

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

LOCAL PLAN TASK GROUP

Minutes from the Meeting of the Local Plan Task Group held on Tuesday, 10th October, 2023 at 9.30 am in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillor J Moriarty (Chair)
Councillors R Blunt (Vice Chair), M de Whalley, B Jones, T Parish, A Ryves and S Sandell

Officers:

Stuart Ashworth, Assistant Director, Environment and Planning
Luke Brown, Temporary Senior Planning Officer (Zoom)
Michael Burton, Principal Planner (Zoom)
Claire May, Planning Policy Manager
Wendy Vincent, Democratic Services Officer

1 **APOLOGIES**

Apologies for absence were received from Councillors S Everett and Mrs V Spikings.

2 **NOTES OF THE PREVIOUS MEETING**

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The notes of the meeting held 30 August 2023 were agreed as a correct record.

3 **MATTERS ARISING**

There were no matters arising.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5 **URGENT BUSINESS**

There was no urgent business.

6 **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor A Kemp was present under Standing Order 34 (arrived at 9.41 am).

7 **CHAIR'S CORRESPONDENCE (IF ANY)**

There was no Chair's correspondence.

8 **UPDATE ON PLANNING FOR GYPSY AND TRAVELLER ACCOMMODATION (VERBAL UPDATE)**

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The Planning Policy Manager provided a verbal update, a summary of the key points are set out below:

- Borough Council undertaking site assessment on the existing Traveller and Gypsy sites in the district in the same way as the housing site assessment to assess the suitability, etc.
- In process of undertaking a Strategic Flood Risk Assessment (in collaboration with the Environment Agency) on a number of sites in Flood Zones 2 and 3. The screening had shown about 13 sites cannot be allocated through the Local Plan because of risk of flooding and in particular the depth of potential flooding, should extreme events occur.
- Borough Council will have to look for new sites to accommodate the needs of gypsies and travellers.
- Call for sites consultation to commence 13 October 2023 for a 4 week period and would be a targeted consultation aimed at landowners, gypsy and traveller organisation, agents, etc. Land only within Flood Zone 1 and size ranging from 0.2 to 3 hectares.
- Slight delay to Local Plan Examination. New timetable had been set out. Delay would be approximately 2 months.
- Borough Council to formally write to the Planning Inspectors but had been made advised of the need to undertake a call for sites and explained the new timetable. Letter to be published on the Council's website advising of the new timetable.
- Officers looking at Council owned land to ascertain if any sites would be suitable.

The Chair, Councillor Moriarty thanked the Planning Policy Manager for the update report and invited questions/comments from the Task Group, a summary of which is set out below.

In response to a question from Councillor de Whalley on the size of sites required in Flood Zone 1, the Planning Policy Manager explained that sites would be between 0.2 and 3 hectares in size.

Following a further question from Councillor de Whalley on the impact on the risk of the Local Plan not being delivered on time, the Planning Policy Manager explained that there would be a two month delay, but that the Local Plan should be adopted by the end of 2024 if a decision was made on the Gypsy and Traveller accommodation allocations. It was highlighted that if the Council could not meet the gypsy and traveller requirements then it was highly unlikely the Local Plan would be found sound in its current form.

In response to a question from the Chair, Councillor Moriarty on the timetable and the dates for the examination hearing(s), the Planning Policy Manager explained that it was the decision of the Planning Inspector when the examination hearings would take place. It was explained that when the original plan was submitted and it was found that the Council had to redo the Gypsy and Traveller Assessment last year, it was suggested that the main hearing sessions were held and the Gypsy and Traveller hearing shortly afterwards. In conclusion, the Task Group was informed that the Planning Inspector(s) could determine to hold one hearing to include the Gypsy and Traveller element or two separate ones as outlined above.

Councillor Sandell sought clarification on the Local Plan being jeopardised if the Council could not provide the Gypsy and Traveller required sites. The Planning Policy Manager explained that if the Council could not provide the number of sites required this would put the Local Plan in jeopardy as there was a requirement to meet the needs of the Council's communities through National Planning Policy.

