



Local Plan Task Group
Tuesday, 28th February, 2023 at 1.00 pm
in the Council Chamber, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

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

1. **Local Plan Examination - Inspector's Letter - Recommended Way Forward - TO FOLLOW (Pages 2 - 23)**

Contact

Democratic Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
Tel: 01553 616394
Email: democratic.services@west-norfolk.gov.uk

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet’s powers to decide		NO	
	Discretionary /	Need to be recommendations to Council		YES	
West Winch	Operational	Is it a Key Decision		NO	
Lead Member: Cllr Richard Blunt E-mail: cllr.Richard.Blunt@West-Norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted: Local Plan Task Group		
Lead Officer: Claire May E-mail: Claire.may@west-norfolk.gov.uk Direct Dial:			Other Officers consulted: Stuart Ashworth Michael Burton		
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES at pre- screening	Risk Management Implications Yes	Environmental Considerations No
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: 7 MARCH 2023

LOCAL PLAN EXAMINATION – INSPECTORS’ LETTER – RECOMMENDED WAY FORWARD

Summary

Full Council approved the draft Local Plan submitted for examination in March 2022. The Local Plan Inspectors adjourned the examination hearings to allow the Council to provide further evidence and justification, to ensure the submitted Plan is sound. This report sets out the options to address the Inspectors’ concerns. In relation to the Spatial Strategy and Settlement Hierarchy in particular, those more substantive changes to the Plan are considered to require the approval of Full Council.

Recommendations:

That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.

- 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

Reason for Decision

To address concerns raised by the Local Plan Inspectors at examination in order that they may report the Plan is 'sound' and enable the Council to proceed to adoption at the earliest opportunity.

1. Background

- 1.1 The Local Plan was submitted to the Secretary of State on 29 March 2022 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Planning Inspectors Karen Baker DipTP MA DipMP MRTPI and Mike Hayden BSc DipTP MRTPI were appointed by the Secretary of State, to carry out the examination. The Inspectors' task is to consider whether the Council has complied with the legal requirements in preparing the Local Plan Review and whether the submitted Plan is sound, based on the following criteria set out in paragraph 35 of the [National Planning Policy Framework 2021](#) (*the Framework*):
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 1.3 Under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Inspectors will recommend modifications to the Plan submitted to make it 'sound'.
- 1.4 The examination hearings commenced in December 2022 with hearings taking place on 6, 7 and 8 December 2022 and 10 January 2023. Further hearing sessions were scheduled for January 2023.

1.5 On 11 January 2023 the Inspectors adjourned the hearing sessions to allow the Council the opportunity to undertake further work to justify the spatial strategy and distribution of housing in the Local Plan.

1.6 The Inspectors wrote to the Council on 30 January 2023 setting out, in detail the further work required and the way forward for the examination including a timescale for the delivery of this work and resumption of the hearing sessions. The letter and accompanying note are annexed as Appendix 1 and Appendix 2 to this report.

2.0 Inspectors Correspondence

2.1 The Inspectors' letter and note is intended to help the Council address matters that they have identified in the first part of the examination which would otherwise affect its soundness. The matters identified relate to the:

- Spatial Strategy
- West Winch Growth Area
- Transport Evidence
- Settlement Hierarchy
- Housing Land Supply

2.2 Details of the work they advise ought to be undertaken is identified in the Inspectors' Note on Further Evidence. Officers are preparing to commission this work with a view to meeting the Inspectors' deadline of 28 April 2023. This request has been made with a view to helping the Council ensure it is able to justify the Plan's policies and proposals so that the Inspectors may find it sound. This kind of advice is conventionally provided part way through a local plan examination as part of the Secretary of State's commitment to a positive and constructive plan making process that delivers new plans as quickly as possible.

2.3 This report sets out the options to address the Inspectors' comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Plan and require Member approval. The other work required by the Inspectors is already underway.

