastern Zone area has local biodiversity value and that every effort should be made to retain as much of this area as possible, particularly in view of its additional role as green infrastructure and for informal recreation by the local community.

We also wish to make clear that we misunderstood what was written in documents that accompanied the planning application, concerning the current status of the Eastern Zone in planning policy terms. We now understand that this area is not zoned for development in the currently adopted Local Plan. In our view this supports the views of NWT and others that there isn't current policy backing for housing in the Eastern Zone.

Previous comments - Rather than responding to individual comments by the ecological consultants, in the order made by them, I have sought to clarify our original comments and our views regarding the measures that need to be put in place to ensure protection of wildlife, if the application is approved.

NWT comments are made from the viewpoint of standing up for protection of local wildlife on the development site and seek to push for the best possible outcome for wildlife. However, we recognise that the Borough Council is trying to achieve a high quality scheme that needs to balance all aspects. In this context, although we have flagged up concern about protected species, this is to ensure the planners take full account of these, rather than any objection.

We support on-site mitigation and enhancement for water vole and accept that translocation is the best option in this instance with regard to reptiles, owing to likely future loss of other suitable nearby habitat. We also accept that the plans are intended to maximise connectivity of habitats across the site. However, to ensure that this happens, in practice, there should be a Landscape and Ecology Management Plan (LEMP) that encompasses all areas of green space across the development site. This should be a condition of any planning approval.

We still have some concerns regarding loss of undesignated habitat adjacent to Gaywood Plantation CWS and recreational impacts on the CWS. However, we accept that there are proposals to create habitat off-site to mitigate for impacts on undesignated habitats and to achieve biodiversity netgain. We fully support the need for a meaningful buffer between the development and the CWS and would expect that management of the buffer is included in the LEMP. We are aware that Gaywood Plantation is leased to Woodland Trust and urge that dialogue is maintained with Woodland Trust and the local community to ensure that recreational impacts on Gaywood Plantation CWS are minimised.

With regard to the HRA and impacts on Roydon Common, we understand that the HRA did take account of the Footprint Visitor Study but still surprised that the consultants chose not to refer to this in their reports. As result of this clarification, we accept that the mitigation tariff will mitigate for recreational impacts on Natura 200 sites. However, the consultants seem to be confusing mitigating of visitor pressure on Roydon Common with provision of additional habitat to mitigate for loss of trees and habitat on the development site and to provide an element of Biodiversity Netgain.

Our understanding is that the intention of the Borough Council is to create habitat off-site in order to provide mitigation for loss of trees and habitat on the development site and to provide an element of netgain. This habitat creation could be close to Roydon Common but could equally be elsewhere. However, if a secondary reason for habitat creation is the intention to provide a site for dog walkers and sign people to it, a location close to Roydon Common may not be suitable. Norfolk Wildlife Trust is happy to be consulted with regard to location and type of habitat to be created and the ongoing management of this habitat, once a planning decision is made.

Original Comments (July 2020):

Introduction: The area appears to be well used informally by the public as accessible green space, with the Western portion formerly being playing fields with large number of mature trees, principally in tree belts. Although much of habitat is not of high quality there are number of impacts on biodiversity, including protected species which need to be addressed. In addition, there is a County Wildlife Site (Gaywood Plantation Wood) and areas of semi-natural habitat which are adjacent to the eastern portion of the development. We note that this eastern portion is allocated for housing in the Local Plan.

Although the development lies within the urban area of Kings Lynn, there is currently good ecological connectivity across the site and with adjacent wildlife areas, including South of Gaywood Park (CWS 407), which lies immediately south of the railway line. We are concerned that the current layout does not do enough to ensure continued connectivity. In our view retention of connectivity needs to be key factor as the layout is finalised both, at the current and Reserved Matters stages of planning.

Ecological reports: We are pleased to see that a detailed ecological and protected species surveys have been carried out, along with recommendations for mitigation and biodiversity enhancement. These reports are drawn together in the Ecological Supporting Statement (ESS) and our comments apply mainly to the content of that report.

We don't have any major concerns regarding the content of these reports, with regard to the level of survey carried out and we are broadly happy with the assessment of impacts and proposed mitigation measures, with regard to protected species, on condition that mitigation measures as proposed are put in place. However, we do have concerns about impacts on Gaywood Plantation Wood (CWS 408) and associated habitats. Further comments on these aspects are set out below.

We would also like to flag up the importance of ensuring biodiversity enhancement is addressed at the design level within the development. This could include provision of measures, such as swift boxes and hedgehog highways within the design.

ESS 4.1 Trees: We support the assessment that category A and B tree should be retained as a priority with regard to impacts on biodiversity and that tree belts and corridors leading to Gaywood Plantation Wood CWS should be maintained. We note that there is proposal to further mitigate for the loss of other trees throughout the site, through planting of new woodland. This new planting should include compensation for loss of existing trees, plus an element of at least 10% Biodiversity Netgain, as set out in the Environment Bill that is currently progressing through parliament. This woodland should be close to the development site and in an area suitable for woodland creation, which may, or may not be close to Roydon Common. If the application is approved and includes new woodland as a condition, NWT are happy to discuss the location and whether we should be involved in management of the new woodland.

ESS 4.2 Reptiles: We note that, owing to loss of reptile habitat, translocation off-site to Derby Fen SSSI is proposed. We do have some concerns with this proposal as we believe that there may be potential for retention and creation of suitable habitat in the eastern portion of the development adjacent to Gaywood Plantation County Wildlife Site.

ESS 4.3 water vole: Mitigation and enhancement proposals for water vole seem appropriate and we support the assessment that mitigation for water vole should take place via displacement to newly improved habitat on-site, rather than translocation off-site.

ESS 4.4 bats: Mitigation and enhancement proposals for bats seem appropriate and are intimately linked to protection and retention of tree roosts and retention of woodland belts.

ESS 4.6 Habitat creation and enhancement: We are concerned regarding impacts of the development on habitats that are located on and adjacent to the development site. In our view these have not been fully addressed in the Ecological reports that accompany the application and the brief summary given in paragraph 4.6 of the ESS. In particular, we are concerned that impacts on Gaywood Plantation Wood CWS and adjacent scrub and rough grassland habitats have been underplayed and that these impacts will not be addressed by the mitigation measures that are proposed.

Gaywood Plantation Wood is adjacent to existing housing and is already subject to recreational pressure, including trampling of ground flora and litter, as is evidenced by public responses, as set out in ESS 5. These impacts will only increase as a result of the new development. In our view, there needs to be at a minimum an increased buffer between the new development and Gaywood Plantation Wood and adjacent habitats that are outside of the red line to the west of the plantation (shown on Masterplan as The Rookery) and that this buffer should be managed to maintain and improve its biodiversity value. In addition there should be an element of funding towards the management of Gaywood Plantation Wood.

In addition to this, mitigation measures should not only include new woodland off-site (see ESS 4.1) but new habitats to compensate for loss of those within the eastern portion of the development. Although these habitats are only of local importance, nevertheless, they are shown within the Preliminary Ecological Appraisal to consist of a complex of poor semi-improved grassland, scrub and standing water and to contain a population of common lizard. Whilst we accept that development is already approved in principle in this area, as it is included in the Local Plan, consideration should be given to retaining a portion of this area as semi-natural habitat, buffering and linking with Gaywood Plantation Wood and the Rookery .

ESS 5. Public consultation responses: We note that although the planning statement says that public opinion is favourable but that in contrast, the content of this section of the ESS suggests that there is criticism with regard to impacts on wildlife. This reflects the growing concern about biodiversity within the public and the importance of retaining and creating wildlife friendly areas green space within new developments. As a result, it is critical to ensure that mitigation measures are fully in place and that Biodiversity Netgain is included as part of the development.

HRA: We are concerned that the arguments used in the Appropriate Assessment conclude that recreational impacts on Roydon Common and Dersingham Bog will be fully mitigated by green infrastructure on the development site and by adoption of the 50 pounds per dwelling HRA mitigation fund. Reference is made to an Exeter University Tool, which seems to be based on car visit estimates, whilst no reference is made to the Footprint Ecology study, which was commissioned by Norfolk local authorities, including Kings Lynn and West Norfolk Borough Council (Visitor Surveys at European Protected Sites across Norfolk during 2015 & 2016, Footprint Ecology; Panter, C., Liley, D. & Lowen, S. 2016). This report which was aimed at assessing recreational impacts on European Protected Sites was based on visitor interviews to Natura 2000 sites in Norfolk. It is surprising that the ecological consultants did not refer to this local and pertinent study, preferring to rely solely on a national tool. The Footprint study came to the conclusion that despite coming by car the majority of visitors to Roydon Common and Dersingham Bog are local to the area, with a high percentage being dog walkers (pertinent to impacts on ground nesting birds). In our view, before a planning decision is made, the conclusion of the HRA with regard to Roydon and Dersingham should be revisited in light of the evidence presented in the Footprint Ecology study.

Conclusions: We don't have concerns regarding the content of the ecological reports, with regard to the level of survey carried out and we are broadly happy with the assessment of impacts and proposed mitigation measures, with regard to protected species, on condition in that mitigation measures are put in place as, proposed.

However, we do have concerns about impacts on Gaywood Plantation and associated habitats that are located on and adjacent to the development site. These have not been fully addressed in the Ecological reports that accompany the application and the brief summary given in paragraph 4.6 of the ESS. In particular, we are concerned that impacts on Gaywood Plantation Wood (CWS 408) and adjacent scrub and rough grassland habitats (both within and outside of the red line) have been underplayed and that these impacts will not be addressed by the mitigation measures that are proposed.

In order to mitigate for these impacts, consideration should be given to retaining part of the eastern portion of the proposed development as semi-natural habitat, buffering and linking with Gaywood Plantation and the Rookery. This buffer should be managed to maintain and improve its biodiversity value. In addition there should be an element of funding towards the management of Gaywood Plantation.

In addition, off-site compensation should not only include new woodland but new habitats to compensate for loss of those within the eastern portion of the development. Off-site creation of woodland and other habitats should ideally be close to the development site and in an areas suitable for habitat creation

On-site mitigation and enhancement should be secured through a Construction Environment Management Plan and a Landscape and Ecology Management Plan

The conclusion of the HRA with regard to Roydon Common and Dersingham Bog should be revisited in light of the evidence presented in the Footprint Ecology study.

Biodiversity enhancement should be addressed at the design level within the development. This could include provision of measures, such as swift boxes and hedgehog highways within the design.

REPRESENTATIONS

Over **228** letters of **OBJECTION** from third parties have been received in relation to the proposed development along with a petition signed by 1,510 people. The expressed concerns can be summarised as follows:

- We run a manufacturing business on Rollesby Road and whilst we have no reason to think there will be any disruption to us, we are concerned that we will receive complaints due to noise levels. The planned site is not that far from our premises and we have trucks in and out, lorries being loaded etc so there is quite a lot of industrial movement happening throughout the day from 6.00am. We don't want complaints from residents regarding noise when they are living so close to an operational industrial site.
- The increase in traffic will be an awful danger to the children from the local schools.
- The infrastructure is not there to support this increase in traffic and does not need to be, there are several large swathes of land which already have planning permission and as yet have not been built on.
- Building on the green space countermands the council's green promises.
- This is not wanted or needed. It will destroy trees and cause distress to many animal and insect species. There is no need for any further polluting roads in this town and surely this will put school children at risk.

- The green spaces should be kept untouched! The new homes built on a green area is nonsense! The noise will be terrific and the traffic coming through Gaywood will be a complete mess!
- No alternative proposals for this site have been discussed with the public.
- Will there be more traffic noise for residents/wildlife.
- Will drainage/run off affect the trees/wildlife.
- How does this affect the 10 year strategy to increase the tree canopy.
- The plans as they stand will result in loss of too many trees, hedges and green spaces. I agree to the building of houses where very few trees are lost but ask for modification of the plans to save the bulk of 58 trees and habitat for animals and birds. At least 30 of these are on the red list.
- The proposed arrangement for the bridge with a road crossing at the end seems ill conceived, perhaps the designer of the proposal is unaware of how much of a commuter route it is. If they were to survey the traffic over the bridge at clocking in / off times they would soon realise that the slalom arrangement is not suitable for such a busy bridge, the opportunity should be taken to widen the bridge and encourage more people to cycle!
- However sensitively done the removal of trees will have a negative impact on the local wildlife inhabiting the wooded area. Planting some new saplings is clearly insufficient mitigation for the removal of mature trees.
- There will be further knock on effects for the local wildlife if the road were to be built ranging from increased pollution, traffic hazards and litter.
- The houses built on the Southern end of the site are too close to an operational industrial estate. The associated noise of plant and manufacture 24hrs alongside 24hr HGV movements just a short distance away would have a major negative impact on the quality of life for the inhabitants.
- Agree with the need for housing in the town but it should not come at the detriment to wildlife or existing facilities.
- The proposed bridge redesign seems extremely unnecessary and poorly thought through. The bridge is a very busy commuter route, especially before and after shift change (of which many factories on the estate work by), and adding tight bends can create a bottle neck for pedestrians, cyclists and the elderly/disabled using electric mobility scooters.
- The proposed road joining the end of Rollesby Road is just plain daft. As previously stated, this is a busy industrial estate, and that road will encourage people to drive through in their cars instead of taking the A149. The roads are busy enough with HGVs to not warrant anymore unnecessary traffic.
- In a time when climate change is a serious topic, is it really a good idea to remove even more green land to build a road which isn't 100% necessary? Many other towns and cities are looking at ways to encourage people to use alternative methods of transport to personal cars to reduce their carbon footprint, yet this is going in the complete opposite direction.
- How will the existing infrastructure in and around Gaywood cope with the extra traffic from 379 new houses? Extremely poorly is the answer. At peak commuting times there are already long queues at the traffic lights where Gayton Road meets Wootton Road. What about the increased traffic flow down Queen Mary Road past the Academy? Will the QE Hospital be upgraded to enable it to cope with yet another new estate in King's Lynn? It's already working at max capacity as it is.
- There is no need for more houses to be built in Gaywood, the fields and woodland that is earmarked for building is home to countless animals including foxes, Rabbits, deer, voles, shrews, common lizards, green wood peckers, owls and bats. Not to mention the trees some of which are a hundred years old.
- By adding a new road into the Hardwick industrial estate it is just going to create a shortcut for people to use and is going to cause congestion to the traffic system already

in Gaywood, anyone who lives in the Gaywood estate and area can see the current traffic situation struggles to cope with the traffic during rush hour periods.

