

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed:			
<b>Any especially affected Wards</b>	Discretionary	Be entirely within Cabinet's powers to decide	NO		
		Need to be recommendations to Council	YES		
		Is it a Key Decision	NO		
Lead Member: Cllr Peter Gidney (Portfolio Holder for Project Delivery) E-mail: cllr.peter.gidney@west-norfolk.gov.uk		Other Cabinet Members consulted:			
Lead Officer: Matthew Henry (Assistant Director Property & Projects) E-mail: matthew.henry@west-norfolk.gov.uk Direct Dial: 01553 616272		Other Members consulted:			
Financial Implications		Policy/Personnel Implications	Statutory Implications	Equal Impact Assessment	Risk Management Implications
YES		NO	NO	NO	YES
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					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: February 2020

### NOTICE OF MOTION 4/19

#### Summary

Notice of Motion 4/19 was submitted to Full Council in September 2019 in respect of proposed works affecting Harding's Way, King's Lynn. This report sets out the background to the project and the wider policy initiatives developed by the Council over a period of time. The purpose of this report is to enable Cabinet to consider the Notice of Motion and determine whether, or not, to accept the requests made under this Notice.

#### Recommendation

It is recommended that:

1. Cabinet consider the requests made under Notice of Motion 4/19 together with the background information set out within this report; and
2. Cabinet rejects the proposals set out in the Notice of Motion 4/19.

## **Reason for Decision**

The Council has progressed a number of significant regeneration initiatives within the borough over several years with inputs from a variety of other public bodies and agencies. Significant amounts of funding have been secured from partner agencies to facilitate these initiatives that will help drive the growth, development and sustainability of King's Lynn as a sub-regional centre. The requests made under Notice 4/19 are considered contrary to long-standing Council policies.

## **1.0 Introduction**

1.1 Notice of Motion 4/19 was submitted to Full Council on 17<sup>th</sup> October 2019 relating to proposed works to Harding's Way, King's Lynn. The proposed works are set out in more detail later in this report.

1.2 Notice of Motion 4/19 was submitted by Councillor Alexandra Kemp, which requested that :

*“Council urges Cabinet, in the strongest terms, to review all work planned to be done on or around Hardings Way, under (but not limited to) Planning Permission 17/01008/F, in the hope that they will not move the bus lane north, or introduce any new roads across it, and not allow any additional types of traffic onto it, or diminish any of its current features which enable pedestrians, prams and buggies to use it unhindered by traffic; in order to prevent detrimental impacts.”*

The full Notice of Motion can be seen at Appendix 1 to this report.

1.3 The above Notice of Motion was stimulated by the Council's approved planning application to construct two/three access points into potential development sites at the southern end of the Waterfront Regeneration Area (and to the north of the Nar Ouse Regeneration Area) located off Harding's Way and the requirement to submit an application to vary the Traffic Regulation Order affecting this road.

The Planning Permission 17/01008/F and layout drawings can be seen at Appendix 2 to this report.

1.4 The Notice of Motion relates to the roadway known as Harding's Way that was developed, and funded, under the Central Government's "Community Infrastructure Fund" (CIF) initiative. More information on CIF can be found later within this report.

## **2.0 Purpose of this report**

2.1 A Notice of Motion (4/19) has been submitted for consideration by Cabinet, which needs to be addressed.

- 2.2 The Notice of Motion requests that the Council does not bring forward sites for development and does not make use of Harding's Way for the purposes the Central Government grant funding was intended.
- 2.3 The specific issues set out within the narrative to the Notice of Motion have not been specifically addressed as it is considered that these issues have been covered in the statutory/regulatory processes of:
- the planning application process (Borough Council of King's Lynn and West Norfolk (as local planning authority)); and
  - the Traffic Regulation Order processes (Norfolk County Council (as local highway authority)).