2.4 In summary, the Inspectors' main queries about the proposed spatial strategy and the distribution of housing development relate to:

- Strategic Growth Corridor (A10/Main Rail Line)
- Settlement Hierarchy
- Housing requirements for designated neighbourhood areas

2.5 Strategic Growth Corridor

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'A key component of the spatial strategy in Policy LP01 is to direct	'Explain the purpose of the Strategic Growth Corridor and the justification for the

development and investment to the most sustainable places in the A10/Main Rail Line Strategic Growth Corridor. However, the proposed allocations in the Plan would direct around 40% of housing growth to the West Winch Growth Area'.....'with comparatively limited housing development at Downham Market and Watlington'	proposed distribution of housing growth within it, including the scale of housing growth at the WWGA, Downham Market and Watlington relative to the role of these settlements/locations within the hierarchy....'
---	---

2.6 The Inspectors are concerned that the notion of a strategic growth corridor is not justified by the evidence. That concern stems from the fact that very little new growth is proposed in the Growth Corridor except at King's Lynn/West Winch. Whilst they have therefore invited the Council to consider whether the growth corridor should be retained and to prepare a topic paper if it believes the designation should stand. This option is most unlikely to be found sound unless further significant allocations are made in Watlington and Downham Market or policy is loosened to admit further development in these locations. However, the Council does not need to allocate further land in either of these locations to meet the need for housing. Therefore, the deletion of the Growth Corridor 'designation' would not change the substance of the Plan's Spatial Strategy. That being so, Officers recommend Policy LP01 is simply amended to delete the Growth Corridor notation.

2.7 Legal advice that has been received by the Council is that the proposed change is one of form rather than substance, so in that respect it ought not be regarded as significant in the sense of going to the heart of the Plan's sustainable development strategy.

2.8 Settlement Hierarchy

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'The spatial strategy for rural settlements in the Plan is also ambiguous'	'As part of the Action List [G12], we also requested that the Council update the supporting study D21 on Further Consideration of the Settlement Hierarchy, with evidence explaining the decisions on proposed changes to the status of certain settlements within the settlement hierarchy in Policy LP02. The update note provided by the Council [F38] does not provide the evidence requested...'

2.9 The Inspectors have raised a number of questions about the Settlement Hierarchy and distribution of development within it, but in essence their concern is that the hierarchy is not justified by objective, systematic evidence. In particular, the Inspectors are concerned that any settlement which is judged sufficiently sustainable to be identified as part of the hierarchy ought to make some (albeit a proportionate) allowance for development. Therefore, going forward the Council's option is essentially to:

- 1) Revert to the Settlement Hierarchy in the Core Strategy (as amended by the Site Allocations and Development Management Policies Plan) which results in:
 - i. the deletion of Growth Key Rural Service Centre tier with Marham and Watlington being reclassified as Key Rural Service Centres. (Note: if Members are minded to remove the Strategic Growth Corridor from the Spatial Strategy, this tier would no longer be relevant), and
 - ii. a Settlement Hierarchy that is capable of being justified as it has already been through an examination process: **and**
- 2) Include a criterion-based policy for each rural settlement that allows the consideration of development proposals.

2.10 There is no need to allocate further sites to meet the Borough’s need for housing. Instead, the Plan will be positively prepared and justified if a criterion based policy is developed that allows development to take place at each level of the settlement hierarchy in defined circumstances. Officers therefore recommend this approach to Members.

2.11 Housing requirements for designated neighbourhood areas

Inspectors’ Letter (Appendix 1)	Inspectors’ Note (Appendix 2)
‘Paragraph 2.0.19 of the Plan says that Neighbourhood Plans (NPs) must support the overall scale and nature of growth indicated in the Plan, and that the Plan will specify the minimum scale of growth appropriate for each settlement. However, paragraph 4.1.23 goes on to say that the allocations for areas preparing NPs will not be made in the Plan. Policies LP01 and LP02 do not set out housing requirements for each settlement or neighbourhood area...	‘Review whether the Plan should set out housing requirements for each settlement or designated neighbourhood area in the Borough, taking account of national policy in this regard, the strategy for the pattern and scale of development in the Borough, and any relevant allocations, and if not, provide a justification for not doing so and departing from national policy on this matter.’