- Why not build in the town centre as so many shops are now laying empty, the old post office has been empty for such a long time, its senseless using green space when there are already vacant buildings.
- As a user of the hospital and in town dentists I am aware that both are already overloaded with patients and there has been no plans to my knowledge to increase the size of the hospital, or add new gp surgeries, which to my understanding are also full to capacity.
- Schools are already dealing with large classes and there doesn't seem to be any plans to add another school.
- Without additional infrastructure our town cannot take another development.
- This development in a currently "green" area of King's Lynn threatens a wildlife friendly habitat, apart from creating yet more noise, traffic and pollution. Please ensure that all "brownfield" sites in and around the town are efficiently developed before considering the destruction of our few remaining green spaces.
- Loss of established woodland and a natural environment, including wildlife.
- Concern for safety of pedestrians and cyclists with the increase of traffic, noise and pollution. Most homes accommodate at least two cars per household, due to increased distances to work, and very few will either cycle or walk to their workplace due to the distances involved, and inadequate public transport.
- When your plans go ahead, the proposed new link road over the sand line to Hardwick estate will get very busy. It will not just link the new homes to Hardwick estate and the Gaywood area; it will be one of the access roads to town. It will be used by many more people than only the residents of the new homes. The quiet there is now, will be gone. This will affect all people who use the area for recreation, the people who use the cycle path to go to town and work and also the pupils at the schools.
- The green space between Plantation woods and the railway line is one of the only places in town that nature does not have to share with people and (their) cars. The area contains scrubs, trees, reed and water; different habitats for different animals and plants. There will be even more habitat loss due to building the road. For this mature trees shouldn't have to be felled. Mature trees are habitats on their own. Planting new trees does not replace mature trees.
- Not only will habitats be lost, but also connections between habitats. One of the reports on the project even states: loss of connectivity to other water courses.
- Kings Lynn is already barren of natural and scenic areas and it would be a tragedy to lose such a lovely walking area so close by to my home. Not to mention, the crime rates will definitely increase around the black path area with more homes nearby.
- Gaywood is like a village within a town, this development would be a drain on what little resources we have within Gaywood, with three schools in such close proximity to this development the imminent danger to children outweighs the necessity of need for this, with the access to Hardwick Estate also being planned at the same time the Queen Mary Road would become a rat run for workers to the industrial estate.
- It's unbelievable that such a massive area, where wildlife thrives, is being destroyed in an era when climate change and looking after the environment is so important.
- I really hope this development does not get the go ahead, not only for the wildlife, but for the many people who enjoy a very rare part of Kings Lynn where you can safely enjoy a bike ride or a walk without traffic.
- The destruction of woodland and the reedbed contradicts the Borough Tree Strategy (2017 to 2027). The strategy highlights 'the immense value of the borough's urban forest to the wellbeing of residents and the substantial contribution it makes to the Borough's sustainable future.' The strategy lists several ways in which trees help to protect us from climate change and flooding.

- I believe this development is not about housing but about money and the value of green space in respect of the environment and wildlife is not being valued. This development shows that the borough council is not in line with the current government advice on tackling climate change and is not taking climate change and the health and wellbeing of residents seriously.
- Whilst I understand the need for the development locally I do not consider it appropriate to develop the area in what has been referred to as the Eastern Zone of the site referred to in the final paragraph of Section 3.3 of Mott MacDonald's Preliminary Ecological Appraisal of April 2020. This area of the proposed development contains an area with a mixture of trees, scrub, reedbed and grassland. These habitats, in particular the reedbed, are significant and valuable both in terms of biodiversity but also as a local amenity, the importance of which, as borne out by the current covid crisis should not be underestimated. In the face of the current climate crisis such an area of development is also far from appropriate. The area is home to a significant and diverse number of plants, birds, mammals, reptiles, amphibians and insect life. This area is well used, nurtured and treasured locally. It should not be destroyed but should remain as an asset for both nature and the public for generations to come.
- The loss of woodland, scrub and reed bed will have an adverse effect on Plantation Wood and the 2 European sites (Roydon Common and Dersingham Bog) because of connectivity and loss of places for birds to shelter and feed. Plantation Wood is suffering from overuse so loss of Parkway will exacerbate this.
- What is the point of the borough council proclaiming that it takes the climate emergency seriously when it then plans to demolish a natural environment of significant importance and rarity, combined with felling trees that provide a valuable carbon sink? Please reconsider these plans and be brave enough to protect an irreplaceable natural environment.
- Not only will the noise from Hardwick factories be heard but also one or more of the factories produce fumes which can be quite strong at times.
- No mention has been made of the effect on wildlife the introduction of domestic pets will have.
- I strongly object to the proposed Parkway development. It goes against the local plan and the Government Ten Point Plan. The Local Plan states that 'Proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.' Please be guided by your own guidelines. Otherwise why make them.
- Norfolk Wildlife Trust believe the eastern side of Parkway is important enough to make it into a County Wildlife Site. If they think this, you should listen. We cannot keep destroying nature without eventually paying a dreadful price. You are deciding the futures of generations to come, and they will look back on this with horror if it is passed. Do you want that as your legacy? Please, please, please, do not pass this locally detested project - do the right thing for us all and refuse it.
- More and more people during the Pandemic of Covid-19 have come to appreciate how precious it is for all to be able to enjoy access to nature/open spaces close to where they live. Under the circumstances it would be seen as an act of vandalism for our local Planners to allow the destruction of a significant part of a wild area (mature woodland, scrubland and reedbed area - encompassing an established Ecosystem) - in order to build further on site. Please consider whether parts of the application site, as has already been suggested, should have special environmental protection status.
- The scheme proposals are far too car- driven and the need for proper safe and accessible active transport has been largely ignored.
- Increase in air pollution around Gaywood.

- The crossings of the Swaffham Belt Cycleway (aka Sand Line Path) and the bridge approach remain dangerously substandard and do not conform to Section 10.4 of Local Transport Note 1/20.
- The modified current foot/cycle bridge is still shown as 2.5m wide with near-zero inner radius corners which cannot be safely used by two-way cycle traffic and will result in a capacity bottleneck on a key commuting route. LTN 1/20 section 5.1 says the minimum inner radius should be 2.5m and section 10.8.12 says the bridge should be 5.5m wide with a minimum of 4m wide.
- The new development should be a "Low Traffic Neighbourhood". It remains bizarre and contrary to national policy to build a new cut-through for motorists instead of creating a circulation-plan. The increase in car traffic on Queen Mary Road, Rollesby Road and Oldmedow Road without remedial measures along those roads and at their terminal junctions will increase danger to people walking and cycling.
- The drawings by Mott Macdonald for the new carriageway bridge still do not seem to marry up to the drawings by Lovells for the estate, with it being unclear whether the roadside cycleway is on the south/west side (as shown by Mott Macdonald) or the north/east side (as shown by Lovells) or whether it crosses from one to the other near the edge of the residential area and if so, no crossing is shown. There is also still no indication how cyclists on the south/west side will cross to the link to Fred Ackland Way, nor how/if cyclists are expected to merge onto the carriageway at Rollesby Road, or if any of this will follow the designs in LTN 1/20. Much more detail is required before this design can be approved.
- Additionally, there should be a paved cycling and walking link between the southwest corner and the northern central entrance, instead of the unsurfaced tracks shown. This seems like a clear desire line between the west end of the existing residential area and the town centre, not served adequately by the proposed layout. Adding one would help this project better fulfil Borough Core Strategy Policy CS11 Transport by supporting Local Transport Plan Policies on Travel Choice and Access to Town Centres.
- Your Planning Policy states that permission cannot be granted if flooding is caused elsewhere. As both the east and west sides of the proposed Parkway development are currently covered in water that has nowhere to go because the ground cannot take more water, should it be built on, such water would indeed have to go elsewhere. With climate change being an undeniable issue, and our weather getting wetter, this problem can only get worse.
- Trees are important for wildlife, landscape, well-being and carbon capture.
- Mature trees draw up more water.
- Loss of wildlife corridors will cut off populations of many species.
- Disruption from light, noise and increased interference from people.
- Risk of more wildlife being killed by the increase in cars.
- Loss of ground to soak away excess rain.
- Loss of trees to draw up water.
- Impact on existing properties as heavy rains are less likely to be absorbed due to additional hard surfaces.
- Pressure on sewerage and drainage systems.
- Fly tipping within Plantation Wood, especially as the road will make it more accessible to people bringing rubbish from a distance.
- Anti-social behaviour will probably increase as there will be fewer places for people to go apart from Plantation Wood.
- Pressure on Plantation Wood as the remaining green space as the fields will have been built on.
- Increase in traffic in an already congested area especially at the start and end of the school day leading to higher risk of road traffic accidents.
- Rat-run short-cut via bridge.

- Lack of imagination in always seeing building new roads as the solution to congestion. Damaging a popular and safe cycle route to replace it with yet another road.
- Impact on the Forest School site adjacent to the proposed new road around Howard Junior School. This would be severely impacted by noise, fumes, and reduced privacy and security.
- We object to the creation of the new link road. We believe that there is every probability that it will become a 'rat-run' and encourage more car use, even with a speed limit of 20 mph and possible chicanes. (The latter are not mentioned as far as we can see in the planning.) If the bridge is built KClimate Concern would urge that it is designed with a commitment to a regular bus service to the Hardwick Retail Park.
- We also object to the link road on the grounds that it will involve the felling of a very considerable number of mature trees including a good number of mature oaks. This is a very high cost to pay since these trees support extensive ecosystems. Neither replanting 3 whips on site for each mature tree or the rather vaguely proposed off-site planting can compensate for many years.
- Whereas we support the Western area of building (Phase 1 and 2), we object to the (slightly smaller) Eastern of housing both on the grounds that it would necessitates creating the road and felling a good number of trees in the Swaffham Belt and on the grounds of loss of the scrub land where these houses will be built.
- It is becoming very clear that scrubland is a particularly valuable habitat, often richer in species than woodland. It works as a natural nursery for trees much more effectively than typical tree planting projects. This is important as the Borough Council is showing a commendable enthusiasm for tree-planting. This building area also apparently contains a reed bed and is used by water voles, an endangered species particularly difficult to relocate.
- Overall we are aware that there has been considerable effort to plan for relocating wildlife and to save trees but we are still convinced that the loss is too great.
- A reed bed of international importance will be destroyed. Reed beds are an important source of biodiversity and are under threat everywhere. The proposed removal and replanting of the rhizomes to a new site is unlikely to be successful. Replanting the rhizomes will not save the complex ecosystem that the existing reed bed represents. Even if successful it will take a long time for this to recover in the new habitat. This is a needless degradation of a local asset of a type which is under extreme pressure generally, and which is the subject of active attempts by major conservation bodies to protect.
- The loss of a substantial of scrubland, itself an endangered habitat, will remove important feeding and nesting areas for birds and small mammals.
- The proposed development will have a significant adverse impact on existing residents in areas adjacent to the area due to increased traffic, deterioration of air quality, noise, loss of amenity and the adverse health effects arising from these. There is undue emphasis on car use, and insufficient attention to cycling and walking, and much of the proposed green space in the proposal will be sterile grassy spaces with little opportunity to support wildlife and enhance biodiversity. The environment that will be created will be artificial and subject to existential threats from pollution and increased frequency of flooding with the adverse consequences for people and the environment that will result.
- 58 mature trees will be cut down, releasing carbon and significantly diminishing an important local habitat for many species of birds and insects.
- The damage to the habitat of 31 species of birds on the red list of endangered species, including the house sparrow, starling, song and mistle thrush, and 47 on the amber list of endangered species, including willow warbler and reed bunting would be a major blow to the natural environment locally and contribute to the decline of these species nationally. The site is also important for local and migratory species overwintering there.
- The site is home to water voles (which have declined by 98% nationally in recent years), grass snakes and lizards. The suggestion that the snakes and lizards will be "translocated" through a capture and release programme, and the voles "displaced" as a

consequence of habitat destruction forcing them to move elsewhere is totally impractical. Even if some are caught and taken elsewhere many will not be and so will become locally extinct.

- The area is also an internationally important bat site. All bat species, their breeding sites and resting places are fully protected by law.
- The mitigation measures proposed are completely inadequate and will in no way compensate for the loss of habitat and the reduction in local biodiversity that will result if the proposed development goes ahead. Cutting down mature trees and replacing them with saplings elsewhere inevitably creates a lag of many years before anything approaching the ecological complexity of the existing site can be reached - even with active management by relevant experts. Clearing scrub and building over the land diminishes efforts to combat climate change and will increase flood risks due to the loss of porosity of the soil and the greater area of hard surfaces. The green spaces in the proposed development will not support the wide range of flora and fauna that currently occupy the site at a time when there is an urgent need to respect and protect the natural environment.

OBJECTION on behalf of West Norfolk Green Party:

There is some merit to this scheme. It is close to schools, shops, the town centre etc and it would appear that the design for the houses is compliant with current environmental standards. There is much more that could be done as an integral part of the development though and our concerns are detailed below. In particular we are concerned that this development, as presented, does not comply with the current Borough Council Local Development Framework Core Strategy (2011).

Building Standards:

We would like to see more detail on how solar power can be incorporated as well as the possibilities of air and ground source heating. These technologies are cheaper and more energy efficient when incorporated as part of the initial building design, rather than as 'add-ons' later. We also note that while 50% of the housing is proposed to be 'affordable' there is no clarity as to what the definition of 'affordable' is!

Amenity and ecology:

As it stands this scheme does not comply with the Borough Council's Local Development Framework. Specifically, Core Strategy CS08 states; 'enhance community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles', and 'provision of green space to safeguard wildlife, provide recreation opportunities and improve the quality of life for people living in the area'. CS12 states 'Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.'

If it goes ahead as proposed, there will be a significant loss of publicly-accessible open space, which is well-used by the local community, as well as the destruction of many mature trees - an important habitat for birds, bats and insects as well as an essential carbon sink. Large trees are also important in absorbing airborne pollution which is a major health risk in the Gaywood area. Whilst we understand that an equivalent number of trees will be planted elsewhere, this will in no way compensate for the loss. It is essential that ALL the mature trees on and around the site are retained and fully protected.

Transport:

The scheme is not compliant with the Local Plan or current government policy. It is also inconsistent with regard to the Travel Plan included as part of the application. Core Strategy 11 states; 'Development proposals should demonstrate that they have been designed to: Reduce the need to travel. Promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development. In order of preference this should consider:

- Walking
- Cycling
- Public transport
- Private car

(development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment and travel plan to show how car based travel can be minimised) Provide for safe and convenient access for all modes. The Council will seek appropriate contributions to necessary transport improvements'.

It appears that the plans provide for an excessive amount of car parking. It would appear that these plans envisage providing for TWO cars per individual home! This is anachronistic and unsustainable in an era where we need to reduce motor traffic in King's Lynn by between 50 and 80% to meet internationally binding CO2 reduction targets. We note that in similar towns in the Netherlands new estates have ONE car parking space provided per THREE homes and this is usually a communal parking area separate from the homes. This encourages the majority of journeys to be made on foot, cycle or public transport (provision for which is usually part of the planning agreement).

The provision of a new road link into the Hardwick industrial and retail area, less than 200 metres from the housing is unnecessary and will have a major negative impact on the environment and public health. This will simply encourage people to drive short distances rather than walk or cycle. We support the provision of a second bridge linking the eastern part of the development and King's Reach with the Hardwick but believe that this should be solely an active travel link. If this is provided for general traffic it will encourage people to make short journeys by car, rather than walking or cycling. There is also a serious risk that heavy traffic will divert through residential areas, particularly at times when the A149 Lynn Bypass is congested. The proposed road link alongside Plantation Wood linking the two halves of the development will divert traffic past King's Lynn Academy, and introduce yet more heavy traffic into the already congested and polluted Gaywood Clock area. Plans for this road link should be withdrawn in favour of upgrading the existing foot/cycle link.

To be clear, we are not suggesting that the development shouldn't be accessible by car, just that car travel should be given a much lower priority than more modern and efficient modes of travel (in accordance with both the Local Plan and government policy). We strongly OPPOSE the provision of a road link between the two sections of this development and across the sand line.

The development is adjacent to a major cycleway linking the Hospital, Fairstead and the Town Centre, and there is already a foot and cycle bridge linking the Gaywood and the Fairstead with the Hardwick (although it urgently needs widening and the dangerous barriers removed). Safety and useability of the cycleway will be severely compromised by the uncontrolled crossing of the new road. An intrinsic part of these plans should be the replacement of the foot and cycle bridge across the rail line at Tennyson Avenue that was removed when the railway was electrified in 1991 - creating a modern 'cycle superhighway' into town.

