

Borough Council of  
**King's Lynn &  
West Norfolk**



**Borough Council of King's Lynn and West Norfolk's  
Response to  
the Issues and Questions raised by Inspector David  
Hogger  
in relation to the  
King's Lynn and West Norfolk Local Plan:  
Site Allocations and Development Management  
Policies**

**Issue 9:  
Downham Market (F.1)**

Examination  
June 2015

Table of abbreviations used in the Council's Statements

<b>Abbreviation</b>	<b>Full Wording</b>
AONB	Area of Outstanding Natural Beauty
BCKLWN	Borough Council of King's Lynn and West Norfolk
BDC	Breckland District Council
CLG	Communities and Local Government
CITB	Construction Industry Training Board
CS	Core Strategy
DM	Development Management
DPD	Development Plan Document
EA	Environment Agency
FDC	Fenland District Council
FRA	Flood Risk Assessment
GI	Green Infrastructure
GTANA	Gypsy and Traveller Accommodation Needs Assessment
ha	Hectare
HELAA	Housing and Economic Land Availability Assessment
HLF	Heritage Lottery Fund
HRA	Habitats Regulation Assessment
HSEHA	Health and Safety Executive Hazard Areas
IDB	Internal Drainage Board
KRSC	Key Rural Service Centres
KLATS	King's Lynn Area Transportation Strategy
LDS	Local Development Scheme
LLFA	Lead Local Flood Authority
LPSO	Local Plan Sustainability Objectives
NCC	Norfolk County Council
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NORA	The Nar Ouse Regeneration Area
NWT	Norfolk Wildlife Trust
OAN	Objectively Assessed Need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RV	Rural Village
RAF	Royal Air Force
RLA	Residential Land Assessment
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SADMPP	Site Allocation and Development Management Policies Plan
SCI	Statement of Community Involvement
SEA	Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SMP	Shoreline Management Plan
SPA	Special Protection Area
SSF	Site Sustainability Factors
SSSI	Site of Special Scientific Interest
SuDs	Sustainable Drainage systems
SVAH	Smaller Villages and Hamlets
SWMP	Surface Water Management Plan
THI	Townscape Heritage Initiative
UPC	Un-attributable Population Change

## Response to Questions:

### 9.1

**Is there evidence that any of the following proposed residential development sites in Downham Market are not justified, sustainable, viable, available or deliverable:**

- **Land off St John's Way (F1.2 – employment)**
- **North-East – east of Lynn Road (F1.3)**
- **South-East – north of the southern by-pass (F1.4)**

**If such evidence exists what alternatives are available and have they been satisfactorily considered by the Council?**

1. The residential allocations implement the CS04 provisions for Downham Market (as does the employment allocation). The allocations together provide 390 dwellings, compared to the CS requirement of 'at least 390'. There is no identified need to exceed the CS allocation minimum. As shown in the table at paragraph D.1.5 of the SADMP, 2036 dwellings had been completed or committed in the town by March 2013. This is 88% of the CS 'non-allocation' requirement of 2,321, only half way through the plan period. Only 285 further 'windfall' dwellings are required during 2013-2026, which implies an annual windfall completion rate around 20% of that achieved so far during the plan period. BCKLWN is therefore confident that it can deliver the Core Strategy requirement for Downham Market. The HELAA identifies a Borough land supply well in excess of the NPPF minimum of 5 years, and there is no imperative on this front to allocate further land.

			Relevant Period	Annual delivery/requirement for relevant period
Core Strategy Requirement	Allocations	≥390	2001 – 2013	108 pa
	Other	≤2321*		
	<b>Total</b>	<b>2711</b>		
Site Allocations and Development Management Policies Plan	Completions and Commitments at 2013	2036	2001-2013	170 pa
	Allocations	390	2013-2026	31 pa
	To deliver through windfall	285*		22 pa
	<b>Total</b>	<b>2711</b>		

\*Residual from given figures

2. The decision to meet the requirement on two sites, rather than a single site, is explained at F.1.18 in the SADMP. (In earlier iterations of the Plan BCKLWN had sought to meet local aspirations, as expressed by the Town Council, to divide the allocation further still, but was persuaded this was neither the most popular nor the most justifiable solution.)
3. The 250 / 140 dwellings split (64% / 36%) between the two residential allocations reflects BCKLWN's estimation of the appropriate balance given the relative advantages and disadvantages, and the issues remaining to be resolved, of the two best sites. Among these are the need for a certain extent of development to include a suitable place for a new road access to Lynn Road for F1.3 (north-east), and the relative extent to which preparatory work by promoters was apparent to BCKLWN at the time it was deciding its proposed Plan.