2.12 The Inspectors require the Council to identify the housing requirement for designated neighbourhood areas. This is usually accomplished having regard to the: -

- Spatial strategy;
- Evidence such as the housing and economic land availability assessment (HELAA); and/ or
- Characteristics of neighbourhood area (e.g., constraints or functional role).

2.13 Officers have now devised a methodology for setting housing requirements for designated neighbourhood areas. This is attached as Appendix 3.

2.14 Officers recommend that the housing requirement for designated neighbourhood areas is incorporated into Policy LP01, or a separate “housing requirements” policy. It is to be observed that whether or not LP01 is amended, or a separate policy formulated, a designated neighbourhood area is able to require the Council to supply a housing requirement when it prepares a neighbourhood plan. Thus, once again this is a matter of form rather than substance and does not result in a substantial change to the Plan.

3. Recommendations

3.1 That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.
 - 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

4. Next Steps

4.1 In their letter (Appendix 1, p5), the Inspectors have requested that, once the additional tasks set out in the letter have been completed to their satisfaction, we will need to undertake a 6-week public consultation on the further evidence and provide them with a summary of representations received. It is for the Inspectors to consider the representations received as part of the examination process.

4.2 The Inspectors state that it is likely that additional hearing sessions are likely to be necessary to discuss the findings and its implications for the spatial strategy and distribution of development in the Plan and that these hearings could take place in the early autumn

3.2 Further consultation, on all the detailed changes to the Local Plan made through the examination process will be undertaken following the end of the hearing sessions. This consultation is referred to as a Main Modification Consultation which will likely take place in early 2024.

5 Policy Implications

5.1 None

6 Financial Implications

6.1 The cost of preparing the additional evidence will be done within the existing Planning Policy budget for the preparation of the Local Plan.

7. Personnel Implications

7.1 None

8 Environmental Considerations

8.1 There are no environmental implications stemming from this report.

9 Statutory Considerations

9.1 It is a statutory requirement for the Council to have a Local Plan in place. The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (As amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environment and Assessment of Plans and Programme Regulations 2004.

9.2 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) contains guidance that must be met to enable a Council to adopt a Local Plan, including the 'tests of soundness' that Local Plans are assessed against. A local Plan must be justified, effective, positively prepared and consistent with national policy.

10 Equality Impact Assessment (EIA)

10.1 Pre-screening EIA is attached.

11 Risk Management Implications

11.1 The principal risk is that should progress not be made to respond to the Inspectors' request for additional information, the Inspectors will find the Council's Plan unsound. That there will not be an up to date Local Plan and that the presumption in favour of sustainable development will apply.

12 Declarations of Interest / Dispensations Granted

None

13 Background Papers

[National Planning Policy Framework](#)

Planning Practice Guidance

Town and Country Planning (Local Planning) (England) Regulations 2012.

Planning and Compulsory Purchase Act 2004

APPENDICES

APPENDIX 1: Inspectors' Post Hearing Letter January 2023

APPENDIX 2: Inspectors' Note on Further Evidence January 2023



APPENDIX 3: Methodology for calculating housing requirements for designated neighbourhood areas

Name of policy/service/function	Local Plan				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	This report sets out the options to address the Inspectors' comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Local Plan in response to questions raised at the examination hearings. Preparation of Local Plans is governed by legislation and guidance and national policy				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
Other (eg low income)			x		

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	No	<p>Actions: N/A</p>
		<p>Actions agreed by EWG member:</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p>Decision agreed by EWG member:</p>		
<p>Assessment completed by:</p> <p>Name</p>	<p>Claire May</p>	
<p>Job title</p>	<p>Planning Policy Manager</p>	
<p>Date</p>	<p>23 November 2023</p>	

King's Lynn & West Norfolk Local Plan Review Examination

Inspectors: Karen L Baker DipTP MA DipMP MRTPI

Mike Hayden BSc DipTP MRTPI

Programme Officer: Annette Feeney

Email: Annette.Feeney@West-Norfolk.gov.uk *Tel:* 07775 771026

30 January 2023

Stuart Ashworth
Assistant Director
Borough Council of King's Lynn & West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk PE30 1EX

By email via the Programme Officer

Dear Mr Ashworth,

**Examination of King's Lynn & West Norfolk Local Plan
Review: Hearing Adjournment and Further Evidence**

Following our adjournment of the Examination Hearing on 11 January 2023, we are writing to set out in more detail the reasons for the adjournment and the further evidence we require from the Council to enable the Examination of the King's Lynn & West Norfolk Local Plan Review (the Plan) to continue.