In the longer term this development also provides a golden opportunity for a radical upgrade to local public transport by providing a high-frequency light rail service on the adjacent railway. This could run from a park & ride station by the A149, via stations at the Fairstead and Gaywood/Hardwick directly into the main rail station. In the longer term the line could be extended towards Swaffham and Dereham.

In short, while these plans have the potential to provide much-needed housing in a favourable location, environmental and (particularly) transport provisions are anachronistic, environmentally damaging and show a severe lack of imagination. We urge you to REJECT this application as submitted, and require the Developer to go back to the Drawing Board and give serious consideration to the concerns we raise.

4 letters of **SUPPORT** have been received. The comments made can be summarised as follows:

- Excellent plan, especially the link road to Hardwick estate which will massively improve traffic issues in King's Lynn.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development BoundariesDM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

DM21 - Sites in Areas of Flood Risk

DM22 - Protection of Local Open Space

Policy E1.6 - King's Lynn South of Parkway

Policy E1.12 - King's Lynn Employment Land

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Form and character;
- Flood risk and drainage;
- Highway impact;
- Impact on trees;
- Ecology – protected sites;
- Ecology – protected species;
- Open space and landscaping;
- Affordable housing;
- Noise;
- Residential amenity;
- S106 requirements;
- Other considerations; and
- Crime and disorder.

Principle of Development

The majority of the application site lies within the development boundary of King's Lynn and covers an area of approximately 19.5 hectares. The site is located to the south of the Gaywood and Fairstead estates and comprises land set either side (east and west) of the Howard Junior School and King's Oak Academy in Gaywood, as well as land to the north and south of the sand line railway.

The western part of the site is allocated for residential development of some 260 dwellings under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (SADMP) (2016). This policy sets out the following requirements:

1. Retention of the Cross Belt avenue of trees and southern boundary tree belt;
2. Submission of a site specific Flood Risk Assessment;
3. Submission of an Arboricultural Assessment;
4. Submission of an Archaeological Assessment;
5. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;

6. Informal recreation provision on, or in the vicinity of, the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to the exercising of dogs) on Roydon Common Special Area of Conservation. This provision may consist of some combination of: informal open space (new and/or existing); pedestrian and cycle routes (new and/or existing) which provide a variety of terrain, routes and links to greenspace and/or the wider footpath and cycle network; and a contribution to greenspace provision or management in the wider area within which the site is located;
7. In judging the amount of on-site open space appropriate under Policy DM16 (Provision of Recreational Open Space) regard will be given to the proximity of the development to existing safeguarded facilities (such as those at The Walks to the west of the site). The Borough Council will consider flexibility of open space provision requirements where this would result in qualitative and quantitative benefits to the community and where the following habitats requirements are met;
8. Provision of a project level habitats regulations assessment, with particular regard to the potential for indirect and cumulative effects through recreational disturbance to the Roydon Common Special Area of Conservation;
9. Submission of an Ecological Study that establishes that either: there would be no negative impact on flora and fauna; or, if any negative impacts are identified, establishes that these could be suitably mitigated;
10. Financial contributions towards the provision of infrastructure including additional primary and secondary school places; and
11. Provision of affordable housing in line with the current standards.

The eastern part of the site and the land in between, which is immediately south of the Howard Junior School and King's Oak Academy, do not comprise part of the allocation referred to above but still fall within the development boundary. However, the eastern residential site was previously allocated for residential use under the 1998 local plan as part of a larger site incorporating land further to the east under Policy 5/33 Lynn East South Fairstead. Under this policy an outline application was approved permitting residential development across the allocation. Subsequently, this outline site was divided into four phases with phase 1 comprising the easternmost land and phase 4 comprising the westernmost which included the eastern residential area proposed under this current application.

Phases 1 – 3 received reserved matters approval and have since been built out. Conditions attached to these reserved matters consent required the delivery of a new crossing point across the rail line and limited the number of dwellings which could be constructed before this crossing had to be provided. This crossing has still never been provided and therefore Phase 4 (including land within the current application site) has never been commenced.

The part of the application site that lies to the south of the sand line railway is outside the development boundary but is allocated for employment land under Policy E1.12 King's Lynn – Employment Land of the SADMP.

In light of the above policy and planning history background, the principle of residential and infrastructure development on the application site is generally considered to be acceptable provided the scheme complies with the requirements of Policy E1.6 of the SADMP, and all other relevant policies of the Development Plan and national planning policy and guidance are taken into account in the decision-making process.

Form and Character

The proposed site is located in Gaywood on the southern side of Parkway. Immediately to the northwest boundary of the site is the edge of King's Lynn Academy. To the east of the site is the Fairstead housing estate and beyond that the A149.

The existing housing immediately to the north of the application site was developed mainly in the 1930s and 1940s, the earlier development being to the west and subsequently infilling to the east as far as Gaywood Hall. With the exponential growth of King's Lynn from 1962, the remaining land in the area, such as the Oak Circle roundabout, was developed at a much higher density, including four-storey flat blocks.

The housing within Fairstead to the north and east of the eastern section of the application site dates mostly from the 1970s and is lower density with open green space.

A wide variety of materials has been used in the adjacent housing which comprises of buff and red brick, pebbledash, render and horizontal timber (later uPVC) boarding. Roofing materials vary from red clay pantiles along Parkway, to concrete pantiles and concrete plain tiles in a variety of colours. Roof pitches vary, as do fenestration styles which now appear to be mostly uPVC replacement units.

The site as a whole currently benefits from an abundance of trees which are well established and make a substantial positive contribution to the character of the site and the area generally. The proposals have therefore been designed to retain these significant features as far as possible in order to integrate the development with its surroundings.

Due to the significant amount of open space to be retained throughout the development this results in relatively low densities. The western part of the site would have a density of 24 dwellings per hectare (dph) whilst the eastern part of the site would be slightly lower at 21dph.

The site is naturally divided into a western and eastern section, which has assisted the architects in allocating character areas to different parts of the site. The generous Cross belt of trees and the green edges around the site have also provided a reason to respond differently in materials. The western and eastern parcels both consist of a spine road, which will hold a similar array of house types, but they will vary in materials, colour and form to create increased interest because of the prominence of this route. The edges along the green belts will introduce timber cladding while the mews consist of simple buff brickwork.

The residential part of the development, should permission be granted, would be constructed in 12 phases in accordance with the submitted Phasing Plan. Phases 1-6 would comprise development on the western side of the site (the allocation) and the remaining phases 7-12 cover the residential dwellings on the eastern side.

Overall it can be said that a simple, contemporary approach has been taken for the design of all the dwellings and flats that would provide consistency across the site but also allows for variety and interest through the use of different materials, variation in roofscapes and a wide selection of house types. The majority of dwellings across the site as a whole will be 2-storeys in height interspersed with some 2.5 storey semi-detached units and the 6 no. blocks of flat would all have 3-storeys. This would not be at odds with existing development within the surrounding areas of Gaywood and Fairstead.

The proposed development will retain the existing footpaths & cycleways through the site as they are well used and maintained. The pedestrian and cycle bridge that links over the railway will also be realigned and retained enabling it to function better with the proposed development.

All dwellings will have provision for 3 no. 240 litre wheelie bins to accommodate general waste, recycling and garden waste if required in accordance with the Council's recycling policy. Each house will have direct access to its rear garden via an external path and gate

with a dedicated hard landscaping area within each garden for the storage of bins to eliminate the bin from the street scene. The proposed flats will also have integrated storage areas for cycles and bins on the ground floor. All houses will have gardens to accommodate garden storage units or a shed for secure storage and although not all dwellings will have garages, 179 units will have a garage and these spaces are over provision on the required number of car parking spaces meaning people will have the choice whether to use them for parking or domestic storage purposes. Sheds for storage / cycle parking will also be provided for all dwellings that do not have a garage.

In terms of the proposed link road / road bridge, this would be a five span viaduct structure with an overall length of approximately 149.2m. The bridge would be flanked at either end by reinforced earth approach embankments and will be supported on reinforced concrete abutments at each end, with four intermediate reinforced concrete piers.

The bridge beams will be made using weathering steel which does not require painting as it has an oxidised surface that initially has an unfinished appearance that looks like rust, but over time this appearance changes as a patina is formed on the surface.

For reasons of aesthetics the beams will be haunched, having a deeper section at the piers and abutments than they have at mid span. This will give the beams a curved profile. A reinforced concrete deck and carriageway will be constructed onto the beams to form the bridge.

Although the proposed bridge will inevitably alter and have a visual impact on the existing landscape, given its close proximity to the A149 on its eastern side and the backdrop of Hardwick industrial estate to the west, it would be viewed in association with this existing infrastructure and it is therefore not considered that it would result in any significant visual harm.

Overall it is considered that the proposals are appropriate for the site and its surroundings and would not result in any significant harm to the established form and character of the area.

Flood Risk and Drainage

The application site predominately lies within defended Flood Zone 3 benefiting from Environment Agency maintained flood defences from the Tidal Great Ouse and the wash sea defences. As with almost all of the King's Lynn urban area, the modelling shows that most of the development is at risk of flooding if the existing tidal and sea flood defences breach.

The Environment Agency has undertaken breach modelling for a reach of the flood defences during a 1 in 200 year event with climate change allowance which determines the flood depths, velocity and level of risk. In the event of a breach, the flood depths within the parts of site proposed for residential development vary between 0 and 2m, the depths are higher in the part of the site proposed for the access road over the railway and Environment Agency mapping also indicates this part of the site may not benefit from flood defences.

The proposed development is estimated to be at low to very low surface water flood risk during a 1 in 100 year surface water flood event including allowance of climate change, with some very localised areas of medium and high risk within the drains or locally low areas. An open ditch, known as the Swaffham Belt Drain, runs along the southern boundary of the Western Site, to the north of the rail line. The Eastern Site is bounded to the north, west and south by open drains and to the east by an attenuation pond managed by Anglian Water.

The flood risk to the site and its residents will be addressed in accordance with local planning policies and guidance. Particular measures will include locating houses away from the areas at highest risk of flooding (such as adjacent to watercourses), providing minimum finished floor levels for properties that accounts for flood risk and ensuring appropriate use of the ground floors of properties. To ensure the development does not worsen flood risk elsewhere, any additional water flows generated by the development will be attenuated on site using sustainable drainage systems. Given the site is currently undeveloped greenfield runoff rates apply when calculating current discharge from the site.

Flood Risk: The submitted Flood Risk Assessment (FRA) considers flood risk implications associated with both the residential development and the proposed new bridge.

The FRA (and accompanying Finished Floor Levels drawings) demonstrate that all properties will have Finished Floor Levels (FFLs) set at a sufficient height so as to remain above modelled flood levels during a 1 in 1,000 year surface water flood event. Some properties have FFLs set above the modelled levels for a 1 in 1,000 year Tidal/Sea defence breach, however existing site levels mean that the majority of houses on both the eastern and western residential sites will have FFLs just below the modelled depths for this scenario. Although the Environment Agency have raised no objection to the proposed development subject to it being carried out in accordance with the submitted FRA, they did query this approach in their consultation comments.

In response to the EA's comment regarding FFLs the Council's flood risk engineer has advised that consideration was given to raising the floor levels above the breach levels however this wasn't a feasible solution for the following reasons: the large volume of material to be imported with associated cost; traffic impacts of importing this material; impact on retained trees by further loading of their roots; and difficulties in tying levels to adjacent land. Overall it would not be practicable as among other things, the site would have to be raised to such a level that it would not tie into the surrounding connecting estates and footpaths and is therefore not a viable option.

In the proposed properties that would have FFLs just below the modelled depths for a 1 in 1,000 year Tidal/Sea defence breach, flood resistance measures (to resist internal water entry) are proposed. These measures include:

- Flood doors for all external doors;
- Self-closing airbricks; and
- All drainage pipes through the property raised above the minimum FFL or provided with non-return valves.

It is therefore considered overall that the depth of flooding during a tidal breach (up to 350mm) is such that resilience measures would be effective and therefore the use of resilience is compliant with local plan policy.

Furthermore, none of the proposed dwellings will include sleeping accommodation at ground floor level, and the FRA concludes that the development will provide safe access and egress during extreme flood events. The fact that greenfield surface water run off rates will be maintained after the development is completed also means that proposal will not increase flood risk off site.

In addition to the above the FRA includes consideration of the sequential and exceptions tests as required by national planning policy, noting that neither test is applicable to the western half of the development as it is a site allocated for residential development within the development plan. The eastern half of the site is not allocated and as such, the proposed development in this part of the site must satisfy both the sequential and exceptions tests.

In concluding the site satisfies the sequential and exception tests, the submitted FRA highlights:

- Being located between the proposed new bridge and the western allocated housing site, the eastern residential site forms an integral part of the application site – on this basis there is no sequentially preferable site which can deliver the development proposed.
- In terms of vulnerability to flooding, the characteristics of the eastern residential site are largely the same as those of the western residential site. Thus, the fact that the western site has passed a sequential test (as part of the site allocation process) indicates there should be no technical objection to the neighbouring, eastern site passing the same test, as there is no significant difference in flood risk terms.
- The development would deliver substantial sustainability benefits to the wider community and a contribution to the regeneration objectives of Kings Lynn, both through provision of much needed new market and affordable housing, and by delivering a significant piece of new infrastructure (the bridge) which will benefit both existing and proposed future residents of the area.

Officers concur with the conclusions above and are furthermore satisfied that there are no sequentially preferable sites in terms of flood risk within the King's Lynn area that could accommodate the scale of development proposed. Furthermore, in flood risk terms the development is considered to accord with Policies CS01 and CS08 of the Core Strategy (2011) which specifically acknowledge that some development may be required in flood risk areas to meet regeneration objectives and maintain the sustainability of local communities. In this case the contribution the proposal would make to the regeneration objectives of Kings Lynn is a significant benefit weighing in its favour.

Having regards to the above, it is therefore considered that the development has been demonstrated to pass the sequential and exception tests based on the uses and mitigation measures provided in line with the NPPF and the Council's own Flood Risk Design Guidance. The proposed development would be safe and would not increase the risk of flooding off site. Accordingly, the development satisfies criterion 2 of policy E1.6 and policy DM21 of the SADMP (2016), the requirements of Core Strategy policy CS08 and the provisions of the NPPF, namely paras 149 – 163.

Drainage: The application is accompanied by a detailed drainage strategy, setting out the principles for management of both foul and surface water.

The proposed surface water drainage strategy has been developed in line with the SuDS hierarchal approach outlined in the Flood Risk and Coastal Change Section of the Planning Practice Guidance. This requires that surface water runoff should be discharged as high up the hierarchy of drainage options as reasonably practicable.

In this instance, due to site ground conditions, discharge by infiltration is not considered practicable and, following the hierarchy, the most appropriate solution at the site is to discharge to a surface water body. Accordingly, the application proposes that the western part of the residential site will drain to the existing network of ditches. On site attenuation, by means of a combination of oversized pipes and below-ground attenuation tanks, will ensure discharge to the ditch network will be at greenfield rates so there will be no increase in surface water flows into the network as a result of the development.

Due to the topography of the site, surface water collected from the western half of the residential development will need to be pumped to the discharge point into the existing ditch network: this pump will be configured to restrict flows to the greenfield running off rate.