#### Land off St John's Way (F1.2 – employment)

4. It should be noted that, contrary to the question, this is not a residential development site. This proposed employment allocation continues and expands provision originally in the 1998 Local Plan. An amount of development has already taken place, and there continue to be enquiries about potential further development there.
5. BCKLWN proposes to amend the policy, as suggested by the Local Highway Authority, by including a new second paragraph as follows:

'Notwithstanding the existence of agricultural accesses to various parcels of the allocated employment land there will be a presumption against access direct off the A1122 to protect the strategic function of the Downham Market Bypass. Access to the land west of the A1122 should be taken off the southern roundabout and the land east of the A1122 should be accessed from Station Road. For access to be considered off the A1122 a ghost island right hand turn lane will have to be provided to mitigate the impacts of additional turning traffic on the A1122.'

#### North-East – east of Lynn Road (F1.3)

6. This allocation fully accords with the Core Strategy, and with the CS Inspector's comments in his Examination Report, contrary to the assertions of some commentators. CS 04 states 'provision will be made for. . . at least 390 new houses on the eastern half of the town. The broad location for expansion. . . are indicated within the Key Diagram and will be defined within the Site Allocations and Policies DPD' The CS Downham Market inset of the Key Diagram (p 101) is reproduced below and clearly shows an arc around the eastern edge of the town, reaching as far north as Lynn Road. The Lynn Road stretches roughly north-east from the town centre, and may be thought as a general (though not definitive) division between the east and the north of the town as discussed at the CS Examination.

# Downham Market Diagram



**Core Strategy 2011**  
**NOTATION:**

	Existing Town		Areas for Urban Expansion		Improved Reliability/Safety
	Employment Land Expansion (including tourism and leisure uses)		Enhance Green Infrastructure		Connections
	Permitted Housing		Town Centre		Enhanced Rail Service
			Main Roads		River

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7. While F1.3 is further north than, say, the town centre, it is clear that F1.3 accords with Core Strategy in being in the east. (As does F1.4 'South-East Downham Market', despite being south of the town centre: both are on the eastern side of the town). The CS

Inspector explicitly said at paragraphs 77-78 *'The CS has chosen the [direction of growth to the east], both north and south of Bexwell Road, albeit with some development possibly extending east of Lynn Road. I agree.'* [emphasis added] (The full CS Inspector's Report is in the Examination Library.)

8. Confusion may have arisen in some quarters because the Inspector mentioned Albanwise, the promoters of part of what is now F1.3, when referring to the north, saying *'I am not recommending any extension of the area to the north (as suggested, for example, by the submissions for Albanwise Ltd. and Bennett plc). In my view, growth of the town in that more northerly direction might best occur after the eastern growth sector is completed, and (presumably) after the CS plan period.'* The explanation for this is that at that time Albanwise were arguing the CS should provide expansion both north and north-eastwards<sup>1</sup>. (In the northern sector to the west of Lynn Road Albanwise were promoting the site since often known as DW1, and to the north-east land around what is now F1.3.) The CS Inspector's rejection of Albanwise's northern site (DW1), did not amount to a rejection of its north-eastern site (part of which is in F1.3).
9. That the F1.3 site is available and deliverable has been confirmed by the main landowners (IDs 818, 962).
10. F1.3 is a sustainable location in itself, and also offers the opportunity to provide access to further areas within the eastern sector for potential future growth (as does F1.4), subject to future plans. The local highway authority has no objection to the allocation, or to the new road junction involved.
11. The area identified is generous for the number of dwellings indicated. This allows for both the spacious forms of development favoured in the locality and by BCKLWN and for flexibility, within that area, for the disposition of development, given that the precise form of access onto Lynn Road, and between the parts of the site within different ownerships is not yet known. It also avoids delivery of the required quantum of development being held up by any one owner failing to progress coordination of development with the others.
12. While the plan indicates that any or all of the allocated area is considered suitable for development, this does not mean that BCKLWN would support a significantly higher number of dwellings being constructed here during the plan period. In discussing *'whether the CS proposes an appropriate and optimal balance between development [in the various parts of the Borough]'* the CS Inspector stated *'For its part, the Council resisted a larger scale of new housing allocations at Downham Market, mainly on the basis that the town had grown quite rapidly over the last 30 years and now needed a period to settle down and concentrate on matching its infrastructure, facilities and services to that housing expansion. . . . I think that the CS gets the balance about right; in the terms of that stated soundness issue, it is both appropriate and even, perhaps, optimal. . . . so far as this particular issue is concerned, the CS is sound'*.