It will be clear from our Matters Issues and Questions (MIQs) and from the discussions held at the Examination Hearing sessions to date, that we have questions about the soundness of the Plan, in respect of key elements of the proposed spatial strategy and distribution of housing development. In summary, our concerns are:

1. Strategic Growth Corridor

A key component of the spatial strategy in Policy LP01 is to direct development and investment to the most sustainable places in the A10/Main Rail Line Strategic Growth Corridor. However, the proposed allocations in the Plan would direct around 40% of housing growth to the West Winch Growth Area (WWGA), which is likely to rely on car and road-based transport, with comparatively limited housing development at Downham Market and Watlington, which, with railway stations, appear to be more sustainable locations in transport terms. Our questions have sought to understand the evidence to support this distribution of development within the corridor, but to date the Council has been unable to provide a clear explanation. We question, therefore, whether this component of the spatial strategy is justified as appropriate, based on the evidence, and consistent with national policy in enabling the delivery of sustainable development.

2. West Winch Growth Area

The evidence to support the increased growth proposed at the WWGA is inadequate. Whilst the WWGA has been established as an appropriate location for strategic growth through the adopted Core Strategy and allocated for at least 1,600 dwellings up to 2026 in Policy E2.1 of the Site Allocations and Development Management Policies Plan (the SADMP), it is clear in the SADMP that the potential for further development beyond that at WWGA is subject to future development plans.

The submitted Plan is now seeking to establish the extent of further growth at the WWGA. Policy E2.1 as submitted allocates the site for at least 2,500 dwellings in the period to 2036 and up to 4,000 dwellings in the fullness of time. However, the evidence to justify the additional growth of 2,400 dwellings and to demonstrate that its impacts on matters such as the operation and safety of the transport network, and on air quality, heritage and ecological assets, landscape character and local amenity, are capable of being mitigated, was not submitted with the Plan. Although the effects of the proposed allocation were assessed through the Sustainability Appraisal (SA), it is unclear what evidence was used to derive the appraisal scores for heritage, highways and transport, landscape and amenity, natural environment and pollution.

A Heritage Impact Assessment (HIA) for the WWGA has now been undertaken and we understand further transport modelling work is available. But, based on the Council's responses to our MIQs and oral questions at the Hearing, we are concerned that the necessary technical work has not been undertaken to determine the development capacity of the site in environmental and infrastructure terms. As yet, therefore, we are unable to conclude that the proposed allocation for up to 4,000 dwellings at the WWGA, in Policy E2.1, is justified as appropriate based on the evidence, nor that it would deliver sustainable development in accordance with national policy.

3. Downham Market

The role of Downham Market within the Plan's spatial strategy is ambiguous. Paragraph 3.1.2 of the submitted Plan, introducing the Vision for the Borough, signals '*a shift towards encouraging development towards Downham Market based on the sustainable nature of the settlement and the key role the town plays within the borough, as opposed to the previous approach which sought to allow for a slower pace of growth*'. This implies an increased rate of growth at Downham Market in the submitted Plan to 2036, compared to the current adopted Plan. However, whereas the Core Strategy makes provision for at least 2,710 dwellings at Downham Market in the period to 2026 (Policy CS04), the proposed Plan only provides for at least 390 dwellings up to 2036, on two sites (Policies F1.3 and F1.4) which were allocated in the SADMP; there are no new allocations at Downham Market in the proposed Plan.

Further, although Downham Market is the second largest town in the Borough, with a station on the main railway line and within the Strategic

Growth Corridor, it attracts a very limited proportion of the housing growth proposed within the Plan, compared to King's Lynn and West Winch. The table at the end of Policy LP01 shows that 6% of the homes are allocated at Downham Market, compared to 62% at King's Lynn and the surrounding area. As such, the level of housing growth allocated to Downham Market does not appear to be consistent with the role and vision for the settlement in the submitted Plan.