The eastern half of the residential development will be serviced in a similar way, using oversized pipes and underground attenuation tanks to collect and attenuate surface water flows, before discharging into the existing Anglian Water drainage reservoir.

A bespoke surface water drainage system has been designed for the section of spine road which passes through the eastern end of the Swaffham Belt; this system minimises impacts on retained trees and maintains greenfield runoff rates.

In accordance with best practice, it is anticipated that the SUDS infrastructure will be offered to Anglian Water for adoption, ensuring its long-term maintenance but precise details are to be secured by condition.

The proposed bridge and associated new roadways will be served by their own, independent, surface water drainage system. As with the residential parts of the site, this system follows the approach set out in the Planning Practice Guidance and, mindful of the ground conditions ill-suited to infiltration, uses on site attenuation to hold water on site before releasing it into existing water features at the existing greenfield run off rate. In the case of the bridge and new road to the south of the rail line, flows will be directed to a surface water attenuation basin (via a bypass separator to filter the water coming off the hard surface). This basin will then discharge to the existing drain network. A similar, though significantly smaller, system will collect, attenuate and discharge surface water from the road to the north of the new bridge.

Foul water from the site will be pumped to the mains sewer, with the necessary infrastructure to be approved, and subsequently adopted by, Anglian Water. Due to the need to avoid utilities running through the section of spine road which passes through the Swaffham Belt (arising from the need to maintain this area as a 'no dig' zone), the eastern and western parts of the site access the existing foul sewer network at different points.

In terms of the foul water drainage strategy, Anglian Water have confirmed the local infrastructure has sufficient capacity to accept the predicted flows from the site.

King's Lynn Drainage Board has also raised no objection to the proposed development and the Lead Local Flood Authority (LLFA) have raised no objection subject to the imposition of condition.

As required by criterion 5 of policy E1.6, the application is accompanied by a detailed foul and surface water drainage assessment which establishes that surface water will be dealt with the most appropriate and sustainable strategy for the conditions at the site. Accordingly the development is considered to satisfy criterion 5 of policy E1.6 of the SADMP and para 165 of the NPPF.

Highway Impact

The proposed new bridge and associated roads will provide a link that connects the proposed housing development in the north west of the site to the south at Rollesby Road. The bridge will enable the crossing of the railway sand line that links King's Lynn Junction to the Middleton Towers Quarry and will provide a route from the Hardwick industrial estate into the application site. A link for use by pedestrians, cyclists and emergency vehicles only will be provided at the north east corner of the site for wider access to the Gaywood and Fairstead areas. Improvements to the existing footbridge over the sand line will also be provided.

The proposed bridge would be a five span viaduct structure with an overall length of approximately 149.2m. The bridge would be flanked at either end by reinforced earth approach embankments which would measure 44.7m long at the southern end of the viaduct

and 52.75m long at the northern end. The bridge will be supported on reinforced concrete abutments at each end, with four intermediate reinforced concrete piers.

The deck of the proposed structure will be approximately 12.24m wide, and will include a 2m wide footway on the western side, a 3m shared pedestrian/cycle route on the eastern side, and an intervening carriage width of 6.0m enabling two way vehicle movements over the bridge.

For reasons of aesthetics the beams will be haunched, having a deeper section at the piers and abutments than they have at mid span. This will give the beams a curved profile. A reinforced concrete deck and carriageway will be constructed onto the beams to form the bridge.

The bridge has been designed to ensure that there is a minimum 5.1m of vertical clearance between the top of rail level of the railway line to the underside of the bottom flange of the bridge beam in order to accord with Network Rail standards.

The approaches to the bridge will be in the form of reinforced earth embankments construction, these will comprise of ground improvement supporting a load transfer platform, which is below ground level, onto which the reinforced earth embankments will be constructed. These comprise of a central core of reinforced earth enclosed by reinforced concrete facing panels.

All piers and abutments will require a bored pile foundation, with the load transfer platforms to support the approach embankments also requiring ground improvement, which is likely to be in the form of a series of rigid inclusions installed into the ground beneath the platforms.

On the southern side of the railway line, the new bridge will connect into a new road which would, in turn, connect to Rollesby Road on the Hardwick industrial estate. In joining up with Rollesby Road this new road would cross two existing ditches therefore culvert design has been submitted as part of the application to ensure an appropriate crossing.

A Transport Assessment (TA) was submitted in support of the application that considers the potential impacts of both the new housing and the proposed new bridge on the existing highway network. The TA concludes that the residual impact on highway network performance would not be significant.

As part of the TA existing walking and cycling routes to and from the site were also reviewed. In order to ensure the safe movement of residents to / from and through the site, wide footways are proposed along likely desire lines within the site that connect to the wider footway network. These include footways that accommodate bus stop provisions within the site, a shared use (footway / cycleway) along the spine road / link road and a vehicle and pedestrian crossing over the sand line railway.

Overall the site is well connected to the wider footway and cycleway network and to local public transport provisions. The spine road / link road will include pedestrian and cyclist provisions which will ensure that routes between the site and local services and public transport services will be easily accessible via the wider footway and cycleway network.

A Travel Plan has also been submitted in support of the application with the aim of further enhancing access to the site by sustainable modes of travel via objectives and measures. It sets out a strategy to:

- Engage with residents to raise awareness of sustainable travel choices and encourage more sustainable travel behaviour.

- Reduce the proportion of single occupancy car trips to and from the development, thereby reducing congestion not only in the vicinity of the development but also near key employment areas within the region; and
- Increase the proportion of walking, cycling and public transport trips.

The Travel Plan seeks to deliver a 15% reduction in single-occupancy car use, when measured against baseline residential Travel Surveys. To achieve this the Travel Plan proposes a number of measures including:

- Appointment of a Travel Plan Coordinator;
- Publication of a Sustainable Travel Information Pack for each new dwelling; and
- A range of offers and incentives for new residents to use sustainable transport and establish sustainable transport habitats from day 1 of living in the development.

Furthermore, the Travel Plan includes a system of performance monitoring to assess the effectiveness of these measures, including annual monitoring throughout the development process.

The total car parking provision of 964 no. spaces is considered appropriate for the 379 units proposed and complies with adopted car parking standards. 179 plots will be provided with garages which will incorporate electric charging points. Cycle parking is also to be provided within the curtilage of each dwelling through the provision of storage sheds in rear gardens (and to the south-west of the site for flats).

Visibility splay and swept path analysis drawings show that the proposed development can achieve the design requirements to ensure safe access and egress for vehicles using the site. Junction operational assessments have been carried out at junctions within the identified study area. The assessments show that generally, the site will not materially worsen performance at the study junctions, with some identified as improving their capacity as a result of the development. In conclusion, the scheme is in accordance with relevant local and national transport planning policies with regards to ease of access to sustainable travel modes and improving the local highway network's capacity at identified arms of junctions within the study area. The proposed development minimises conflicts between traffic and pedestrians and provides easy access to public transport services. The residual impact on highway network performance has been demonstrated to not be significant and minimal.

In order to strike a balance between providing a safe and useable route through the site (from Parkway in the north to the Hardwick Industrial Estate in the south) and mitigating the potential of high volumes of through traffic (i.e. 'rat running' through the housing site), the design considerations specifically discourage high frequency use of the new spine road for through traffic, and encourage slow vehicle speeds to create an environment which is welcoming to cyclists and pedestrians. These design considerations include:

- Slow speed of 20mph on the spine road and all development roads;
- Localised weaving of the alignment of the spine road;
- Residential streetscape;
- Proximity to local community facilities and amenities like play areas and schools;
- Pedestrian desire lines;
- Restriction of HGV through-routing;
- Localised widening at bends and junctions to facilitate bus movements; and
- Ecology within the tree belt through the western side of the site and adjacent to the sand line railway.

The new residential development and accompanying road network would have no significant impact on the safe and proper functioning of the existing highway network, whilst the new bridge would increase resilience within the network and deliver significant benefits to existing and future residents.

In order to address concerns raised by Norfolk County Highways during the application process changes have been made to the original proposals in terms of the development layout; traffic distribution resulting from changes to the development connection at Parkway and Swallowfield Road; mitigation options at the Gaywood Road/Gayton Road/Lynn Road traffic signal junction (Gaywood Clock); and road safety audit at the proposed bridge and connections to the existing highway network.

A technical report has been provided which examines how traffic distribution might be altered by some potential changes to estate road access at the proposed spine road and also by not providing the proposed link to Swallowfield Road. The proposed layout has now been modified to include a vehicular link to Swallowfield Road but for emergency use only.

Norfolk County Highways recognise that provision of a link south from Parkway to Rollesby Road at the Hardwick industrial estate will improve resilience of the area by providing an alternative access to Queen Mary Road. However, in order to allay potential broader issues NCC Highways requests conditions are imposed that monitor usage at the bridge and if required, implementation of control measures. Such measures could, for example, comprise peak hour bus gates with automatic enforcement.

The traffic signal scheme proposal at Gaywood Clock seeks to reduce blocking of vehicles travelling ahead to Lynn Road by those waiting to turn right to Wootton Road. This might be achieved by widening the road into the northern footway. Improved capacity at Gaywood Road would be welcomed and detailed drawings will be required to enable delivery of the works which will need to demonstrate that the shared use facility can be safely retained. These works are all secured by suitable conditions.

Within the comments from Norfolk County Highways it has been specified that all footways and cycleways at the development must be provided in accordance with the inclusive mobility guidance. Indicative drawings of proposed modifications to the approach ramp at the existing pedestrian/cycle bridge over the rail line have been provided. However, NCC Highways have advised the modifications must comply with current guidance and the drawings will require further attention to achieve an acceptable layout but this can be addressed through the technical approval process direct with them.

The proposals are also required to secure time-limited school 20mph zones for King's Lynn Academy and & King's Oak Academy at Parkway and Queen Mary Road respectively. This is to be secured via conditions requiring promotion of a Traffic Regulation Order (TRO).

In addition to the above, Norfolk County Highways requires that the development implements a strong travel plan to promote sustainable travel and minimise vehicular impact upon the local highway network. This is also to be secured by condition.

Overall, in light of the above and the agreed mitigation package, Norfolk County Highways are satisfied that the impact of the proposed development would not be severe and therefore have raised no objection to the proposed development subject to conditions.

Impact on Trees

The application is supported by a detailed Arboricultural Report and accompanying tree constraints and protection plans.

The application site currently benefits from an abundance of trees which are well established and make a substantial positive contribution to the character, amenity and ecological value of the site itself but also the wider area.

The linear features of the Swaffham Plantation (running east/west across the site), the Cross Belt (running north/south through the site) and the mature broadleaf woodland of the Rookery and Gaywood Plantation (CWS) (to the immediate north of the site) are all significant in landscape, arboricultural and ecological terms. In addition, outside of these established groups, there are also individual trees of significance some of which are estimated to be approximately 150 years old. There are also smaller groups of younger trees too which, whilst not of particular arboricultural value, play an important role in establishing the character of the area.

The development proposals have been designed to retain these significant features as far as possible whilst still enabling the provision of new homes and new infrastructure and also providing pedestrian, cycle and vehicle connectivity across the site.

However, it is inevitable that due to the extent of development proposed, some loss of trees is required which can be summarised as follows:

- Loss of 2 individual Category 'A' (High Quality) trees (both within the Swaffham Belt group), from the 72 Category 'A' trees identified;
- Partial removal of 3 Category 'A' (High Quality) tree groups, of the 5 identified;
- Loss of 25 individual Category 'B' (Moderate Quality) trees;
- Partial removal of 4 Category 'B' (Moderate Quality) tree groups; and
- Loss of 31 Category 'C' (Low Quality) trees, 6 tree groups, 1 hedgerow and the partial removal of 4 tree groups.

Although it would without doubt be preferable to prevent the loss of any trees, the majority of those that would need to be lost to the development are lower quality trees in the self-seeded, unmanaged eastern side of the site. Within this part of the development, high quality individual trees will be retained, as will key belts at the northern and eastern boundaries of the eastern site.

Where Category 'A' trees are proposed to be lost their removal is critical to the delivery of the scheme. The 2 no. category 'A' trees that need to be removed have to be done so to enable the connection via the link / spine road between the eastern and western parts of the site. Whilst this is certainly regrettable, these two trees are viewed in the context of the mature belt of trees within which they are located and, as such, in landscape and amenity terms, the impact of their removal is not as significant as it would be if these trees were viewed in isolation.

Overall the new road has been sited so it minimises tree removal along its route and retained trees either side at this point will be protected throughout the construction process. It will also be built using a 'no-dig' type road foundation (to be conditioned), which should ensure the remaining rooting areas will be safeguarded. The routes through the existing tree belt, to service the proposed buildings have also been chosen to minimise the tree loss/impact. As a result, having worked closely with the design team, the Council's arboricultural officer is satisfied that the development can proceed with the minimal of interference to the trees that remain and has therefore raised no objection to the proposed development.

To mitigate the necessary loss of trees, the development includes significant areas of new tree planting with good quality, native species tree stock. This new planting will comprise

roadside planting throughout the site and planting to strengthen existing tree belts, particularly along the southern boundary. Additionally, a financial contribution of £150,000 is to be secured by S106 legal agreement for compensatory off-site habitat creation / tree planting.

Having regards to the above, it is considered that the proposal accords with criteria 1 and 3 of policy E1.6 in addition to the provisions of Core Strategy policy CS12.

Ecology – Protected Sites

No statutory designated sites for nature conservation can be found within or directly adjacent to the application site. The closest statutory designation is a Site of Special Scientific Interest (SSSI), The River Nar SSSI, which is located 1.8km south east. The Wash and North Norfolk Coast (Special Area of Conservation (SAC), Special Protection Area (SPA) and SSSI) Roydon common SSSI, Grimston pit SSSI and Bawsey SSSI are all more than 3.5km from the application site.

Two County Wildlife Sites (CWS) are located adjacent to the application site, Gaywood Plantation woodland immediately to the north and a section of woodland that falls between the two railway lines, south of King's Lynn Academy.

In accordance with the requirements of policy E1.6 of the SADMP (2016), the application is accompanied by a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment Report prepared by Mott Macdonald (11th May 2020). This document considers the potential for the development to have an adverse impact on nearby European (or Natura 2000) protected sites, most notably on The Wash SPA/Ramsar Site, The Wash and North Norfolk Coast SAC and the Roydon Common and Dersingham Bog SAC and Ramsar Sites.

Within this report the HRA screening concluded that, when considered alone, the proposed development would not have any Likely Significant Effects on any protected site. However, when considered in combination with all other development permitted and planned in the Borough, the HRA concluded that Likely Significant Effects could not be ruled out due to increased visitor and recreational pressure. As a result, appropriate assessment (AA) is required.

Natural England were consulted on the proposed development and consider that the proposals will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Although it is the responsibility of the local planning authority (LPA), as competent authority, to produce the HRA and be accountable for its conclusions, Natural England have confirmed they have provided their advice on the assumption that the LPA intends to adopt the HRA prepared by Mott Macdonald (11th May 2020) in order to fulfil our duty as competent authority. They have advised overall they are satisfied with the conclusions of this HRA and recommend that the measures prescribed in section 7 (Appropriate Assessment) are implemented to mitigate recreational impacts to designated sites in combination.

These measures include:

- High quality multi-functional onsite green infrastructure;
- Footpaths and cycle routes that connect to existing paths providing further recreational access;
- Enhanced management of nearby designated sites, including visitor management and information provision as in accordance with Policy DM19;
- Natural England recommends that large developments include green space that is proportionate to its scale to minimise any predicted increase in recreational pressure to

designated sites, by containing the majority of recreation within and around the developed area;

- Circular dog walking routes of 2.9 km within the site and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/information leaflets to householders to promote these areas for recreation; Dog waste bins; and
- Contribution to the long term maintenance and management of these provisions.