### **3.0 Background**

- 3.1 The Council has progressed a number of significant regeneration initiatives within the borough over several years. The two main initiatives within King's Lynn have been the Nar Ouse Regeneration Area and the Waterfront Regeneration Area. These regeneration initiatives have been progressed by the Council with inputs from a variety of other public bodies and agencies. Significant amounts of funding have been secured from partner agencies to facilitate these regeneration initiatives that will help drive the growth, development and sustainability of King's Lynn as a sub-regional centre.
- 3.2 The Nar Ouse Regeneration Area (NORA) and the Waterfront Regeneration Area (WRA) have been progressed with a view to connecting the two areas and ultimately linking these areas to King's Lynn town centre.
- 3.3 Both the NORA and the WRA sites comprise challenging brownfield sites with multiple issues.
- 3.4 The Council, with its partner agencies, has invested significantly in the delivery of the NORA and the WRA to help bring these sites forward for development. This includes:
- Land assembly - acquisition of sites by private treaty negotiation and compulsory purchase orders (CPO's)
  - Contaminated land remediation
  - Strategic surface water infrastructure civil engineering works at the River Nar
  - Significant highway infrastructure – Nar Ouse Way (connecting the A47 with Southgates roundabout) and Harding's Way (connecting Wisbech Road with Boal Street)

- Development of a new school (St Michael's)
- Development of residential housing – both by the private sector and the borough council.
- A hotel development
- A Pub Restaurant development

3.5 In addition to the above the council is about to embark on the delivery of:

- secondary highway infrastructure on the NORA Enterprise Zone area to enable development sites to come onto the market; and
- the development of speculative commercial units to be leased to potential occupiers

3.6 The two current initiatives above are again facilitated by partner agencies, particularly with regard to funding arrangements via Business Rates retention to fund the secondary road infrastructure costs, and a long-term repayable grant from the New Anglia Local Enterprise Partnership (NALEP) for the development of the speculative units.

3.7 Overall the regeneration initiatives are intended to provide opportunities for business development, employment, places for residents to live and the associated infrastructure to facilitate the sustainable growth of King's Lynn.

3.8 The proposed developments at the southern end of Harding's Way form part of the overall regeneration proposals for King's Lynn.

#### **4.0 Development Proposals for the southern end of Harding's Way**

4.1 As mentioned above, the council has been progressing the NORA and WRA regeneration initiatives over a period of time. Like many other property development led regeneration initiatives nationally these development proposals were impacted by the 2008 global recession and progress was stalled until fairly recently.

4.2 As the general property, and particularly the housing, market has improved the council has been looking to progress a number sites for development, including sites at the southern end of Harding's Way.

4.3 The council commissioned Chaplin Farrant (architects) to undertake design and feasibility work for a number of development options at the junction of Wisbech Road and Harding's Way. This preliminary work is attached at Appendix 3.

4.4 Owing to the proximity of the traffic light controlled road junction onto Wisbech Road it was considered appropriate to design, and seek

planning permission, for the junction set-up to service the proposed development sites. Norfolk County Council were appointed as the borough council's agent to undertake this design work and submit the planning application. Planning Permission was granted on 6<sup>th</sup> September 2017, subject to satisfying some pre-commencement conditions.

4.5 On the planning permission [17/01008/F] Condition 11 stated : *“No works shall commence on the site until the Traffic Regulation Order for the amendment to the bus only route has been secured by the Highway Authority.”*

4.6 Norfolk County Council, on behalf of the borough council, then progressed two Traffic Regulation Orders (TRO's) in respect of Harding's Way and later on in respect of the junction between Harding's Way and Wisbech Road, namely:

- THE NORFOLK COUNTY COUNCIL (KING'S LYNN VARIOUS ROADS (BUS AND CYCLE LANE) AMENDMENT ORDER 2018; and
- THE NORFOLK COUNTY COUNCIL (KING'S LYNN)(PROHIBITION OF RIGHT AND LEFT TURNS) AMENDMENT ORDER 2018

Copies of the Norfolk County Council TRO Notices can be seen at Appendices 4 and 5 respectively.

4.7 These TRO's have been processed, following consultation, by Norfolk County Council and are currently awaiting completion by signing and sealing by the relevant authority.

4.8 The borough council has not yet decided on the form of development it wishes to pursue on the sites at the southern end of Harding's Way. Subject to the outcome/decision made on Notice of Motion 4/19, and the content of this report, a separate Cabinet Report will be submitted by the Portfolio Holder for Project Delivery later in 2020 once a full options appraisal exercise has been undertaken.