In discussions at the Hearing, the Council was unable to explain the justification for this apparent inconsistency. We are concerned, therefore, as to whether this element of the Plan's growth and spatial strategy is justified as appropriate, based on the evidence, and whether it is consistent with national policy in focusing significant development in a location which is sustainable in transport terms.

4. Watlington

Watlington is identified in the submitted Plan as a Growth Key Rural Service Centre (KRSC), because it lies on the main line railway between King's Lynn, Cambridge and London within the Strategic Growth Corridor, and is a sustainable settlement with a wide range of facilities. However, the submitted Plan allocates just one site (G112.1) at Watlington for 32 dwellings, which is a carried forward allocation from the SADMP, intended to meet needs in the existing adopted Plan period to 2026. No further housing growth is proposed at Watlington for the submitted Plan period to 2036. Whilst the supporting text of the Plan (at paragraph 11.2.7) indicates that it would be appropriate to consider further allocations through the emerging Watlington Neighbourhood Plan (NP), there is no requirement for the NP to do so, in the form of a housing requirement for Watlington to support its status as a Growth KRSC.

At the draft Plan consultation stage in March/April 2019, an additional site was allocated at Watlington for 90 dwellings (Policy WAT1), to support its role as a Growth KRSC. In answer to oral questions at the Hearing, the Council confirmed that this site was removed on the basis that it was no longer required to meet the Borough's overall housing requirement, regardless of the proposed growth status of Watlington. As such, in the absence of any further housing allocations or a housing requirement to be met through allocations in the NP, we question whether the status of Watlington as a Growth KRSC is justified as appropriate, and whether this element of the Plan is consistent with national policy in respect of its emphasis on focusing development in sustainable locations.

5. Rural Settlements

The spatial strategy for rural settlements in the Plan is also ambiguous for the following reasons:

- Criterion 8(a)(iii) of Policy LP01 and criterion 3 of Policy LP41 identify the KRSCs as a focus for most new development within the rural

areas of the Borough. However, the Plan does not propose housing allocations at all of the KRSCs, with no provision made at Burnham Market, Middleton and West Walton. Where sites are proposed, many were allocated in the SADMP and have either been completed or are nearing completion. Based on the latest housing delivery monitoring data in document F34, around 50% of the proposed supply at the KRSCs will have been built by the end of 2026/27. For the remainder of the Plan period to 2036 (or 2039 under the proposed change to the Plan period), only 9 of the 23 KRSCs will have any allocations remaining to meet housing needs that come forward after 2026/27.

- Whilst Rural Villages (RVs) are expected to accommodate more modest levels of development, only 16 out of 30 RVs have housing allocations in the submitted Plan. Most of the sites were allocations in the SADMP and are either completed or under construction, with very few dwellings projected to come forward in the RVs from 2027/28 to the end of the Plan period.
- Paragraph 2.0.19 of the Plan says that Neighbourhood Plans (NPs) must support the overall scale and nature of growth indicated in the Plan, and that the Plan will specify the minimum scale of growth appropriate for each settlement. However, paragraph 4.1.23 goes on to say that the allocations for areas preparing NPs will not be made in the Plan. Policies LP01 and LP02 do not set out housing requirements for each settlement or neighbourhood area.
- In its suggested Main Modifications (MMs) [F37], the Council proposes to delete from the Plan any KRSC or RV which no longer has a housing allocation to be delivered. This reinforces the impression that the Plan does not seek to provide for the needs of these settlements going forward.
- The Plan also proposes to change the status of a number of rural settlements in the Settlement Hierarchy in Policy LP02, but the evidence to justify a number of these decisions is not clear in the supporting study on Further Consideration of the Settlement Hierarchy [document D21]. Whilst the Council has sought to update this evidence in Examination Document F38, in many cases the commentary about the decisions to change or not to change the tier of different rural settlements in the hierarchy, does not provide the reasoning for those decisions.