In addition to the above, the application includes the payment of the £50 per dwelling Habitat Regulations Levy (total of £19,000), which will be used at a Borough-wide level to contribute to provision of off-site mitigation measures.

Overall officers concur with the conclusions of the HRA carried out by Mott Macdonald but in accordance with our responsibility as competent authority the LPA has undertaken a separate appropriate assessment (AA) which can be found at Appendix 1 to this report. This found that, having reviewed the contents of the submitted HRA report, officers consider that it has been adequately demonstrated that the impacts upon the protected sites referred to above can be mitigated against to a sufficient degree for it to be determined that the proposal would not adversely affect the integrity of the sites. It is therefore considered that the proposed mitigation measures as part of the development proposals and throughout the Borough to address similar concerns raised in the AA of the Local Plan, serve to eliminate or at least reduce, adverse effects such that, for all three European Sites, they are not likely to be significant.

Although Norfolk Wildlife Trust (NWT) have suggested in their comments that the eastern part of the site could become a county wildlife site (CWS), it is not currently designated as such. There is a process to go through for the designation of such sites which is voluntary and NWT recognise themselves in their response that this would need to be with the permission of the site owner and for any decision to be approved by the County Wildlife Site Partnership. Overall, officers are satisfied that the value of habitats across the site have been suitably assessed within the submitted survey reports and that the mitigation proposed, including the financial contribution towards off-site habitat creation to be secured by S106 agreement sufficiently addresses the concerns raised and any negative impacts of the proposed development.

Ecology – Protected Species

The application is accompanied by a Preliminary Ecological Appraisal (PEA) which considers ecological habitats currently found at the site. The PEA identified the need for further surveys to assess for the potential use of the site by great-crested newts (GCN), reptiles, bats, breeding birds, otter and water vole. A search for otter signs was carried out but none were found on site therefore the application is supported by species specific reports in respect of bats, breeding birds, great crested newts, reptiles and water voles.

Bats: The application is supported by protected species report detailing bat survey work undertaken at the site. In addition to the preliminary appraisal, trees were subject to a visual appraisal for suitability to provide habitat, nearby buildings were inspected for suitability, hibernation surveys and emergence and re-entry surveys were carried out, and a bat activity transect exercise was undertaken within and in the locality of the site.

The surveys conclude that the Cross Belt tree line includes two trees which are used as summer roosts and confirm that no trees on site appeared to be used as a hibernation roost. In response to these findings, the development proposals for the site have been designed such that the two identified tree roosts in the northern section of the Cross Belt will not be

subject to direct impacts, and development will be limited in the area of highest recorded bat activity which is at the intersection of the Cross and Swaffham tree belts.

The proposed development will result in the loss of some foraging habitat for bats, however the layout of the scheme has been designed to minimise this loss as far as possible. Habitat creation would be undertaken as mitigation as part of the landscaping, alongside habitat improvement where possible. Areas that are to be improved within or adjacent to the application site should include seeding of an appropriate grassland/wildflower seed mix. Native trees and shrubs will also be incorporated where applicable.

There will inevitably be increase in disturbance from the housing development due to increased human presence, reduced wildflower/tall ruderal habitat and increased light pollution which would degrade the quality of the bat habitat and roosts. However, the provision of additional bat roost boxes would give more roost site options and these will be secured by condition, would be distributed around the application site, and would be of a variety of types, to account for the roosting preferences of those species known to be present.

Bat bricks are also proposed to be utilised on houses that are directly adjacent to the Swaffham or Cross Belts. These would provide further roosting features, adjacent to the foraging/commuting habitat.

Street lighting is proposed within the development and within the last decade trends have moved towards LED and white highly efficient lighting, over the traditional high-pressure sodium bulbs (HPS). The protected species survey report submitted as part of the application advises that as part of the proposals there is potential to mitigate some of the negative effects that high intensity discharge (HID) lights (such as HPS light) have, by implementing LED technology. Bat activity in *Pipistrellus*, *Nyctalus* and *Eptesicus* spp. was shown to be unaffected by the presence of LED lighting (ibid). Although this type of lighting still has negative effects on other bat species and in general having an area unlit is still favourable for the overall quality of the habitat, the street lighting for the proposed development has been designed using Urbis Ampera street lighting columns, utilizing highly efficient LED lights, in order to mitigate the negative effects of HPS. Furthermore, where possible the lighting will be directed away from any wooded areas.

In light of the above, whilst the development proposal will impact on bat foraging habitat, this impact will be minimised by: retaining the key features of green infrastructure; providing new areas of foraging habitat on and immediately adjacent to the site; and through provision of appropriate enhancements to create new opportunities for roost sites throughout the development.

Breeding Birds: The submitted breeding bird survey concludes that the application site is home to a locally important community of breeding birds. It acknowledges that the proposed housing development, bridge and accompanying roads will likely lead to a local loss and displacement of all species within the red line boundary.

The survey suggests that most effects will be felt during the construction phase(s), resulting in habitat loss leading to displacement, fragmentation and severance. These effects could continue to be felt in the future, however efforts will be made to mitigate any impact through the provision of new tree planting, specification of a suitable soft landscaping scheme and through provision of appropriate mitigation measures within the new buildings such as bat and bird boxes etc which can be secured by condition.

Great Crested Newts (GCN): A survey of the only suitable habitat at the site – a body of standing water on the eastern boundary of the site - has confirmed the habitat is not used by

GCN. Accordingly, the development is considered to have no adverse impacts on this protected species.

Reptiles: The application site, and in particular, the eastern section where dwellings are proposed, offers good habitat for reptiles, with the unmanaged, scrubby nature of the land affording good foraging habitat, brumation sites and breeding sites. Surveys carried out on the land confirmed the presence of common lizards and grass snakes.

Given the development proposals require the loss of the majority of this habitat and taking into account the proposed new use is largely incompatible with the conditions required for successful reptile habitat (predominantly due to the associated increase in activity from people and their pets) and that the immediate surrounding land uses (i.e agricultural fields, housing and industrial estate) are also incompatible with good reptile habitat, the most appropriate course of action in this case is considered to be trapping and translocation of the existing reptile population to a more suitable habitat. Norfolk Wildlife Trust concur with this approach.

Water Voles: Within the submitted Water Vole Report and Mitigation Strategy the areas where water voles are present have been divided into and referred to by sections (17 sections) which are in the eastern part of the application site.

Water vole habitat at sections 4, 5 and 6, along the northern, western and southern boundaries of the eastern part of the site, will not be impacted during construction of the proposed scheme but may experience longer term disturbance due to the change in land use to residential housing. Displacement of water voles is not required in these sections, but the habitat will be enhanced to ensure the habitat is resilient to the long-term impacts of the scheme; these ditches are currently in poor condition. As a result a 5m buffer strip is to be retained alongside the eastern, western and northern boundary ditches as shown on the proposed plans.

Water vole habitat will be lost at sections 11 and 12 at the southern end of the site where the new link road would connect into Rollesby Road, owing to the installation of two new culverts. Approximately 32.7m of habitat will be lost on each ditch. Water vole displacement will be undertaken in these locations. The culverts used in the design will maintain habitat connectivity for water voles post-construction. As a result of the scheme, water flow from section 12 will be diverted into section 11, causing section 12 to gradually dry out over time. This will be considered as approximately 200m of habitat loss and will therefore be included in the Natural England licence and accounted for through habitat creation.

Water vole habitat along sections 7 and 9 will be impacted by the construction of the new road bridge. Although the precise details of construction are not yet finalised, they will include placement of concrete piers, re-routing of buried services and the removal of overhead cables in close proximity (c5m) of the ditch, and there may be disturbance from vibration, noise and dust. Because of this, displacement will also be undertaken in sections 7 and 9. The habitat will be available after construction, maintaining connectivity throughout the ditch network.

To ensure water voles are protected throughout the scheme, a water vole mitigation licence will be obtained from Natural England. All activities which have the potential to affect water voles will be covered by this licence. Mitigation will be implemented to ensure favourable conservation status of water voles is maintained during construction and post-construction.

Wherever possible, impacts to water voles have been avoided, designs have been adjusted in order to reduce the length and number of ditches to be affected. Sections 4, 5 and 6 and the Anglian Water reservoir (sections 15 and 16) have been retained in the design of the

proposed scheme. All works will remain over 5m from the banks of these ditches and the reservoir.

Displacement is the process of undertaking habitat manipulation to encourage the movement of a limited number of water voles to a safe area outside the location of the scheme. Relocation of water voles by displacement will be undertaken under licence, and by suitably qualified personnel. It can only be undertaken between 15 February and the 15 April.

In order to increase the carrying capacity of habitats present on site, habitat enhancement will be undertaken prior to displacement. Habitat enhancement will be undertaken on specific ditches where habitat is less suitable for water vole, and in habitat adjacent to displaced sections of ditch. Sections 4, 5 and 6 will not be impacted by the construction of the proposed scheme but may experience longer term impacts from the new residential housing. Habitat enhancement will be undertaken along these sections to make the ditches more resilient to the impacts of the housing development. This will be undertaken through scrub management to reduce shading, digging out to improve water flow and the steepness of the banks, removal of litter and debris and possibly replanting to ensure the banks are well vegetated to reduce predation.

Sections 10 and 11 will be enhanced to ensure displaced water voles have sufficient suitable habitat to move into. Part of sections 7 and 9, west of the new road, will also be enhanced. These habitats will be enhanced through reducing shading and increasing the diversity of aquatic plant species in and alongside the ditches. This will provide greater and more diverse foraging opportunities for water vole; increasing the number of water voles that a section can support and ensuring the longer-term viability of the habitat for water vole.

Habitat creation is not required for displacement of water voles but will provide a long-term conservation gain and ensure that the habitat is resilient to the impacts of the proposed scheme. It will increase the area of available habitat for water voles. An area between Fred Ackland Drive and the Anglian Water reservoir has been identified for habitat creation. This area is seasonally wet and has aquatic plant species growing such as common reed and sedge species. A minimum length of 200m of ditch would be created, but if possible, it is recommended within the Water Vole Mitigation Strategy that this should be increased to 300m to provide conservation gain. The channel should connect to section 7 and extend as close as possible to the Anglian Water reservoir (sections 15 and 16), to allow water voles to access the reservoir over land. The channel should be 1-2m wide, with steep earth banks suitable for burrowing. The banks should be well vegetated, and this can be achieved by the use of pre-seeded coir pallets if required. Translocation of vegetation may also be possible from other areas of the proposed scheme, dependent on the timings of the work. The specific design of this habitat is yet to be agreed with the project team but will be included in the licence documents submitted to Natural England.

Conclusions: Overall it is clear that the application site provides habitat for a range of protected species and it is therefore inevitable the development proposed will have some impact on these habitats. However, wherever possible the key habitat features will be retained and have been incorporated into the design, for example the mature tree belts which provide bat habitat. In other cases where habitat loss is unavoidable, for instance on the eastern part of the site which is currently scrubland, the best approach is relocation of protected species to a suitably improved alternative site.

In light of the above, and taking into account the on- and off-site mitigation and enhancement measures proposed, it is considered that the proposed development it is considered that any harm to protected species will be suitably mitigated and therefore

accords with the provisions of policy E1.6 of the SADMP (2016) in addition to Policy CS12 of the Core Strategy (2016).

Open Space and Landscaping

The proposed development provides a generous amount of public open space that accords with Policy DM16 'Provision of Recreational Open Space for Residential Developments' of the SADMP (2016). On developments of 100 dwellings and above, such as the proposed development, this policy requires provision of 2.4 hectares of open space per 1,000 population comprising of approximately 70% informal amenity and/ or play space and 30% formal equipped play space.

Policy E1.6 of the SADMP (2016) also refers specifically to on-site open space provision for the allocated part of the proposed development. This states regard will be given to the proximity of the development to existing safeguarded facilities (such as those at The Walks to the west of the site). The Borough Council will consider flexibility of open space provision requirements where this would result in qualitative and quantitative benefits to the community and where habitats requirements are met.

In order to accord with policy, it is proposed that the existing MUGA, formal children's play space including the skate park and open space on the site will be reconfigured and improved. In total the development includes the retention and provision of 4.36 hectares of open space across the site which is considered acceptable, exceed policy requirements and would provide a high quality environment for both existing and future residents of the area.

The Council's public open space team have raised no objection to the proposed development and if planning permission is forthcoming they will continue to work with the project team to agree the finer details of the open space provision, including a detailed specification for equipped play (to meet BSEN1177 and BSEN1176 standards), maintenance regimes and landscaping (in particular species selection and locations for tree planting).

General landscaping conditions have been recommended to be imposed but the details of open space / play equipment provision will be secured by S106 agreement should planning permission be granted. Details of the proposed re-located and improved MUGA are secured separately by condition as required by Sport England and this will also include details of flood lighting provision.

Affordable Housing

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy CS09 of the Council's adopted Core Strategy. At present a 15% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in King's Lynn. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within the NPPF, meets an identified need in the Borough and is agreed by the Council.

In this instance 57 units are required, 40 no. for rent and 17 no. for shared ownership. The application therefore proposes 17 x 2 bed houses, 17 x 3 bed houses, 12 x 1 bed flats, 9 x 2 bed flats and 2 x 4 bed houses as affordable housing. These are all clearly identifiable on the submitted 'Affordable Plan' drawing no. 019 rev P03.

The Council's Housing Development Officer has confirmed the proposed affordable units meet both their space standards, are fully integrated and suitably pepperpotted within the

site and the cluster sizes of the units are acceptable and accord with Council policy. A S.106 Agreement will be required to secure the affordable housing provision.

Noise

The application is accompanied by a detailed Noise and Vibration Assessment. Modelling undertaken as part of this assessment indicates that noise impacts from existing activities neighbouring the site – namely the rail line on the southern boundary and the industrial estate beyond – will have limited and ‘not significant’ impact on the proposed new dwellings.

Within the site, the most significant source of noise would be traffic using the proposed new link road. Given the low speeds (20mph limit) and suburban context of the site, the modelled levels of noise experienced are considered to be typical for this type of suburban environment and, whilst an enhanced glazing specification is proposed for properties which face these roads, the measures required are standard noise attenuation responses rather than any specialist solution required to address a significant on site issue. It is the case that all private gardens used for amenity will enjoy noise levels below the acknowledged standard (of 55 dB LAeq, 16h).

Outside the site, the proposed new bridge and associated new road connections will introduce additional traffic to the existing road network, arising from both the new residential development and vehicles utilising the proposed new route from/into Hardwick industrial estate. The potential for this additional and new traffic to cause noise nuisance is considered in the submitted report which concludes that, due to the distance between houses affected and the roads, and taking into account the nature of the noise generated will not be substantially different to that experienced now, changes in road traffic noise using the existing road network is not considered to result in significant adverse effects.

In terms of the potential for noise arising from the new road and bridge to impact on existing dwellings, the submitted report identifies the potential for noise impacts on the existing residential properties along Fred Ackland Drive to the immediate east of the bridge site. However, this impact can be appropriately mitigated through the provision of an acoustic fence / noise barrier along the length of the new road, extending from the bridge up to the connection with Silver Green. Details of this fence are to be secured by condition along with the provision of new landscaping and tree planting adjacent to the fence as part of the overall soft landscaping for the site.