Councillor Blunt commented he thought the Council had received approval to carry on with the Local Plan Examination and the Gypsy and Traveller Hearing could be scheduled for a later date. The Planning Policy Manager explained that when the Local Plan was submitted a gypsy and traveller assessment was being undertaken but had to cease and the Inspectors had instructed the Borough Council to carry out its own assessment as soon as possible. The Council did this and when the assessment had been finalised wrote to the Inspectors to ask if could deal with the gypsy and traveller accommodation in a separate development plan document to the Local Plan. The Inspectors wrote back to the Council and said no because the need was so great and needed to be addressed in the Local Plan because without it the Plan would not be found sound.

Councillor Parish made the following statement. Councillor Parish commented he was a little disappointed because some time ago before the Local Plan Task Group (LPTG) meeting was set up, a meeting had been held to decide whether the Local Plan as it stood should go forward and that he had to make a decision, which he agreed and received information as to where the Council was likely to be in the future. Councillor Parish added that since then a LPTG had been held and Councillors had been more or less assured that there was no problem with providing more sites as there were a number of

existing sites which could be extended/enlarged to accommodate the needs of gypsies and travellers and other Councillors queried should the Council undertake a call for sites exercise and perhaps the Council should have done because then the Council would not be faced with a delay.

Councillor Parish further added that he was aware of the risks relating to the Local Plan and was made clear that if the Council did not have accommodation to meet the gypsy and traveller needs then the Plan according to the Inspectors would not be found sound. This issue had been raised with MPs and was awaiting a response as the MPs would speak to the relevant Government department.

In conclusion, Councillor Parish commented that he was disappointed in two ways:

1. The work could have been done some weeks ago if it was deemed unlikely there would be enough sites, the call for sites exercise could have commenced.
2. The threat of the Local Plan which effected the whole of West Norfolk might be delayed/put off/partially wrecked because of one policy which does affect people but it does not affect thousands and would be solved in the course of time.

In response to questions from Councillor Ryves on the number of sites required, the Planning Policy Manager explained that 76 pitches were required within the first five years of the plan and a 102 in total over the Plan period. The Task Group was informed that there could be several pitches on one site but that these would vary in size. The Council was looking at existing sites which could be suitable for expansion or intensification but the process was not finished it was unsure how many pitches the Council was short of but was in the region of 30 pitches but it was difficult to determine the number of sites required.

The Assistant Director, Environment and Planning responded to the comments made by Councillor Parish and explained that it had been hoped that the number of sites required could have been dealt with by existing sites. It was highlighted that a flood risk assessment had thrown up a number of issues and that there were a number of sites in the high flood risk zone and some sites next to riverbanks, etc and after drilling down into the detailed analysis this had not allowed the Council to do what it originally wanted to do. The Assistant Director explained that the Council had only recently found out that some sites were in too high a flood risk zone to continue as it wanted to.

Councillor Parish commented that the issue of what would happen if the Council did not have enough sites was raised at a previous task group meeting and someone raised the issue that the Council should have done a call for sites and added that it would have been a sensible thing to do, but the Council was now where it was and now needed to move rapidly forward.

Councillor Jones asked if the figure of 76 pitches had been based on the actual data the Council held or was it a figure given by Government. In response, the Planning Policy Manager explained that the figure had come from the Gypsy and Traveller Accommodation Study undertaken independently which was one of the documents currently out for consultation which essentially looked at the gypsy and traveller community within the Borough and determined the number of sites required.

Following further questions from Councillor Jones on travellers and potential influx from other areas, the Planning Policy Manager explained that this happened particularly during the summer months but the Council was not required to have provision for transit accommodation as people were passing through to reach destination sites. The Planning Policy Manager clarified the planning definition of a traveller.