Overall, the spatial strategy and housing provision for rural settlements appears to be based largely on carrying forward existing allocations from the SADMP and windfall provision under Policy LP31, rather than evidence of the needs of settlements over the Plan period. This does not present as a positively prepared strategy to meet the needs of rural communities. National planning policy expects planning policies to be responsive to local circumstances and support housing developments that reflect local needs in rural areas. Paragraph 66 of the NPPF also expects strategic policies to set out a housing requirement for

designated neighbourhood areas, which reflects the strategy for the pattern and scale of development and any relevant allocations. The Plan does not do this. For these reasons we question whether the spatial strategy for rural settlements is justified as appropriate, based on the evidence, and consistent with national policy.

Without further evidence to support these elements of the Plan, we are unlikely to be able to conclude that the spatial strategy and distribution of housing growth are justified as appropriate, based on the evidence submitted; deliverable over the Plan period and therefore effective; or consistent with national policy in enabling the delivery of sustainable development.

During the first week of the Hearing, we requested a number of pieces of evidence to deal with questions on these matters that the Council was unable to answer. These were set out in the Action List issued after the first week [G12]. We had hoped these would address our concerns and enable the discussion of development proposals for the main towns and rural settlements, but the documents submitted by the Council [F34, F36, F38 and F39] do not provide the necessary evidence, for the reasons we explained at the opening of Day 4 of the Hearing.

It is for these reasons that we have taken the decision to adjourn the Hearing and give the Council the opportunity to carry out the work necessary to address the above questions. The note attached to this letter sets out the further evidence we require the Council to undertake at this stage. For the avoidance of doubt, this incorporates actions 12, 13, 18, 19, 21 and 52 in the Action List and the topic paper on the WWGA.

We would encourage the Council to progress the remaining actions in that list alongside preparing this further evidence, most of which involve preparing MMs to policies and site allocations that were discussed during the Hearing sessions to date. The evidence on housing land supply and the deliverability and developability of housing allocations will also need to be updated, based on discussions at the Hearing so far and any further development progress on sites during the Hearing adjournment. We have set this out in the attached note as well.

We propose a deadline of 28 April 2023, allowing the Council a full three months to complete this work, but would be grateful for your confirmation that this can be met. During this period we also ask that the Council provides monthly updates, which should be posted on the Examination website, to ensure all parties are kept informed of progress.

Once this work is completed to our satisfaction, we will ask the Council to undertake public consultation on the further evidence and provide us with a summary of any representations. Further Hearing sessions are likely to be necessary to discuss the findings of this work and its implications for the spatial strategy and distribution of development in the Plan. At this stage, we estimate these could take place in the early autumn, assuming a 6-week period for consultation on the further evidence and 6-weeks' notice of the resumption of the Hearing.

We expect that the cancelled Hearing sessions on Matters 6-9 of the MIQs from January would be scheduled to take place at the same time, along with any Hearing session necessary to consider the findings of the Gypsy and Traveller work currently being undertaken by the Council.

On receipt of this letter, please would the Council upload a copy to the Examination website.

We need to make clear that we are not inviting or proposing to accept comments on this letter or the attached note from any Examination participants. The consultation and future Hearing sessions referred to above will provide the opportunity for any further representations on the issues raised in this letter and the further evidence to be submitted.

Yours sincerely,

Karen L Baker

INSPECTOR

Mike Hayden

INSPECTOR

Attachment:

Inspectors' Note on Further Evidence required from the Council – Jan 2023

Examination of the King's Lynn & West Norfolk Local Plan Review
Note on Further Evidence required from the Council to accompany
letter from the Inspectors - January 2023

1. Spatial Strategy

The Council should prepare a topic paper to explain and justify the proposed spatial strategy in the submitted Plan, in particular to cover the following matters:

- Explain the purpose of the Strategic Growth Corridor and the justification for the proposed distribution of housing growth within it, including the scale of housing growth at the WWGA, Downham Market and Watlington relative to the role of these settlements/locations within the hierarchy, their sustainability in terms of transport, facilities and infrastructure, and their population size and settlement needs.
- Explain the spatial strategy for rural settlements and communities, including the role and function of Growth KRSCs, KRSCs, RVs, and SVAHs in accommodating future rural development needs, and the justification for the level of housing growth allocated to each rural settlement, having regard to their role in the settlement hierarchy, their facilities, transport accessibility, population size and settlement needs.
- Review whether the Plan should set out housing requirements for each settlement or designated neighbourhood area in the Borough, taking account of national policy in this regard, the strategy for the pattern and scale of development in the Borough, and any relevant allocations, and if not, provide a justification for not doing so and departing from national policy on this matter.
- Review the various definitions for the 'appropriate' scale of development in the different tiers of rural settlements within the hierarchy and the spatial strategy in Policies LP01 and LP02, and consider amendments to the Plan to make this clear and unambiguous.
- Detail any suggested Main Modifications (MMs), in particular to Policies LP01, LP02, LP04, LP31, LP39, LP40 and LP41 and their supporting text, in the light of the analysis provided above.

2. West Winch Growth Area (WWGA)

The Council should prepare a topic paper to bring together the evidence supporting the proposed allocation for up to 4,000 dwellings at the WWGA in the submitted Plan. In particular, this should cover:

- The history of the evolution of the proposal for growth south east of King’s Lynn and at West Winch, with reference to evidence provided for the Examination in the current adopted development plan.
- The current planning status of the site in terms of progress on the masterplan for the WWGA and on planning applications for the respective phases of the adopted allocation for 1,600 dwellings.
- Justification for the additional growth (of 2,400 dwellings) proposed in the submitted Plan, over and above the 1,600 dwellings for which the site is allocated in the SADMP, particularly in light of the size of the overall surplus of housing land up to the end of the Plan period and beyond.
- An explanation of the results of any modelling of traffic and transport impacts arising from the growth of up to 4,000 dwellings at the WWGA, on the operation and safety of the transport network to accommodate this growth, and of the effects of transport interventions proposed to mitigate those impacts.
- Details for the proposed West Winch Housing Access Road (WWHAR), including the timetable, key dates and milestones in the Business Case process to secure DfT funding, how its delivery would be phased, and the trigger points in the housebuilding programme at which each phase and the full route would be required;
- A summary of evidence assessing the cumulative impacts of the proposed additional growth on landscape character, heritage assets, biodiversity and ecology, flood risk (including surface water drainage), air quality, community infrastructure and amenity (i.e. residential living conditions), and any recommended mitigations. Where this evidence is not yet available, the necessary assessments should be commissioned and the results summarised in the topic paper.
- Detail any suggested MMs to the submitted Plan arising from the above analysis, in particular to Policy E2.1 and its supporting text, and consequential changes to the Housing Trajectory [F22].

3. Transport Evidence

As part of the Action List [G12] published following the first week of the Hearing, we requested that a technical note be prepared to pull together the full suite of transport studies and strategies, which have been prepared to date by the Borough Council as LPA and/or Norfolk County Council as the Highway Authority (HA) to inform and/or support the spatial strategy and development proposals in the Plan.

The note provided [Examination document F39] does not adequately address the work required, as it does little more than provide links to

the various studies and strategies. It does not explain the evidence, the results of the modelling, with and without transport interventions, and the implications of the growth proposed in the Plan for the transport system.

In the specification for the technical note [G14], we asked that it should do the following:

- Summarise the results and findings of traffic and transport modelling undertaken to assess the impacts of the development proposed in the Plan and at the WWGA over the Plan period and beyond on the strategic and local transport network in the Borough.
- Explain: the recommended transport infrastructure schemes and other interventions proposed to address the impacts of planned development; the effects of those interventions in mitigating any unacceptable impacts of the proposed growth on highway safety and the operation of the road network; and the technical feasibility, financial viability and funding mechanisms of those schemes and interventions.
- Draw together and summarise the transport strategies, programmes and measures relevant to the Plan and the WWGA, and how they would help to make the proposed locations for development in the Plan more sustainable, offer a genuine choice of travel modes and support modal shift away from dependence on the car.
- Outline any other transport evidence which the LPA and HA consider to be relevant to justifying the sustainability and deliverability of the Plan's spatial and development strategy.

As part of the further work at this stage of the Examination, we require the Council and the HA to review and update document F39 to ensure it provides a full and proper analysis of the above points.