The noise levels from the industrial estate were initially a cause for concern by the Council’s CSNN team therefore they have requested additional control measures to be put in place for the properties closest to the estate in order to ensure compliance with BS8223:2014 in habitable rooms of those properties. Additional assessment of the properties closest to the industrial estate and the provision of additional control measures, where identified to be required, are secured by suitably worded noise conditions.

Having regards to the above, it is considered that the development would not have any significant adverse impacts on the amenity of either existing or proposed new residents with specific regard to noise therefore the application accords with the provisions of policy DM15 of the SADMP (2016).

Residential Amenity

In terms of the relationship between the proposed development and existing residential properties on Parkway, Fred Ackland Drive and Silver Green, the new dwellings would be sufficiently separated to prevent any overbearing impact or loss of privacy / overlooking. The wider impact of the proposal on these properties and the area generally in terms of any

noise and air quality impacts has been considered separately by the Council's Environmental Health & Housing teams. In particular the potential for noise impact from the proposed new link road and bridge will be addressed through the provision of a suitable acoustic fence / noise barrier to be secured by condition.

In addition to the relationship with existing residential properties surrounding the site, the relationships between units within the proposed development itself has been considered. All dwellings are to be provided with sufficient private amenity space and where properties have a direct back-to-back relationship with each other there would be a minimum separation distance of approximately 21 metres which is considered to be acceptable and would provide a good quality living environment for future occupiers.

In terms of the potential impact of noise levels from the industrial estate on future occupants of the development, the Council's CSNN team have asked for additional control measures to be put in place for the properties closest to the estate and this is to be secured by condition. The purpose of which is to ensure compliance with BS8223:2014 in habitable rooms of those properties. Where compliance may not be achieved through normal ventilation and glazing, additional measures will be required, such as enhanced acoustic glazing, if considered necessary.

S106 Requirements

The proposed development would meet the requirements for the costs of relevant infrastructure, facilities and resources reasonably related to and directly arising from the development.

Should Members resolve to grant planning permission a S106 legal agreement will be required to cover the provision of the affordable housing units (57 no. affordable homes as required by policy), provision of open space and its maintenance and management, a financial contribution of £30,000 towards sports pitches at River Lane and a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. This includes New Homes Bonus and Community Infrastructure Levy (CIL). Given the adoption of CIL in February 2017 by the Council, the site is now CIL liable. However, the site lies in the unparished area of King's Lynn within the £0 rated CIL Zone. As a result no CIL payment will be required. However, the site is in receipt of Central Government grant funding under the Local Government Accelerated Construction Programme (ACP) which would ensure its implementation. It is for Members to decide how much weight is given to this material consideration when determining this application.

Other Considerations

Contaminated land - The application is supported by a Preliminary Geo-Environmental Risk Assessment (PRA), Delta Simonds, August 2019. The PRA identifies limited potential sources of contamination: underlying Tidal Flat Deposits (peat), localised Made Ground deposits, the adjacent Hardwick Industrial estate, adjacent railway, off-site electrical substation and deposited waste (fly-tipped) on-site. The Council's Environmental Quality team have raised no objection to the proposal but given further work is required to characterise the site and assess remedial options they have recommended the imposition of contaminated land conditions.

Air quality – An Air Quality Assessment (AQA) was undertaken to assess the impact of the development on the national air quality objectives and this is also supported by two air quality addendums. The second one was submitted more recently having been specifically commissioned to assess the effect of changes in road traffic emissions on the Gaywood Clock Air Quality Management Area (AQMA) associated with the development's updated design i.e. the omission of a vehicular link into Fairstead.

The Council's Environmental Quality team have advised although a moderate adverse impact on NO₂ concentrations is predicted at one receptor, and slight adverse impacts predicted at seven receptors, no exceedances of the respective air quality objectives are predicted. Additionally, the traffic flows used within the modelling are conservative. Therefore, the overall effect of the development on NO₂ concentrations at receptors within and adjacent to the Gaywood Clock AQMA is considered to be 'not significant'. As a result they have no objection to the proposal on the grounds of air quality.

Furthermore, EV charging points have been incorporated into the proposed development at 179 plots. This addition will facilitate the uptake of low emission vehicles and aid in mitigating pollutant concentrations.

Third party comments – The majority of the objections raised by third parties raise concerns on environmental grounds and these issues have already been covered in various sections of this report. Other concerns raised can be responded to as follows:

- The increase in traffic will be an awful danger to the children from the local schools – the recommendations by NCC Highways include the provision of time-limited school 20mph zones for King's Lynn Academy and King's Oak Academy at Parkway and Queen Mary Road respectively which is secured by condition requiring a Traffic Regulation Order (TRO).
- The hospital, in town dentists and GP surgeries are already full to capacity – any existing lack of hospital beds, dentist capacity or GP's is not a reason for the refusal of the application. The majority of dentists are private businesses and are therefore outside the remit of this application. Furthermore, in relation to hospital and GP capacity it will be the responsibility of the relevant NHS body to consider if / when additional capacity will be provided for and they have the opportunity to bid for CIL monies for any future projects. The Council liaises with the NHS in Norfolk so they are aware of and can plan for future developments.
- Schools are already dealing with large classes and there doesn't seem to be any plans to add another school – NCC Strategic Planning have confirmed that mitigation required for the proposed development at the secondary education sector is 47 places. However, this will need to be funded through CIL, and NCC will have the opportunity to bid for CIL funds. For Early Years and Primary contributions, NCC Children's Services have analysed further the parental preference of primary age children who live in this area. Although there potentially could be capacity issues in the primary school sector once the development is built out, NCC have concluded that when taking into account other local schools close to the development there will be sufficient places for children generated from the proposed housing and no expansion to either King's Oak Academy or Howards Junior School would be proposed. As a result, no mitigation is sought for the primary school sector.

There are no other material considerations relevant to this application.

Crime and Disorder

There are no adverse crime and disorder issues raised by this proposal. The project team have worked with the Architectural Liaison Officer from Norfolk Constabulary in order to address initial concerns that were raised regarding the proposals. Minor alterations have been made and included within the revised plans to reduce permeability, increase surveillance and target / harden identified vulnerable areas. Norfolk Constabulary have raised no objection to the proposals.

CONCLUSION / PLANNING BALANCE

This application proposes the construction of 379 new homes (including 15% policy requirement of affordable homes) and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping.

Reflecting the site's highly sustainable location and the pressing need for new affordable and market homes in the area, the western part of the site is allocated for residential development under Policy E1.6 of the SADMP having been chosen as a preferable site through the Local Plan process. Furthermore, the eastern residential part of the site lies within the development boundary of King's Lynn, was previously allocated for residential development under the 1998 Local Plan and has also benefitted from outline planning permission for residential development historically, with the remainder of the eastern site area to the south of the sand line railway currently allocated for employment uses under Policy E1.12 of the SADMP. The principle of residential and infrastructure development on the land is therefore considered to be acceptable.

The application would deliver good quality, and much needed, new market and affordable housing in a highly sustainable location, as well as significant infrastructure improvements which would confer real benefits for existing and proposed new residents.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and all policies in the current development plan are considered up to date for the purposes of paragraph 11 of the NPPF. As a result, compliance with the development plan remains the legal starting point for the decision on this application. The weight to be given to development plan policies alongside other material considerations will therefore need to be assessed by Members.

The proposal would result in additional housing, including affordable housing which, in light of national policy to significantly boost the supply, this is a significant benefit of the application proposal. Furthermore, the homes, including affordable homes that would be delivered, are considered essential to deliver the Council's strategic spatial strategy, that focuses on the expansion of King's Lynn and identifies areas of growth to fulfil that requirement. This again is considered a significant benefit of the scheme, which will assist in meeting an identified need.

The application proposal would also deliver economic benefits in terms of the direct and indirect economic expenditure from jobs and future spending power. It would also deliver improved on-site facilities that would be available for use by existing residents in the area including the MUGA and play park. In addition, it would deliver useable open space for informal recreation, which would also be a benefit to those beyond the development because a large part of the site is currently private land and therefore not available for public use. Furthermore, there would be enhancement to walking and cycling routes, including the

pedestrian / cycle bridge over the railway, which again would be a benefit to those beyond the application site and the scheme would deliver off-site highway improvements, such as the provision of the new road bridge, which would be unlikely to be delivered in the absence of the current proposed development.

It cannot be denied that development of the site, particularly the eastern section, will result in the loss of some habitat, particularly for breeding birds and it is regrettable that a number of trees will need to be lost as a result of the proposed development. As a result, this is of significant weight against the proposed scheme in the planning balance. However, key green infrastructure features are still being retained and in addition to the provision of substantial areas of public open space and improvements to the relocated equipped play area and MUGA facility, a financial contribution of £150,000 towards off-site habitat creation / tree planting would be secured by S106 agreement in addition to ecological enhancements and replacement tree planting on-site which will be secured by condition.

In accordance with the requirements of policy E1.6 of the SADMP (2016), the application is accompanied by a Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment Report prepared by Mott Macdonald (11th May 2020). This document considers the potential for the development to have an adverse impact on nearby European (or Natura 2000) protected sites, most notably on The Wash SPA/Ramsar Site, The Wash and North Norfolk Coast SAC and the Roydon Common and Dersingham Bog SAC and Ramsar Sites. Within this report the HRA screening concluded that, when considered alone, the proposed development would not have any Likely Significant Effects on any protected site. However, when considered in combination with all other development permitted and planned in the Borough, the HRA concluded that Likely Significant Effects could not be ruled out due to increased visitor and recreational pressure. As a result, appropriate assessment (AA) is required.

As a result of the above, the application requires an AA under the Habitats Regulations to ascertain whether the proposed development will result in an adverse effect on the integrity of the protected sites. Para 177 of the NPPF states that the presumption in favour of sustainable development does not apply where development is likely to have a significant effect on a habitats site unless an appropriate assessment concludes that the development will not adversely affect the integrity of the habitats site. Para 177 of the NPPF is a material consideration. However, in this regard it should be noted that the NPPF cannot require the policies of the development plan to be disregarded by the decision maker; rather it may influence the weight that is attached to them.

Having reviewed the contents of the submitted HRA report, officers consider that it has been adequately demonstrated that the impacts upon the protected sites referred to above can be mitigated against to a sufficient degree for it to be determined that the proposal would not adversely affect the integrity of the sites. It is therefore considered that the proposed mitigation measures as part of the development proposals and throughout the Borough to address similar concerns raised in the AA of the Local Plan, serve to eliminate or at least reduce, adverse effects such that, for all three European Sites, they are not likely to be significant. That position is supported by Natural England.

Furthermore, as with much of King's Lynn, the site lies in a defended area of Flood Zone 3 therefore development proposals on the non-allocated part of the site (the eastern residential area) must satisfy the requirements of the sequential and exceptions tests which has been demonstrated within the submitted FRA. It is also important to note the development is considered to accord with Policies CS01 and CS08 of the Core Strategy (2011) which specifically acknowledge that some development may be required in flood risk areas to meet regeneration objectives and maintain the sustainability of local communities. In this case the

contribution the proposal would make to the regeneration objectives of Kings Lynn is a significant benefit weighing in its favour.

In light of the above, it is considered the proposed development would be appropriate for the site and its surroundings, and the benefits of the scheme outweigh the harm identified. It should also be noted that the potential harm identified would be mitigated against to an extent as part of the proposals, and where necessary this will be secured by condition or S106 legal agreement.

On this basis, the development is considered to comply with the provisions of the NPPF and NPPG, Policies CS01, CS03, CS08, CS09, CS11 and CS12 of the Core Strategy 2011 and Policies DM1, DM2, DM15, DM16, DM17, DM21 and DM22 of the Site Allocations and Development Management Policies Plan (2016).

It is therefore recommended that planning approval be granted subject to conditions set out below and the completion of a S106 legal agreement to secure the necessary planning obligations.

RECOMMENDATION:

A. APPROVE subject to conditions set out below and the satisfactory completion of a S106 Agreement to secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane and a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting within 4 months of the date of this Committee meeting.

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

SITE PLANS

8966 0001 P03 Site Location Plan
8966 0002-01 P00 Topographical Survey- Part 1
8966 0002-02 P00 Topographical Survey- Part 2
8966 0002-03 P00 Topographical Survey- Part 3
8966 0002-04 P00 Topographical Survey- Part 4
8966 0002-05 P01 Topographical Survey- Part 5
8966 0002-06 P01 Topographical Survey- Part 6
8966 0003 P20 Site Plan- Proposed Masterplan Roof
8966 0004 P05 Site Plan-Ground Floor Plan-Part 1
8966 0005 P05 Site Plan-Ground Floor Plan-Part 2
8966 0006 P04 Site Plan-Ground Floor Plan-Part 3
8966 0007 P04 Site Plan-Ground Floor Plan-Part 4
8966 0008 P05 Material Schedule Plan
8966 0009 P03 Accommodation Mix-Part 1
8966 0010 P03 Accommodation Mix-Part 2
8966 0011 P05 Building Heights Plan
8966 0012 P05 Phasing Plan
8966 0013 P04 Public Open Space
8966 0014 P05 Refuse Strategy Collection Plan

8966 0015 P04 Boundary Treatment Plan 1
8966 0016 P03 Boundary Treatment Plan 2
8966 0017 P03 Parking Matrix Plan 1
8966 0018 P03 Parking Matrix Plan 1
8966 0019 P05 Affordable Plan

HOUSE TYPES

8966 0050 02 A04 H1437(D) - Plans and Elevations
8966 0060 01 A04 H295(D) - Plans and Elevations
8966 0061 02 A02 H1295(D) - Plans and Elevations
8966 0062 04 A02 H1295(D-N) - Plans and Elevations
8966 0070 01 A03 H1282(D) - Plans and Elevations
8966 0071 02 A02 H1282(D) - Plans and Elevations
8966 0072 04 A01 H1282(D) - Plans and Elevations
8966 0073 02 A00 H1282(D-N1) - Plans and Elevations
8966 0074 02 A00 H1282(D-N2) - Plans and Elevations
8966 0080 01 A04 H1213(S) - Plans and Elevations
8966 0081 04 A01 H1213(S) - Plans and Elevations
8966 0082 03 A00 H1213(S) - Plans and Elevations
8966 0090 01 A03 H1015(D) - Plans and Elevations
8966 0091 04 A01 H1015(D) - Plans and Elevations
8966 0092 02 A00 H1015(D) - Plans and Elevations
8966 0095 01 A01 H1015W(D) - Plans and Elevations
8966 0100 01 A03 H980(D) - Plans and Elevations
8966 0101 04 A02 H980(D) - Plans and Elevations
8966 0110 03 A03 H926+A3B(S) - Plans and Elevations
8966 0120 01 A04 H912(D) - Plans and Elevations
8966 0121 02 A01 H912(D) - Plans and Elevations
8966 0122 04 A01 H912(D) - Plans and Elevations
8966 0123 01 A00 H912(D-N) - Plans and Elevations
8966 0130 01 A03 H897(D) - Plans and Elevations
8966 0131 04 A01 H897(D) - Plans and Elevations
8966 0132 01 A01 H897(S) - Plans and Elevations
8966 0133 04 A02 H897(S) - Plans and Elevations
8966 0134 01 A01 H897(T3) - Plans and Elevations
8966 0135 03 A01 H897(T3) - Plans and Elevations
8966 0136 04 A02 H897(T3) - Plans and Elevations
8966 0137 04 A00 H897(T3-N) - Plans and Elevations
8966 0138 04 A00 H897(S-N) - Plans and Elevations
8966 0140 03 A04 H789(S) - Plans and Elevations
8966 0141 03 A01 H789(T3) - Plans and Elevations
8966 0142 03 A00 H789(S-N) - Plans and Elevations
8966 0150 01 A05 H663(S) - Plans and Elevations
8966 0151 04 A02 H663(S) - Plans and Elevations
8966 0152 03 A01 H663(T3) - Plans and Elevations
8966 0153 03 A01 H663(T4) - Plans and Elevations
8966 0154 03 A00 H663(S) - Plans and Elevations
8966 0155 04 A00 H663(T3) - Plans and Elevations
8966 0156 04 A00 H663(S-N) - Plans and Elevations
8966 0157 04 A00 H663+A2B(S) - Plans and Elevations
8966 0160 03 A04 A2B(S) - Plans and Elevations
8966 0161 03 A01 A2B(T3) - Plans and Elevations
8966 0162 04 A00 A2B(S) - Plans and Elevations
8966 0170 03 A04 A3B(S) - Plans and Elevations
8966 0171 03 A01 A3B(T3) - Plans and Elevations