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<sup>1</sup> See for instance, Albanwise's CS Examination Statement <http://www.west-norfolk.gov.uk/pdf/Representations%20by%20Entec%20Ltd%20on%20behalf%20of%20Albanwise%20Ltd%20Issue%203%207%208%209i%20ii%2013.pdf>

13. In the event that part(s) of the allocated area remained undeveloped following delivery of the required number of dwellings, this would provide an opportunity for further development under a future plan. Should there be a shortfall in housing delivery elsewhere in the Borough during the plan period, the fact that the Plan indicates the acceptance in principle of housing development of the extent indicated for the allocation would obviously be a material consideration. This would have to be weighed together with the implications, if any, for the overall spatial strategy of making up the shortfall in another location with additional development in Downham Market, and the advantages and disadvantages of any other potential developments that might be available to address that shortfall. Hence BCKLWN does not support Albanwise's previous suggestion for policy that would mean that this site would automatically receive more development in the event of a shortfall elsewhere, regardless of such considerations.
14. Neither does BCKLWN agree that this area should be identified as the preferred direction of further growth. The CS has not identified it as such (unlike West Winch). The preparation of the SADMP did not include any attempt to identify future directions for growth, nor assessed this site or any other reasonable alternatives in these terms.
15. BCKLWN has, however, had regard to the possibility of future growth beyond the plan period, and sought to provide that development of F1.3 would facilitate access to potential further development beyond the allocation area. Much of the otherwise developable land in the eastern sector is currently unavailable for such purposes due to lack of access. This is in part a result of past incremental cellular development typically laid out without through access. The development of F1.3 (and F1.4) is intended to avoid repeating such a pattern and exacerbating the situation, and to provide potential access routes to the currently sterilised land.
16. The requirement for a master plan at 1a in the Policy is, at least in part, precisely to avoid piecemeal development such as that suggested in the Campbell/Riches representation (ID 962), which would further load the existing road network without providing new permeability or road access to further development areas (the latter also specifically required by 2c/2f in the policy).

#### South-East – north of the southern by-pass (F1.4)

17. Like F1.3 (north-east), this site is both within the eastern sector, identified as the location for growth in the CS, and offers the opportunity to provide a new road access which could open up further areas for potential development in that sector if required beyond the plan period. The allocation is confirmed to be available and deliverable. (There is a current planning application for 170 dwellings on the site). It received the least number of objections from the public of any of the three sites considered at the Preferred Options stage.
18. The remainder of the wider site promoted by the owner, outside the allocation, is similar in character to that allocated, and hence is not distinguished in the SA assessment. The SADMP is, however, only seeking to deliver a certain quantum of development, and the remainder of the site is not required to meet the CS requirement.

19. The provision of a new road access onto the A1122 has been agreed by the local highway authority. There is no conflict with the intention of DM12 'Strategic Road Network', which seeks to address potential traffic effects of unplanned development during the life of the plan, not those of explicit allocations. An amendment to the wording of DM12 is proposed to clarify this (see BCKLWN Statement – Issue 2).
20. BCKLWN was assured, before allocating the site, that the drainage issues raised by the Internal Drainage Board has been considered and were capable of resolution. (See email correspondence in appendix to this statement.)