In response to a question from the Chair, Councillor Moriarty on when the formal letter to the Inspectors would be available to view on the Council's website, the Planning Policy Manager explained that it was hoped that the letter would be sent to the Inspectors and published later that day.

Following further questions from the Chair, Councillor Moriarty on whether the Council had sufficient or any Council owned land (both Borough and County) and potential call for sites, etc, the Planning Policy Manager advised that the Council had identified 20 sites within the Borough but explained that some of the sites were very small and in remote locations or in the middle of housing estates and highlighted that it was unlikely enough sites would be found within Borough Council owned land. The Borough Council would write to Norfolk County Council to ascertain if there was land in their ownership which could be put forward for gypsy and traveller accommodation.

The Chair, Councillor Moriarty asked why the Borough Council had not already written to Norfolk County Council as it had been mentioned at the last meeting that the County Council could be one of the Borough Council's sources.

Councillor Blunt commented on the analysis undertaken to date and when previously discussed, the demand appeared to be very local to certain parts of the borough and adjacent to existing sites and asked if the Council had looked at those sites as to whether they could be expanded. In response, the Planning Policy Manager confirmed that the Council had looked at existing and adjacent sites as part of the Gypsy and Traveller Assessment. The Task Group was advised that the location of those sites were in Flood Zones 2/3 and work was being undertaken with the Environment Agency through the Strategic Flood Risk Assessment. Where there was a risk of an extreme event in flood defences tended to be in those areas and it was therefore limited as to

which sites could be expanded or intensified. The Planning Policy Manager provided clarification on the difference between allocated sites and planning permission and explained they were two separate processes.

The Assistant Director, Environment and Planning added that some sites had become lawful over time.

Following questions from Councillor Ryves on how the Inspector assessed risk, the Planning Policy Manager explained that the Inspectors did not assess risk but considered whether the allocation site was sound, suitable, deliverable and achievable.

Councillor Ryves asked what were the democratic safeguards in place within communities when sites were allocated. The Planning Policy Manager explained that the process was that once officers had completed the site assessment process, recommendations would be presented for consideration by the LPTG but it was for Cabinet to make the decision which would be presented in a consultation document and once approved would be subject to a statutory consultation period of six weeks. The responses would be considered by the Council and final decisions made on sites would be submitted to the Inspectors in April 2024.

RESOLVED: The update be noted.

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UPDATE ON CONSULTATION ON ADDITIONAL EVIDENCE TO SUPPORT THE BOROUGH NEW LOCAL PLAN (RESPONSES RECEIVED TO DATE)

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The Planning Policy Manager provided a summary of the responses received to date as set out below:

- Representation from a resident on the Gypsy and Traveller Accommodation Assessment querying the number of pitches in a particular table.
- Natural England responded on no specific comments on any of the consultation documents.
- Sedgeford Parish Council on the Spatial Strategy.
- Watlington Parish Council on the Spatial Strategy and Settlement Hierarchy.
- Councillor Kemp on West Winch and transport matters.

The Planning Policy Manager advised that additional responses were anticipated and that the consultation finished on 20 October 2023.

The Chair, Councillor Moriarty thanked the Planning Policy Manager for the update report and invited questions/comments from the Task Group, a summary of which is set out below.

Under Standing Order 34, Councillor Kemp commented that it was difficult to access documents, copy or forward from the website. The Chair, Councillor Moriarty advised Councillor Kemp that officers would address the issue following the meeting. *(Following the meeting Councillor Kemp received an explanation on how to access the documents via the links as follows:*

- *Click the link in the modgov agenda, copy the URL and email it to email address.*
- *Open the link on mobile phone in safari, then press and hold finger on the link to the document to get the menu in the attached picture. Select copy link).*

In response to questions and comments from Councillor Kemp on West Winch and the proposed number of homes to be delivered, the Planning Policy Manager explained that the West Winch topic paper was accompanied by 11 appendices and that the main modification on transport was set out in appendices 3 and 4.