## **5.0 Community Infrastructure Fund**

5.1 As stated earlier within this report (1.4), Harding's Way, along with a number of other strategic highways improvements within King's Lynn, was funded via the Central Government's Community Infrastructure (CIF) initiative.

5.2 The Community Infrastructure Fund was a Central Government initiative created jointly between the Department of Transport and the Department for Communities and Local Government. The then Minister of State for the Department of Communities and Local Government (Housing) Margaret Beckett released the following written Statement on 27<sup>th</sup> March 2009 :

*“My hon. Friend Paul Clark, the Under-Secretary of State for Transport, and I are today announcing £170 million of capital support from the Community Infrastructure Fund for 29 transport projects in the growth areas and growth points that will help to unlock housing, and a further 26 projects that are being invited to submit full business cases for further consideration.*

*The housing market is experiencing significant challenges as a result of turbulence in the global financial markets. The growth areas and growth points are playing a critical role in helping us to meet these challenges, with plans to build 35 per cent. above previously planned levels. But if the infrastructure support for these new homes is not in place, their construction will be delayed when we need them most, hampering the economy's recovery. This means we need to be investing today in tomorrow's infrastructure. The long-term challenge to meet the housing needs of an ageing, growing population, while helping families and first time buyers priced out of the property market, remains. The Government are committed to promoting the long-term stability of the housing market and meeting the long term challenge of increasing housing supply.*

*The Community Infrastructure Fund is one of Government's key mechanisms for supporting housing growth. As a joint Communities and Local Government and Department for Transport fund, it is designed to specifically support small and medium scale transport schemes that unlock housing growth. One hundred million pounds has already been allocated to 13 schemes in the Thames Gateway. A further £200 million has been ring-fenced to support the growth areas and growth points over the CSR07 period.*

*Today's announcement allocates £170 million of this for 29 transport schemes in the growth areas and growth points that will support the delivery in housing growth over the next two years. The list projects include:*

*New public transport facilities, such as the new South East Hampshire Bus rapid transit scheme;*

*New road and junction improvements, such as the improvements to the Southgate area of Kings Lynn which will support the development of 900 new homes;*

*Innovative transport solutions that will ensure smoother traffic flows and reduced congestion such as the A14 ramp metering scheme in Kettering and the urban traffic management scheme in Aylesbury; and*

*Schemes to improve sustainability, such as the Wichestowe Pedestrian and Cycle Bridge which will provide a sustainable means for the new development at Wichelstowe to access the town centre in Swindon*

*Another 26 schemes from the second round growth points have been shortlisted to submit full business cases for consideration for a further £30 million from the community infrastructure fund together with any remaining funding from the first round. This includes projects to provide a new rail station at Chorley, new cycling facilities at Ellesmere Port and road improvements to service high frequency bus services in Newcastle.*

*The Community Infrastructure Fund is being managed on behalf of Government by the Homes and Communities Agency. This funding is in addition to the £833 million already provided to the growth areas and growth points from the growth fund over the CSR07 period.*

*Further details of the schemes that have been allocated funding have been placed in the Library of the House.”*

- 5.3 As can be seen from the above the Community Infrastructure Fund was very much intended for the purposes of helping deliver housing developments, with King’s Lynn being specifically mentioned in the Secretary of State’s Press Release.
- 5.4 The “Norfolk County Council Round Two Expression of Interest Form” and the “Community Infrastructure Fund CIF 2 – King’s Lynn South Transport Major Scheme – Full Business Case” documents can be seen at Appendices 6 and 7 respectively.

## 7.0 Policy Implications

7.1 The Nar Ouse Regeneration Area (NORA) and the Waterfront Regeneration Area (WRA) are long standing policies for the Council. This is supported by a number of Cabinet Reports and Cabinet Decisions. Within a number of these reports there has been explicit reference to housing development accessed via Harding's Way, namely :

- Cabinet (3<sup>rd</sup> February 2009) : "Waterfront Regeneration Project Appraisal"; and
- Cabinet (1<sup>st</sup> December 2009) : "Waterfront Regeneration Area Project Review"

7.2 Below, set out for ease of reference, are some relevant excerpts from the Cabinet Reports. Full copies of these reports can be found on InSite.

