

**Tuesday 7<sup>th</sup> July 2015 - 14:00**

**Issue 2: The Development Management Policies (DM.1 to DM.22)**

**Questions/response**

2.16

The sites at Elm High Road Wisbech and at the south east sector of Downham Market all lie outside the flood plain. The emerging Plan seeks to allocate significant land at high risk of flooding contrary to the Framework sequential test. The Plan is, therefore, unsound.

# Richard Brown Planning Limited

18 Redwood, Burnham, Buckinghamshire, SL1 8JN

Tel: 01628 663638

Mob: 07979 852852

Email: richard.brown.rb@btconnect.com

*Our ref: RB/WLW/Elm High Road  
and Downham Market SE*

*Your ref:*

Planning Inspector  
c/o The Programme Officer  
KLWNBC  
Kings Court  
Chapel Street  
Kings Lynn  
Norfolk  
PE30 1EX

22<sup>nd</sup> June 2015

Dear Sirs

## **Borough Council of Kings Lynn and West Norfolk Site Allocations and Development Management Policies**

Richard Brown Planning Limited, act for Elmside Limited and Koto Limited, the owners of land respectively at Elm High Road Wisbech and to the south east of Downham Market, and will be attending the Hearing sessions in relation to the examination of the SADMP commencing on the 7<sup>th</sup> July 2015.

Both sites have been the subject of previous representations made on behalf of the land owners, in particular, in February earlier this year.

The sites have been identified in previous representations and are both referenced in the Council's Sustainability Appraisal (hereinafter referred to as the "SA").

Elm High Road Wisbech is referred to on pages 398 and 401 of the SA and is numbered 627, 436 and 381.

The land to the south east of Downham Market is referenced on page 130 of the SA and is numbered 480 where part of the site is allocated (F1.4) and part not.

Both sites are considered available, developable and deliverable.

This is further emphasised by the land owners submitting planning applications for residential development to accord with paragraphs 47 and 14 of the National Planning Policy Framework.

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The planning application made with regard to Elm High Road Wisbech is for up to 120 dwellings, the drawings and the technical reports supporting the planning application can be viewed online, planning reference number 14/01714/OM.

Significantly with regard to this planning application there are **no objections** from either Norfolk County Council (the Highway Authority) nor the then described Highways Agency.

Copies of the consultation responses from Norfolk County Council and the Highways Agency are provided for the Inspector, which will clearly require the Council to reassess the conclusions of their SA with regard to Elm High Road.

The SADMP is not sound as the site has not been allocated in the emerging Plan.

The site is, therefore, an “omission site”.

The planning application made with regard to the land to the south east of Downham Market relates to the site identified as F1.4, planning reference number 15/00135/OM.

The Inspector will be aware from the previous submissions in February this year that the Council propose to allocate *part* of the south east sector, contrary to the Core Strategy Inspector’s Report recommendations – that the growth of the town should be to the east (south east), ie. the land being promoted by Koto Limited.

There are considerable concerns with regard to the soundness of the SADMP in particular

- (1) The failure of the duty to cooperate
- (2) The failure to address the FOAN for the District and the 5 year land supply
- (3) The failure of the Council to apply the flood risk sequential test
- (4) The obvious deficiencies in the Council’s SA in drawing the conclusion(s) that access/highways “issues” should preclude the allocation of the Elm High Road Wisbech site. The land owners’ submitted (February) Sustainability Appraisal also highlighted significant concerns with regard to the Council’s methodology in preparing their SA (paragraphs 47 and 48 of the Turley Report 19<sup>th</sup> February 2015 refers).

With further reference to the above, I enclose:

1. Issues and Questions – Supplementary Information
2. Fosters Sports Ground Main Road Clenchwarton appeal decision 2219315
3. Pegasus Group Report (June 2015) on the Full Objective Assessment of Housing Need and the Housing Land Supply Position within Kings Lynn District

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4. At the Hearing sessions the Inspector will be referred to pages 32-39 of the Fenland Local Plan adopted in May 2014 and, in particular:

Page 40 identifies the strategic allocation of 900 houses on the eastern edge of Wisbech

Policy LP7 – Urban Extensions (criteria (a) – (v))

Policy LP7 is a general policy relating to urban extensions, which confirms at paragraph 3 that there are delivery “issues”

*“..... if one or more land owners are not supportive of the broad concept plan, then it will need to be demonstrated that a broad concept plan **can still be delivered** for the considerable majority of the urban extension without their involvement”*

Policy LP8 – Wisbech

It is confirmed in the policy that the proposed accesses to serve the development

*“Must ensure that there is no unacceptably net adverse impact on the local and strategic highway network and on existing residential amenity. This will require a significant upgrade to the junction of the A47 with Broad End Road ..... probably in the form of a new roundabout, with the arrangements for delivering such upgrade being agreed as part of the broad concept plan for the allocation .....*”

5. BMD Design and Access Statement November 2014 (landscape buffer considerations)
6. Norfolk County Council consultation response 12<sup>th</sup> February 2015 (**no objection**)
7. Highways England consultation response 24<sup>th</sup> April 2015 (**no objection**)
8. Legal Opinion of Thea Osmund-Smith

If you would kindly acknowledge safe receipt.

Yours faithfully

**Richard Brown MSc**

Encs

*Registered Office: Ground Floor, 21 York Road, Maidenhead, Berkshire, SL6 1SQ  
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