8966 0180 04 A03 4B6P(S) - Plans and Elevations
8966 0185 04 A00 1B2P(S) - Plans and Elevations
8966 0186 04 A00 1B2P(T) - Plans and Elevations

FLAT TYPES

8966 0200 03 A02 Flat Type 1B2P Type 1 - Plans
8966 0201 03 A02 Flat Type 1B2P Type 1 - Elevations
8966 0205 03 A02 Flat Type 1B2P Type 2 - Plans
8966 0206 03 A02 Flat Type 1B2P Type 2 - Elevations
8966 0212 03 A00 Flat Type 1B2P Type 4 - Plans
8966 0213 03 A00 Flat Type 1B2P Type 4 - Elevations
8966 0215 01 A02 Flat Type 2B3P Type 1 - Plans
8966 0216 01 A02 Flat Type 2B3P Type 1 - Elevations
8966 0220 03 A02 Flat Type 2B3P Type 2 - Plans
8966 0221 03 A02 Flat Type 2B3P Type 2 - Elevations
8966 0225 01 A02 Flat Type 2B3P Type 3 - Plans
8966 0226 01 A02 Flat Type 2B3P Type 3 - Elevations
8966 0230 03 A02 Flat Type 2B3P Type 4 - Plans
8966 0231 03 A02 Flat Type 2B3P Type 4 - Elevations
8966 0250 03 A01 Bin/ Cycle Store (plots 112-120)

GARAGE TYPES

8966 0300 A01 Garage Type 1 - Plans and Elevations
8966 0301 A01 Garage Type 2 - Plans and Elevations
8966 0302 A01 Garage Type 3 - Plans and Elevations
8966 0303 A01 Garage Type 4 - Plans and Elevations
8966 0305 A01 Garage Type 6 - Plans and Elevations
8966 0306 A02 Garage Type 7 - Plans and Elevations
8966 0307 A00 Garage Type 8 - Plans and Elevations
8966 0308 A00 Garage Type 9 - Plans and Elevations

ELEVATIONS

8966 0400 A00 Street Elevation 1
8966 0401 A00 Street Elevation 2
8966 0402 A00 Street Elevation 3

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,

- ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 4 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 5 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 6 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with

the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

6. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. Condition: Prior to commencement of development a detailed construction environmental management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods (to include those proposed in Section 6 of the Air Quality Assessment) to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 7 Reason: In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.
This also needs to be a pre-commencement condition as this issue relates to the construction phase of the development.
- 8 Condition: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
 1. An assessment of the significance of heritage assets present
 2. The programme and methodology of site investigation and recording
 3. The programme for post investigation assessment of recovered material
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 8 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 9 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
- 9 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 10 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set

out in the Written Scheme of Investigation approved under condition 8 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 10 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 11 Condition: No works shall commence on a phase of the development until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage (for that phase) have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 11 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 12 Condition: Prior to the occupation of the final dwelling of a phase, all works shall be carried out on roads, footways, cycleways, foul and surface water sewers (in respect of that phase) in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 12 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 13 Condition: Before any dwelling unit is first occupied the road(s), footway(s) and cycleway(s) of that phase shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 13 Reason: To ensure satisfactory development of the site.
- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 43 metres shall be provided to each side of the accesses where they meet Parkway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 15 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 15 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 16 Condition: Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority

together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

- 16 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 17 Condition: For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 17 Reason: In the interests of maintaining highway efficiency and safety.
- 18 Condition: Notwithstanding the details indicated on the submitted drawings no dwelling shall be occupied unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated in Option 1 of the Mott Macdonald Technical Note titled "Gaywood Clock Junction - Further Assessment and Mitigation Options", dated 27 October 2020, have been submitted to and approved in writing by the Local Planning Authority.
- 18 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 19 Condition: Prior to the occupation of the 51st dwelling hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 18 shall be completed to the written satisfaction of the Local Planning Authority.
- 19 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 20 Condition: Notwithstanding the details indicated on the submitted drawings no more than 100 dwellings shall be occupied unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works to provide highway links between the proposed development spine road, Fred Ackland Drive and Rollesby Road, as indicated on Drawing No. 409888-MMD-00-XX-SK-CH-0022 P01.2 and a pedestrian / cycle / emergency vehicle link between the proposed development spine road and Swallowfield Road have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the highway link between the development spine road and Rollesby Road shall include provision of a road bridge over the railway at the south boundary of the site.
- 20 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 21 Condition: Prior to the occupation of the 260th dwelling of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 20 shall be completed to the written satisfaction of the Local Planning Authority.

- 21 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 22 Condition: Notwithstanding the details indicated on the submitted drawings no more than 100 dwellings shall be occupied unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works to modify the existing pedestrian / cycle bridge over the railway line, as indicated on Drawing Number PB9582-RHD-CE-SW-DR-D-0170 P03 have been submitted to and approved in writing by the Local Planning Authority. Modifications to the bridge will be required to comply with current guidance.
- 22 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 23 Condition: Prior to the occupation of the 260th dwelling of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 22 shall be completed to the written satisfaction of the Local Planning Authority.
- 23 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 24 Condition: The link-road between Parkway and Rollesby Road shall not be made available for public use until the Traffic Regulation Order for 7.5t weight limit at the proposed rail crossing bridge has been secured by the Local Highway Authority.
- 24 Reason: In the interests of highway safety. This is required to ensure that HGV traffic from the Hardwick Industrial Estate does not pass through a residential area.
- 25 Condition: No works shall commence on the site until the Traffic Regulation Order for part time 20mph speed limits at King's Lynn Academy and King's Oak Academy schools, both at Parkway have been promoted by the Local Highway Authority.
- 25 Reason: In the interests of highway safety. This needs to be a pre-commencement condition as the impact applies to traffic associated with both the construction phase and also daily running of the site.
- 26 Condition: Prior to the occupation of the first dwelling of the development hereby permitted the 20mph speed limit and associated infrastructure referred to in condition 25 shall be completed to the written satisfaction of the Local Planning Authority
- 26 Reason: In the interest of highway safety.
- 27 Condition: No works above slab level shall commence until an Interim Travel Plan has been submitted to and approved by the Local Planning Authority.
- 27 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 28 Condition: No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in condition 27. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in condition 27 shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance

with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

- 28 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 29 Condition: Prior to first occupation of the development hereby permitted a monitoring programme to assess the level of through traffic using the link road provided by the development shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall include an agreed trigger for intervention. Upon opening the link road between the development and Rollesby Road, the monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation. Should the monitoring programme determine the level of through traffic using the link road has reached the agreed trigger, a scheme shall be implemented to restrict usage of the road. The scheme will be implemented within 06 months of the trigger being reached.
- 29 Reason: To ensure that traffic levels resulting from through traffic are not excessive.
- 30 Condition: Prior to commencement of development, in accordance with the submitted Flood Risk Assessment titled Parkway, King's Lynn (Lovells Partnerships Ltd, PB9582-RHD-ZZ-XXRP-Z-0001 Dated 27th April 2020) and Drainage Strategy titled Parkway, King's Lynn (Lovell Partnerships Ltd, PB9582-RHD-CE-SW-RP-D-0500 Dated 29 April 2020), and letter dated 16th July 2020 and titled Response to LLFA's Letter of Objection, Ref FW2020_0390, Dated 23rd January 2020 and drawing number PB9582-RHD-CE-SW-DRD-0500 REV: P04 (DRAINAGE LAYOUT Sheet 1 of 2), and PB9582-RHD-CE-SW-DR-D0501REV: P05 (DRAINAGE LAYOUT Sheet 2 of 2) detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.
 - II. Confirmation from the Internal Drainage Board and Anglian Water that the proposed rates and volumes of surface water runoff from the development are acceptable.
- 30 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.
- 31 Condition: No development in pursuance of this permission shall take place on site, including any site clearance works or demolition, until a supplementary Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning. This supplementary AMS shall provide full details of the methods proposed for the no-dig construction. All works on site shall take place in accordance with the approved AMS as amended by the approved supplementary AMS and any new footpaths / driveways within the root protection areas of existing trees, as shown on drawing ref. PB9582-RHD-CE-HN-DR-D-0703, PB9582-RHD-CE-HN-DR-D-0701 and

PB9582-RHD-CE-HN-DR-D-0700 shall be of no-dig construction and constructed in accordance with the approved AMS.

- 31 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 32 Condition: All works on site shall take place in complete accordance with the approved Arboricultural Impact Assessment (AIA), Tree Protection Plans (TPP) and Arboricultural Method Statement (AMS) including the supplementary AMS to be submitted for approval. No other operations shall commence on site in connection with the development hereby approved until the tree protection works and any pre-emptive tree works required by the approved AIA or AMS have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plan refs. 407004-MMD-00-00-DR-EN-0004, 407004-MMD-00-00-DR-EN-0005 and 407004-MMD-00-00-DR-EN-0006.

The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained. Within the root protection areas as shown on the approved plans, no changes in existing ground level are to be permitted, no storage of materials or machinery, deposit of soil or rubble, lighting of fires, disposal of liquids or mixing of cement or concrete is to take place and the areas are to be left undisturbed for the duration of the development, unless the prior written approval of the local planning authority has first been sought and obtained.

- 32 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 33 Condition: No development shall take place in pursuance of this permission until details of the proposed mitigatory replacement tree planting have been submitted to and approved in writing by the local planning authority. These details shall specify the number, type and size of trees proposed at time of planting and include a planting plan, timescale for planting and details of the proposed management and maintenance of the trees. The mitigatory replacement tree planting shall be carried out in accordance with the approved details and the management and maintenance shall begin immediately following the planting of the replacement trees, which will be in accordance with the timescale specified in the approved scheme.

If within a period of five years from the contractual practical completion of the development hereby approved, any of the replacement trees are removed, uprooted or destroyed or die or become, in the opinion of the local planning authority, seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written approval to any variation.

- 33 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 34 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or

destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

- 34 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 35 Condition: Prior to the first use or occupation of each phase hereby permitted, full details of both hard and soft landscape works for that phase shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 35 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 36 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works for each phase shall be carried out prior to the first occupation or use of any part of the phase to which they relate, or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 36 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 37 Condition: Prior to the first occupation of each phase of the development hereby permitted a landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas within that phase, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 37 Reason: To ensure that the landscaping is properly managed and maintained in accordance with the NPPF.
- 38 Condition: Prior to the commencement of development on phases 3, 4, 8 and 11, all properties within these phases between the south west boundary of the site and the purple hatched line shown on drawing 8966 012 rev P05 must have an acoustic assessment carried out and submitted to and approved in writing by the local planning authority to ensure that noise levels are compliant with BS8223:2014 in habitable rooms. Where the layout of a property fails to adequately attenuate noise levels then further acoustic glazing, passive ventilation or details of other appropriate mitigation measures must be submitted to and approved in writing by the local planning authority prior to commencement of building works on those respective properties. All mitigation measures shall be carried out in accordance with the approved details prior to the occupation of the property they relate to.

- 38 Reason: To ensure that future occupants of the properties are adequately protected from noise associated with the railway line and industrial estate.
- 39 Condition: Within two months of the commencement of phases 3, 4, 8 and 11 a noise survey proposal shall be submitted to and approved in writing by the local planning authority identifying the properties which shall be subject to a post construction noise survey and the methodology for the survey proposed.
- 39 Reason: To ensure that future occupants of the properties are adequately protected from noise associated with the railway line and industrial estate.
- 40 Condition: Within two months of completion or prior to first occupation (whichever is sooner) of completed properties within phases 3, 4, 8 and 11 that are situated between the south west boundary of the site and the purple hatched line shown on drawing 8966 012 rev P05, a noise report demonstrating compliance with BS8223:2014 in habitable rooms has been achieved shall be submitted to and approved in writing by the local planning authority.
- 40 Reason: To ensure that future occupants of the properties are adequately protected from noise associated with the railway line and industrial estate.
- 41 Condition: Prior to the commencement of construction of the road bridge over the railway at the south boundary of the site, full details of an acoustic fence / noise barrier to be provided along the length of the road from the bridge up to Silver Green shall be submitted to and approved in writing by the local planning authority. The acoustic fence / noise barrier shall be installed prior to the first public use of the road bridge and shall be maintained and retained thereafter.
- The acoustic fence / noise barrier proposed for the bridge must be CE Marked under Construction Product Regulations and demonstrate compliance with DMRB - LD119 and performance loss limits specified (0.25dB/yr for 20 years). Where maintenance of the barrier is assumed to meet these requirements this should be identified.
- 41 Reason: To ensure that occupants of existing residential properties are adequately protected from noise associated with the new link road.
- 42 Condition: The recommendations, mitigation and enhancement measures identified in the following protected species surveys by Mott Macdonald, shall be implemented in accordance with the approved details and in accordance with a programme to be submitted to and approved in writing by the local planning authority, prior to the commencement of development:
- King's Lynn Parkway - Water Vole Mitigation Strategy, ref: 407004 1 B dated October 2020;
 - Reptile Translocation Methodology - Technical Note, dated March 2020;
 - King's Lynn - Parkway Protected Species Survey Report, ref. 407004 1 0407004-MMD-00-RP-EN-0006, dated February 2020; and
 - King's Lynn - Parkway Breeding Bird Survey, ref. 407004 1 0, dated December 2019.
- 42 Reason: In the interests of protected species and to accord with the provisions of the NPPF and NPPG.
- 43 Condition: Welcome packs (to include information relating to the availability of and whereabouts of locations for dog walking routes which are less sensitive than

international sites, and the provision of connecting accesses to existing rights of way and open space) shall be provided on first occupation of all houses hereby approved.