7.2.1 Cabinet (3<sup>rd</sup> February 2009):

*"A route from Wisbech Road to Boal Street through the Waterfront Regeneration Site. This route will serve a dual purpose. It will provide the access roads to the north and south of the site and allow public transport and emergency vehicles to pass through the site. Only public transport and emergency vehicles will be able to pass through the site. This movement will be controlled by automatic barriers in the centre of the site."* [para 3.5.8 (3)]

*"The CIF funding will provide the core transport infrastructure for the Waterfront Site. It will be crucial that the route is designed and constructed fit for the proposed dual purpose."* [para 3.5.10]

7.2.2 Cabinet (1<sup>st</sup> December 2009) :

*"The CIF public transport route is constructed to a standard which would allow development as proposed in the indicative masterplan along that part of the route which would not require eventual realignment to allow for the construction of a marina basin. Budgetary provision of £500,000 is made available for the upgraded route."*

[Recommendation 11]

The indicative masterplan can be seen at Appendix 8 to this report.



*“In parallel with the progression of the waterfront scheme, a bid by Norfolk County Council, supported by the Borough Council, for £5.3m funding from the Community Infrastructure Fund (CIF) to implement a package of transportation improvements in King’s Lynn was approved. This includes a public transport road link across the waterfront area from Wisbech Road to Boal Quay which will include an access which will be built to a specification to open up the southern part of the waterfront site for development. A planning application for this route was approved on 5<sup>th</sup> November. Construction of the road has to be completed by March 2011 to secure the CIF funding.” [para 1.3]*

## **8.0 Financial Implications**

- 8.1 The Council, Central Government, and various public bodies and agencies have committed significant funds to facilitate the regeneration initiatives in King’s Lynn. Most notably £5,330,000 was secured under CIF to develop Harding’s Way, together with other highway improvements, to facilitate housing growth within the town.
- 8.2 The Council has committed capital resources in the acquisition of sites to help deliver its growth and regeneration ambitions. If the proposed works are not delivered there will be a significant negative impact on the sites’ values.
- 8.3 If the works at the southern end of Harding’s Way are not commenced the Council will be unable to release the adjacent land for development. Note that there is currently private sector interest in these sites.

## **9.0 Personnel Implications**

- 9.1 None

## **10.0 Statutory Considerations**

- 10.1 None

## **11.0 Equality Impact Assessment (EIA)**

- 11.1 Please see pre-screening report attached.
- 11.2 Note that Norfolk County Council has undertaken an Equality Impact Assessment as part of its TRO exercise(s) relating to Harding’s Way. The draft NCC EIA is attached at Appendix 9 to this report.

## **12.0 Risk Management Implications**

- 12.1 The borough council needs to approve the signing and sealing of the Traffic Regulation Orders before any works commence.
- 12.2 The Planning Permission for the proposed junction works, if not commenced before June 2020 will expire and a new application will be required.

## **13.0 Declarations of Interest / Dispensations Granted**

- 13.1 None apparent

## **14.0 Background Papers**

- 14.1 Cabinet Report (3<sup>rd</sup> February 2009) : “Waterfront Regeneration Project Appraisal”
- 14.2 Cabinet Report (1<sup>st</sup> December 2009) : “Waterfront Regeneration Area Project Review”

## **15.0 Appendices**

Appendix 1	Notice of Motion 4/19 – submitted by Cllr A Kemp
Appendix 2	Planning Permission 17/00108/F
Appendix 3	Chaplin & Farrant Development Options
Appendix 4	Traffic Regulation Order : THE NORFOLK COUNTY COUNCIL (KING’S LYNN VARIOUS ROADS (BUS AND CYCLE LANE) AMENDMENT ORDER 2018
Appendix 5	Traffic Regulation Order : THE NORFOLK COUNTY COUNCIL (KING’S LYNN)(PROHIBITION OF RIGHT AND LEFT TURNS) AMENDMENT ORDER 2018
Appendix 6	The Norfolk County Council Round Two Expression of Interest Form
Appendix 7	Community Infrastructure Fund CIF 2 – King’s Lynn South Transport Major Scheme – Full Business Case
Appendix 8	Waterfront Regeneration Area – indicative masterplan (2009)
Appendix 9	Norfolk County Council Draft Equality Impact Assessment