#### Other sites

21. A wide range of other sites were assessed in the process of selecting the proposed allocations, as summarised in the SA Report. The objective of that process was not to identify all developable sites, but to reach a conclusion as to which would provide the best balance of advantages and sustainability in delivering the development planned by the CS.
22. Among the other sites considered the Riches' site at Howdale Rise (ID 962) has some advantages, but does not provide the benefits associated with the allocated sites, including overall dwelling numbers and expanding the road network to open up new areas of potential development.
23. Bennetts site (ID 586) also has some advantages, but is not the eastern sector identified for the town's growth in the CS, and was explicitly rejected by the CS Inspector in his Report (copy in Examination Library): *'I am not recommending any extension of the area to the north (as suggested, for example, by the submissions for Albanwise Ltd. and Bennett plc). In my view, growth of the town in that more northerly direction might best occur after the eastern growth sector is completed, and (presumably) after the CS plan period.'* The advantages of the site are recognised by the SA Report ('North West Sites' Ref DON 09, on pages 125-6, which concludes 'score[s] well across the sustainability appraisal and could be considered for allocation in a future plan. At this moment in time Sites F1.3 and F1.4 are considered more appropriate as they conform to the strategic direction for growth for Downham market identified in the Core Strategy.'



## 9.2

**Is there evidence that neighbourhood shops/ community facilities would be justified at east of Lynn Road and/or north of the southern by-pass. If there is justification, should the Council's approach to the delivery of such facilities be stronger?**

1. BCKLWN would be keen to see such provision of neighbourhood shops and/or community facilities in these areas, as indicated in the last line of each policy. At present there is a convenience store/petrol station adjacent to allocation F1.3 (north-east), at the junction of Lynn Road and Low Road. For F1.4 (south-east) there is a Post Office/convenience store at Denver about 400m from the south-west corner of the allocation (its closest point), but around 800m from the centre of the allocation via either the proposed new access road to the development or the footbridge over the A1122.
2. In BCKLWN's judgement the number of dwellings allocated to these areas in the SADMP is unlikely to support the delivery of neighbourhood shops and community facilities these, and it has seen no evidence to make it think that a requirement at this time would be justified. If such evidence were identified BCKLWN would have no objection to amending the policies to strengthen the approach to delivery of such facilities.
3. Future plans might potentially allocate additional development of some sort in one or both of these locations, and this may enable delivery of such facilities that is not currently achievable.

### Proposed Amendment

4. The formatting of the last line in Policies F1.3 and F1.4 (which refer to shops and community facilities) has been corrupted in the submitted Plan. These should be new, unnumbered paragraphs, and not part of the preceding numbered lists (which refer to requirements for incorporation in the development to which the allocation is subject). BCKLWN proposes that the formatting is corrected accordingly.

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Correspondence Regarding Drainage Issues Site F1.4 (South-East Downham Market)..... 10

### Correspondence Regarding Drainage Issues Site F1.4 (South-East Downham Market)

Sent: Thu 13/03/2014 16:58  
To: John Clements

Dear John,

Richard Brown has asked me to respond to your email dated 12<sup>th</sup> February 2014 regarding the above site.

Please find attached the Glanville Utilities and Drainage Report (2007).

The pertinent points from the report are summarised below (in blue text) which should provide you with the necessary information regarding the drainage proposals. Please note that these reports were assessing the entire site area of 25 Ha, so the calculations would really need to be refined to reflect the size of the development now proposed. The strategy essentially states that the proposals were to use soakaways if feasible and if not, then limit off site discharges to greenfield runoff rates.

Discharging at a greenfield rate to the drain that crosses represents standard industry practice. Therefore, the EA and IDB will accept this approach assuming there is connectivity to the downstream network, which there appears to be to the south/southwest. The watercourse on site flows underneath the A1122 and then the A10, before turning to the southwest, flowing back underneath the A10 to the south of Denver and then towards Denver Sluice.

You state in your email that the ditches *“would probably have to be improved to take additional flows”*. I would suggest that as long as flow rates are kept to greenfield then the network would almost certainly cope, as the greenfield rate will mimic what discharges into the watercourse currently. The fact that this watercourse is riparian owned shouldn't really be an issue if we are discharging at greenfield rates, as this is the case for the vast majority of watercourses. By discharging at greenfield runoff rates we will ensure that there is no increased flood risk to people or property downstream and therefore comply with the NPPF.

The 2007 report states:-

As there is still some uncertainty over the suitability of infiltration drainage, two scenarios have been considered, one using infiltration drainage and one without.