4. Settlement Hierarchy

As part of the Action List [G12], we also requested that the Council update the supporting study D21 on Further Consideration of the Settlement Hierarchy, with evidence explaining the decisions on proposed changes to the status of certain settlements within the settlement hierarchy in Policy LP02.

The update note provided by the Council [F38] does not provide the evidence requested, for the following reasons:

- The commentary explaining the decisions to change or not to change the tier of different settlements in the hierarchy, in most cases does not provide the reasoning for those decisions. Minutes of

the meetings at which the decisions were made are provided, but these mostly record the decision rather than the reasoning. As such, the status of a number of the settlements does not appear to be justified by the evidence.

- The paper does not explain how the survey responses from Parish Councils informed the decisions about the status of settlements in the hierarchy.

Therefore, as part of the further work at this stage of the Examination, we need the Council to review and update document F38 to clearly explain, along with supporting evidence, the justification and reasoning for the decisions made on the status of the following settlements in the hierarchy:

- Castle Acre
- Marshland St. James/St. John's Fen End with Tilney Fen End
- Walpole St. Peter/Walpole St. Andrew/Walpole Marsh
- Middleton
- Southery
- Denver
- Wiggshall St. Germans
- Walpole Highway
- Hilgay
- Walton Highway and West Walton
- Ashwicken
- Bircham Newton, Choseley, Fring, Fordham, Setchey, Shernbourne, Stow Bardolph and Wolferton.

The scoring for each of these settlements, as listed in D21, should be explained and how this has been used to determine a settlement's status in the hierarchy, taking into account the survey responses from Parish Councils and the relative position of other settlements with the same/similar scores but at different levels of the hierarchy.

5. Housing Land Supply

Deliverability and Developability of Housing Allocations

In response to our request in the week 1 Action List [G12], the Council provided a note on the Deliverability and Developability of housing allocations in the Plan [F34], with evidence intended to demonstrate the delivery programme for each site.

However, as discussed at the outset of Day 4 of the Hearing, for a number of the housing allocations the evidence to demonstrate their deliverability or developability is lacking and for other sites their delivery timescale contradicts that shown in the Housing Trajectory [F22].

Therefore, as part of the further work at this stage of the Examination, we ask that the Council review and update the evidence as follows:

- Review each allocation in note F34 to ensure that sufficient evidence is provided in respect of lead in times, start dates, build out rates and completions to demonstrate its deliverability or developability according to the definitions in the NPPF;
- Update the record of completions for sites under construction for the period to 31 March 2023;
- Make corresponding changes to the Housing Trajectory to ensure it reflects the delivery timescale for each allocation in the updated note on Deliverability and Developability.

Housing Land Supply report

The Council submitted a report on Housing Land Supply [F43b] in support of its HPS on Matter 6. However, we would invite the Council to review and update it as follows:

- Paragraph 4 states that 'the Council would like to fix the five-year housing land supply through the examination process with a 10% buffer applied to the overall housing requirement'. However, as agreed at the Hearing session on 10 January, the Council cannot seek to 'fix' the five year supply at this stage of the Examination process and, as such, reference to this should be removed from the Housing Land Supply report;
- It may also be that the 5-year housing land supply calculation will need to be adjusted in the light of changes to the delivery status and trajectory of sites in document F34.

Karen Baker and Mike Hayden
Planning Inspectors
January 2023

APPENDIX 3

Methodology for setting housing requirements for designated neighbourhood areas

- a) Calculate residual (outstanding) housing requirement by deducting allocated development plan sites and major strategic commitments from Local Housing Need (10,278);
- b) Obtaining up-to-date household Nos for each neighbourhood area (i.e. designated parish/ parishes), using No of properties registered for Council Tax;
- c) Dividing No of properties by total (Borough-wide) No of properties registered for Council Tax, to get a % figure for each neighbourhood area;
- d) For each neighbourhood area in turn, multiply the % figure (stage (c)) by the residual housing requirement (stage (a));
- e) Review suitable HELAA sites within each neighbourhood area, to give maximum potential development capacity; and
- f) Utilize the lower of the figures at (c) or (d) above to set a housing requirement for each neighbourhood area.