Following comments made by Councillor Kemp on West Winch and the proposed number of homes and the link road, etc, Councillor Parish explained that he had raised the issues and had asked for negotiations to take place with the agent to identify a second trigger point and added that it was his understanding that the negotiations were ongoing and that hopefully there would be an improvement to the situation.

Following questions from Councillor de Whalley on biodiversity, he said that there were so many different documents interlinking it was difficult to know what had been deleted/were new elements. Councillor de Whalley gave an example, the Supplementary Planning Guidance (SPD) and two planning applications in the system which were not subject to biodiversity net gain and added that it was not clear if existing applications should be subject to the guidance. In response, the Planning Policy Manager explained that the SPD was written before the Biodiversity Net Gain would come into force in 2024. Currently the Council could encourage planning applications to make the best of the natural habitat but there was no legal requirement to do so. In conclusion, the Planning Policy Manager advised that in the future a policy could be included in the Local Plan once it became law to do so.

Following further questions from the Task Group, the Assistant Director, Environment and Planning explained that the 10% biodiversity net gain would only apply to planning applications submitted after January 2024.

In response to questions and comments from Councillor de Whalley on active travel regarding the West Winch site and public transport, etc, the Planning Policy Manager explained that the West Winch SPD set out details on sustainable transport.

Following further comments made by Councillor de Whalley on the above concerns, the Chair, Councillor Moriarty invited Councillor de Whalley to discuss the issues raised with him outside of the meeting.

The Planning Policy Manager responded to questions from Councillor Blunt in relation to the Wisbech Fringe and explained that Fenland District Council had no legal requirement to respond to the Borough Council's consultation.

RESOLVED: The update report be noted.

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ANY OTHER BUSINESS

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Neighbourhood Plans

Councillor Parish provided a summary of items for the Task Group to consider as set out below.

Councillor Parish commented that articles had been published in both local and national newspapers recently and explained that the principal reason was the increasing number of neighbourhood plans in the coasts area having a principal residency requirement incorporated into the plan. Reference was made to Old Hunstanton and that there was a requirement to reconsider this requirement in their Neighbourhood Plan. Councillor Parish added that he supported this requirement.

Councillor Parish expressed concern regarding Hunstanton as they had missed out on principal residency requirement and they wished to have this within the Neighbourhood Plan as and when possible and hope that officers would provide the necessary assistance.

Councillor Parish added that he was also concerned that if all other parishes alongside, above and below Hunstanton had a principal residency requirement and Hunstanton did not, Hunstanton would be a mecca for second homes and there would be an impact on the town.

The Chair, Councillor Moriarty invited the Principal Planner Policy to address the Task Group on the principal residency requirement. The Principal Planner Policy provide an overview on the principal residency requirement, current number of adopted Neighbourhood Plans in the Borough and number of Neighbourhood Plans being developed.

The Task Group was informed that:

- To date, during the current (2023/24) financial year two plans have been passed at referendum/"made" – Burnham Market, Stoke Ferry.
- Four further Plans are under examination and expected to come forward for referendum – Gayton and Gayton Thorpe, Grimston, Pott Row, Roydon and Congham, Old Hunstanton, Watlington.
- Plans with principal residences policies include Heacham, Burnham Market and Old Hunstanton.

The Chair, Councillor Moriarty thanked officers for their assistance given to Parish Councils in developing Neighbourhood Plans.

Revision of the Local Plan

Councillor Parish stated that there was a meeting before the LPTG began again to decide whether the process of revising the current Local Plan should continue or not which he had agreed to and added that alongside the current Administration had identified items to be included in the revised Local Plan which were not in the current one. He stated that ways were explored as to how this could be achieved and he did not wish to wait four years to undertake this work which would start in 2024 and provided an overview of the things which had been identified by the current Administration.

11 **DATE OF NEXT MEETING**

Date to be advised.

The Chair, Councillor Moriarty invited the Task Group to forward any future agenda items.

The meeting closed at 10.31 am