#### Scenario 1

The drainage strategy in Scenario 1 is to use conventional soakaways to discharge roof water and these would be located either in rear gardens or soft landscaped areas. Private roads and parking areas would discharge to the ground through permeable paving. Adopted roads and high risk parking areas would be positively drained via petrol interceptors and discharged to Swales. The Swale drainage system would consist of the existing drainage ditches on the eastern boundary, which would be enlarged and extended to create additional storage capacity and a drainage path for the north east and south west corners of the site. The Swales would have a natural profile and grasses. Flow controls at intervals along the Swales in form of grass banks with a small pipe through, would enable the full storage capacity of the Swale to be utilised in a storm and prevent flooding from the lowest point. A final flow control at the end of the ditch would prevent the site's greenfield discharge limit being exceeded.

The storage required in the Swale drainage system was calculated for the three different rainfall events using Scenario 1 and the greenfield discharge limits calculated earlier. The results of the calculations were as follows:

- 376m<sup>3</sup> for a 1:1 year storm,
- 746m<sup>3</sup> for a 1:3 year storm
- 932m<sup>3</sup> for a 1:100 year storm.

## **Scenario 2**

Scenario 2 has no infiltration drainage but discharges all runoff to a positive drainage system via Swales and tanked permeable paving where the layout permits and via conventional impermeable pavements and gullies elsewhere. The positive drainage system would include below ground storage in the form of crates, oversize pipes or culverts as dictated by the design process. The positive drainage system would discharge via flow controls to a perimeter Swale drainage system as described in scenario 1. With scenario 2 the cross section and depth of the Swale would need to be larger to achieve the large volumes of attenuation storage required.

The total attenuation storage required was calculated for the three different rainfall events using Scenario 2 and the greenfield discharge limits calculated earlier. The results of the calculations were as follows:

- 4333m<sup>3</sup> for a 1:1 year storm,
- 7647m<sup>3</sup> for a 1:3 year storm,
- 9189m<sup>3</sup> for a 1:100 year storm.

The volumes of storage quoted are approximate as there is insufficient detail yet concerning the site layout and infiltration rates. The volumes quoted are the highest from a range of possible values resulting from our calculations. The higher values in the range were used as they are likely to be more representatives of the volumes required allowing for 30% climate change.

I trust this information is sufficient to address the issues you raised in your email dated 12<sup>th</sup> February 2014. Should you require any further detail, please don't hesitate to contact me.

Kind Regards,

**Matthew Cheeseman**  
Principal Hydrologist

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**From:** John Clements [<mailto:john.clements@west-norfolk.gov.uk>]

**Sent:** 13 March 2014 14:27

**To:** [richard.brown.rb@btconnect.com](mailto:richard.brown.rb@btconnect.com)

**Subject:** FW: Downham Market DW3 (Koto Ltd.)

Dear Richard,

I would be grateful for your response to my query of 12<sup>th</sup> February as soon as possible.

Regards,

John

### John Clements

BA(Hons), BTP, MSc, MRTPI

Principal Planner (Policy)

### Borough Council of King's Lynn and West Norfolk

Tel (direct line): 01553 616240

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**From:** John Clements [<mailto:john.clements@west-norfolk.gov.uk>]

**Sent:** 12 February 2014 10:35

**To:** 'richard.brown.rb@btconnect.com'

**Subject:** Downham Market DW3 (Koto Ltd.)

Dear Mr. Brown,

The Borough Council is currently considering the responses to its consultation on the 'Preferred Options' for the Detailed Policies and Sites Plan with a view to determining its proposed Plan for submission.

In your response on behalf of Koto you stated "*The disposal of the foul drainage will be possible following the upgrade works and surface water drainage strategy can be finalised once further Site Investigation works have been carried out*". I wonder whether you have got any further with these site investigations?

The Stoke Ferry Internal Drainage Board has advised '*Area DW3 drains via the Board's system at Denver. The dykes and ditches between the site and the Board's system are all riparian owned, are very small and would need consents from all the different owners to accept the flows and would probably have to be improved to take any additional flow.*' Can you confirm whether you are aware of this and what plans, if any, you have to overcome this constraint?

Should you wish to discuss, please do not hesitate to contact me.

Regards,

**John Clements**

BA(Hons), BTP, MSc, MRTPI  
Principal Planner (Policy)

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