- 43 Reason: In the interests of protected sites and to accord with the provision of the NPPF and NPPG.
- 44 Condition: The development within each respective phase shall not be brought into use until a scheme for the provision of fire hydrants within that phase has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 44 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 45 Condition: The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in the submitted Flood Risk Assessment (FRA) reference 20/00724/FM, prepared by Royal Haskoning DHV, dated 27th April. In particular, this shall include:
- Flood resilient measures will be incorporated into the development;
 - Flood resistant measures will be included up to 350mm above finished flood levels;
 - Finished floor levels will be raised to the levels stated in drawing numbers 'PB9582-RHD-CE-HN-DR-D-0120 P04' and 'PB9582-RHD-CE-HN-DR-D-0121 P04'; and
 - No ground floor sleeping accommodation where flood depths exceed 1m.
- 45 Reason: In the interests of flood risk and to accord with the provisions of the Development Plan, NPPF and NPPG.
- 46 Condition: Prior to the first occupation of each phase of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, shared parking areas and circulation areas within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The lighting scheme shall be implemented in accordance with the approved scheme prior to the first occupation of the phase of the development to which it relates and shall thereafter be maintained and retained as agreed.
- 46 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 47 Condition: No development shall take place on any external surface within each phase of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 47 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 48 Condition: Prior to first occupation/use of each dwelling hereby permitted the boundary treatment relating to that property shall be completed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 48 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 49 Condition: No development shall commence until full details of the design, technical specification and layout of the MUGA as well as floodlight details have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The flood light details shall include: details of the light source, headgear cowling and light intensity footprint and spillage. The MUGA and floodlights shall be constructed / installed in accordance with the approved details and shall be maintained and retained thereafter as agreed.
- 49 Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy DM9 of the SADMP (2016).

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, open space provision, a financial contribution of £30,000 towards pitches at River Lane and a financial contribution of £150,000 for compensatory off-site habitat creation / tree planting.

APPENDIX 1

Habitats Regulations – Appropriate Assessment

Application ref: 20/00724/FM – 379 new homes and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping

1. Background

1.1 The Conservation of Habitats and Species Regulations 2017, commonly referred to as ‘The Habitats Regulations’, transpose the European Union Habitats Directive on the conservation of natural habitats and of wild fauna (92/43/EEC) into national law and sets out the provisions for the protection and management of habitats and species of European importance.

1.2 The Habitats Regulations require a Competent Authority (for planning decisions this is the Local Planning Authority) to make an Appropriate Assessment of the implications of a plan or project which is likely to have a significant impact on European (or Natura 2000) sites and is not directly connected with or necessary to the management of those sites.

1.3 In the context of The Habitats Regulations, European sites comprise:

- Special Areas of Conservation (SAC) and candidate Special Areas of Conservation (cSAC), which are designated under the Habitats Directive
- Special Protection Areas (SPA) and potential Special Protection Areas (pSPAs) classified under the ‘Birds Directive’ (2009/147/EC); and
- Ramsar sites – although not included within the Habitats Regulations definition of European sites, government policy requires Ramsar sites to be given the same protection as European sites.

1.4 The Habitats Regulations provide for the control of potentially damaging operations, whereby consent for a plan or project may only be granted once it has been shown, through the Habitats Regulations Assessment process, that the proposed operation will not adversely affect the integrity of the European site(s) either individually or in-combination with other plans or projects.

1.5 HRA: Key Stages

i) Stage 1: Screening for Likely Significant Effect - screening to identify whether a plan is likely to have a significant effect on a European Site.

ii) Stage 2: Appropriate Assessment and ascertaining the effect on site integrity - where likely significant effects have been found, appropriate assessment of the development to ascertain whether it has an adverse effect on the integrity of the European site.

iii) Stage 3: Procedures where Significant Effect on the Integrity of International Sites Remains - consideration of mitigation measures and alternative solutions where adverse effects on the integrity of a European site have been identified.

1.6 A 2018 case law ruling from the European Court of Justice Ruling on Article 6 of the Habitats Directive in *Grace & Sweetman* has dictated that screening for likely significant effects cannot take into account any mitigation; however, the effects of mitigation measures can be assessed and accounted for at Appropriate Assessment (AA).

1.7 When considering potentially damaging operations, the Competent Authority must apply the precautionary principle i.e. consent cannot be given unless it is ascertained that there will be no adverse effect on the integrity of the site with regard to the site's conservation objectives.

Stage 1: Screening for Likely Significant Effect

1.8 The application site is not within and does not contain any European sites. The following European Protected Sites are within 10km of the Application Site:

- The Wash, Ramsar and SPA
- The Wash and North Norfolk Coast, SAC
- Roydon Common, Ramsar
- Dersingham Bog, Ramsar
- Roydon Common and Dersingham Bog, SAC
- Norfolk Valley Fens, SAC

1.9 The western part of the Application Site comprises part of a housing allocation for King's Lynn under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (2016), with the policy requiring some 260 dwellings. The Habitats Regulations Assessment (HRA) carried out to inform the site/policy selection process for the SADMP concluded that this project, due to its cumulative impact with other large housing allocations, would likely have a significant effect on The Wash Ramsar and SPA and The Wash and North Norfolk Coast SAC.

1.10 A Habitats Regulations Assessment Screening and Appropriate Assessment (HRASAA) Report prepared by Mott MacDonald (11th May 2020) was submitted with the application to enable the Competent Authority (in this case the local planning authority) to undertake an Appropriate Assessment of the proposals after it was identified that without mitigation there is a risk of significant effects to The Wash SPA/Ramsar Site, The Wash and North Norfolk Coast SAC and Roydon Common and Dersingham Bog SAC/Ramsar Sites.

Stage 2: Appropriate Assessment (AA)

1.11 The Screening carried out within the submitted HRASAA Report has indicated that the Application Site may lead to likely significant effects on three European sites, when considered in combination with the King's Lynn Core Strategy and corresponding Development Plan (Residential). The sites are:

- The Wash SPA/Ramsar Site
- The Wash and North Norfolk Coast SAC
- Roydon Common and Dersingham Bog SAC/Ramsar Site

The in-combination effects at all three of these sites are associated with the increase in the population size of King's Lynn, and the resultant increase in disturbance due to a proportional increase in visitor pressure.

The Local Planning Authority (LPA) is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and it is required to make an Appropriate Assessment of the implications of the project on the integrity of any affected European site in view of each site's conservation objectives. Those sites are The Wash SPA/Ramsar Site, The Wash and North Norfolk Coast SAC and Roydon Common and Dersingham Bog SAC/Ramsar Site.

The LPA agrees with the assessment and findings in the Appropriate Assessment of the HRASAA report prepared by Mott Macdonald (11th May 2020) and therefore adopts Section 7 of that report as the necessary Appropriate Assessment in its role as the Competent Authority on this matter and agrees that there would be no adverse effect on the integrity of the designated sites.

It is also important to note that Natural England have confirmed they are satisfied with the conclusions of the submitted HRASAA report and recommend that the measures prescribed in Section 7 are implemented to mitigate recreational impacts to designated sites in combination.

A copy of Section 7 of the HRASAA report prepared by Mott Macdonald (11th May 2020) has been enclosed with this Appendix but the mitigation measures proposed can be summarised as follows:

- The Application Site has been designed to include a range of areas and facility types that aim to cater for low-level, everyday recreational activities. Children’s play areas are included, as are a wealth of areas for recreational walking, that will connect with surrounding paths and cycle routes, giving easy access to wider facilities and opportunities. The site layout and the provision of landscaping and habitat creation also provides plenty of opportunities for dog walking etc. All these design features, as a proportion of the site that is higher than standard, will help to reduce the need for residents in the new development to have to travel to other sites for their recreation.
- Alongside this, it is appropriate to refer to the conclusions of The Habitats Regulations Assessment of the Detailed Policies and Sites Plan: Site Allocations and Development Management Policies – Proposed Submission Document (2015). This document concluded at Appropriate Assessment that, to mitigate for the potential adverse effects due to increased disturbance from recreational use, a borough-wide programme of green infrastructure provision, and a programme of permanent public information would be sufficient to dissipate visitor disturbance/recreational pressure to ensure reduction of likely impacts to an insignificant level. This process resulted in the adoption of a wide range of mitigation and avoidance measures, both at a Borough and site specific levels, to ensure that visitor pressure could be reduced sufficiently that likely significant effects could be ruled out. This suite of measures is captured in the Council’s Natura 2000 Sites Monitoring and Mitigation Strategy (August 2015). This includes payment of a £50 per dwelling Habitat Mitigation Payment. A Habitat Mitigation Payment of £18,950 would therefore be secured as part of the development proposals.

7 Appropriate Assessment

The above Screening has indicated that the Application Site may lead to likely significant effects on three European sites, when considered in combination with the King's Lynn Core Strategy and corresponding Development Plan (Residential).

The sites are:

- The Wash SPA/Ramsar Site
- The Wash and North Norfolk Coast SAC
- Roydon Common and Dersingham Bog SAC/Ramsar Site

The in-combination effects at all three of these sites are associated with the increase in the population size of King's Lynn, and the resultant increase in disturbance due to a proportional increase in visitor pressure.

A 2018 case law ruling from the CJEU on Article 6 of the Habitats Directive in *Grace & Sweetman* has dictated that screening for likely significant effects cannot take into account any mitigation; however, the effects of mitigation measures can be assessed and accounted for at appropriate assessment.

To accompany the production of the Site Allocations and Development Management Policies Plan (adopted September 2016), potential likely significant effects of the plan on European Sites were assessed in the Habitats Regulations Assessment of Detailed Policies and Sites Plan: Site Allocations and Development Management Policies – Proposed Submission Document (2015).

In the above document, recreational pressure is identified as the only likely significant effect, and so this is considered at Appropriate Assessment stage. This process resulted in the adoption of a wide range of mitigation and avoidance measures, both at a Borough and site specific levels, to ensure that visitor pressure could be reduced sufficiently that likely significant effects could be ruled out. This suite of measures is captured in the Borough Council of King's Lynn and West Norfolk Natura 2000 Sites Monitoring and Mitigation Strategy (August 2015).

7.1 Application Site Mitigation

These mitigation measures are described below, for each of the three sites European Sites. In addition to this, and in accordance with the Monitoring and Mitigation Strategy and the previous HRA, the Application Site has been designed with on-site recreational activities catered for as far as possible. The existing site includes areas and features that currently offer recreational space for recreational walking and cycling, dog-walking, playing, and non-vehicular commuting.

The Application Site has been designed to include a range of areas and facility types that aim to cater for low-level, everyday recreational activities. Children's play areas are included, as are a wealth of areas for recreational walking, that will connect with surrounding paths and cycle routes, giving easy access to wider facilities and opportunities. The site layout and the provision of landscaping and habitat creation also provides plenty of opportunities for dog walking etc. All these design features, as a proportion of the site that is higher than standard, will help to reduce the need for residents in the new development to have to travel to other sites for their recreation.

7.2 European Site Mitigation

7.2.1 The Wash SPA/Ramsar

The Application Site, in combination with the other housing developments included in the King's Lynn Core Strategy and corresponding Development Plan (Residential), will increase the population of King's Lynn. The proposed number of housing developments has the potential to increase local population by approximately 17,250 people (7510 x 2.3) or 12% of the existing population.

Hence the demands on recreational sites in and around the borough, including the coastline of the Wash SPA/Ramsar Site, will increase proportionately, impacting on the qualifying species of breeding and overwintering bird species using the area.

Although human activity related to disturbance (leisure) is a key vulnerability of the European Site, public access to many parts of the edge of the Wash is limited, as there are several stretches of Wash coastline with no public rights of way etc. Further, the size of the Wash SPA and its intertidal zones (those areas most likely to be used by waterfowl for feeding etc), and the distribution of qualifying feature species, suggest that the number of individuals exposed to disturbance at any given time/location would be small enough to ensure that effects are minimal.

Alongside this, it is appropriate to refer to the conclusions of The Habitats Regulations Assessment of Detailed Policies and Sites Plan: Site Allocations and Development Management Policies – Proposed Submission Document (2015). This document concluded at Appropriate Assessment that, to mitigate for the potential adverse effects due to increased disturbance from recreational use, a borough-wide programme of green infrastructure provision, and a programme of permanent public information would be sufficient to dissipate visitor disturbance/recreational pressure to ensure reduction of likely impacts to an insignificant level.

With these measures in place, it is considered that disturbance due to increased recreational pressure would not have any likely significant effects on the Qualifying Features or Conservation Objectives of the Wash SPA/Ramsar Site.

Conclusion: No foreseeable LSE on the Wash SPA/Ramsar Qualifying Features, Conservation Objectives or Vulnerabilities.

7.2.2 The Wash and North Norfolk Coast SAC

As with the site above, the Application site in combination with the other housing developments included in the King's Lynn Core Strategy may increase recreational disturbance on accessible parts of the Wash and North Norfolk Coast SAC, impacting on the qualifying feature habitats and species.

Human activity related to disturbance (leisure) is a key vulnerability of the European Site. However, unlike the Wash SPA above, the majority of the qualifying features sites are Annex I Habitats; either intertidal or subtidal. Of these, the latter are unlikely to be subject to any adverse effects due to increased recreational pressure due to their inaccessibility; the more accessible intertidal habitats, for example mudflats and sandflats, and *Salicornia* and other annuals colonising mud and sand could be at risk of increased damage due to an uplift in recreation and visitor pressure.

The harbour seal (*Phoca vitulina*) is an Annex I species cited as a primary reason for selection of the site. The extensive intertidal flats of the Wash and the North Norfolk Coast provide ideal conditions for breeding and hauling-out. As such, the SAC is home to the largest colony of Mott MacDonald | Gaywood Habitat Regulations Assessment Screening and Appropriate Assessment 407004 | 1 | 0 | 11 May 2020 3 common seals in the UK, with some 7% of the total UK population. The nature of the Site

is such that the hauling-out and breeding sites are generally not easily accessed by recreational users; the tidal conditions and extensive mudflats make access by humans very limited.

As with the Wash SPA above, and as part of the same overarching package of measures, the provision of green infrastructure across the borough and an effective strategy of public information about the value of, and risk to, these habitats and species was adopted to alleviate pressures. With these in place, it is considered that disturbance due to increased recreational pressure would not have any likely significant effects on the Qualifying Features or Conservation Objectives of the Wash and North Norfolk Coast SAC. Conclusion: No foreseeable LSE on the SAC Qualifying Features, Conservation Objectives or Vulnerabilities.

7.2.3 Roydon Common and Dersingham Bog SAC, Roydon Common Ramsar Site, Dersingham Bog Ramsar Site

Similar to the above European Sites, it was identified at Screening that Likely Significant Effects may occur at Roydon Common and Dersingham Bog due to the potential uplift in disturbance and recreational pressure that corresponds with the increase in the population of the Borough. Recreational pressure is not, however listed as a vulnerability of the Site.

Again, in common with the above two Sites, it was concluded as the Local Plan was being produced that a number of interlinked actions would serve to eliminate the scope for in combination Likely Significant Effects. A number of these were related to design features for proposed developments, such as those already described, aimed at maximising the appeal of these developments and their recreational opportunities such that the desire to travel to other sites like Roydon Common and Dersingham Bog is reduced.

Other measures include contributing to the enhance management of nearby designated sites, addressing information provision, visitor management, dog control, access restrictions and fencing, signage etc. Wider publicity of environmental sensitivities of sites, and a monitoring strategy to identify where adverse effects from visitor pressure are predicted, and where it occurs, how much of it is attributable to visitors from the new developments in the Local Plan, of which the Application Site is one.

In relation to Roydon Common and Dersingham Bog, estimates taken from Exeter University's Outdoor Recreation valuation tool ORVAL are that Roydon Common currently receives 71,109 visits per year, of which 91% or 64,530 visits are by car. Dersingham Bog receives 4,665 visits per year, of which almost all visits are undertaken by car.

This very high proportion of visit by car indicates that there is no one main source of visitors nearby. This, and the large number of surrounding areas of recreational value, mean that the size, nature and location of the proposed Application Site is not likely to result in an increase in disturbance and associated recreational pressure.

Conclusion: No LSE on the SAC/Ramsar Qualifying Features, Conservation Objectives or Vulnerabilities.