

**KING'S LYNN & WEST
NORFOLK LOCAL PLAN
REVIEW EXAMINATION**

**MATTER 1: DUTY TO CO-
OPERATE AND LEGAL
COMPLIANCE**

WRITTEN STATEMENT

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1.0 MATTER 1: DUTY TO CO-OPERATE AND LEGAL COMPLIANCE

Introduction

- 1.1 This Written Statement for Matter 1 has been prepared by Carter Jonas on behalf of Barratt David Wilson (BDW) to respond to the relevant Inspectors questions on legal and procedural compliance. This Statement responds to Question 15 which relates to superseded policies of the adopted development plan.
- 1.2 BDW has an interest in land west of Knights Hill, Grimston Road in South Wootton, which is allocated in the adopted Site Allocations and Development Management Policies Plan 2016 (SADMP) for at least 600 dwellings (see Policy E4.1). In July 2020 outline planning permission was granted on appeal for up to 600 dwellings at the site (Appeal Ref. APP/V2635/W/19/3237042). A reserved matters application for 600 dwellings has also now been submitted and is under consideration (22/01310/RMM). As set out below, the Pre-Submission King's Lynn & West Norfolk Local Plan Review (draft KLWNLPR) does not make it clear whether the existing allocation is superseded or not. It is considered that the existing allocation at land west of Knights Hill should have been carried forward as an allocation in draft KLWNLPR, as has happened for other sites with a similar planning status.
- 1.3 BDW's Matter 5 Hearing Statement responds to Inspectors Question 142, which specifically asks whether the land at Knights Hill in South Wootton should be allocated in draft KLWNLPR since it is an existing allocation in the SADMP. That Hearing Statement sets out the requested changes for the land at Knights Hill, which in summary is that the site should be carried forward into draft KLWNLPR based on the proposed policy requirements contained in Policy E.4.1 in the 2019 Draft Consultation document.

Matter 1b – Legal and Procedural Compliance

Superseded Policies

15. Does the Plan make it clear which policies of the adopted development plan it will supersede, as required by Part 4, paragraph 8(5) of the Regulations? Will the Council's proposed modifications to the Introduction to the Plan in chapter 2 and to Appendix D make this clear?

- 1.4 No, draft KLWNLPR does not make it clear which policies of the adopted development plan it will supersede. The suggested main and additional modifications would also not clarify the status of all adopted development plan policies. The list of superseded policies in Appendix D (as suggested to be modified) does not mention some adopted site allocation policies, and as such it is not clear whether they would be superseded or not.
- 1.5 The Inspector's Initial Questions Part 1 [Doc Ref. G4a] asked the Council to clarify the status of draft KLWNLPR. The Council's response [Doc Ref. F15] confirmed that draft KLWNLPR is a full review of the Core Strategy 2011 (CS) and the Site Allocations and Development Management Policies document (SADMP) and is intended to create a single development plan document. However, it is not stated anywhere in draft KLWNLPR that it would, once adopted, supersede CS and SADMP. The suggested main modifications [Doc Ref. F21] and the schedule of additional modifications, also do not

state that CS and SADMP would be superseded. It is also noted that Appendix D (as submitted or as suggested to be modified) of draft KLWNLPR is not referenced anywhere in the main text of the document to direct the reader to a list of superseded policies.

- 1.6 The status of draft KLWNLPR and the list of superseded policies is of particular concern to BDW because they are seeking to deliver one of the adopted allocations from SADMP (Policy E4.1: Knights Hill), but that allocation is not carried forward into draft KLWNLPR despite having outline planning permission. As set out in the Introduction, the land west of Knights Hill, Grimston Road in South Wootton is allocated in the SADMP for at least 600 dwellings under Policy E4.1. The Council initially intended to carry forward Policy E4.1 and the site was included in the Draft Consultation version of KLWNLPR published in 2019; the policy and supporting text from the Draft Consultation document is provided in Appendix 1 of BDW's Matter 5 Hearing Statement. The Council's decision to not carry forward the site allocation for Policy E4.1 remains unexplained. In July 2020 outline planning permission was granted on appeal for up to 600 dwellings at the site (Appeal Ref. APP/V2635/W/19/3237042). BDW undertook pre-application discussions for reserved matters during 2021 and 2022. In June 2022 reserved matters were submitted for the proposed residential development at Knights Hill (Application No. 22/01310/RMM); a decision is currently pending on those reserved matters. The Council is well aware of BDW's intention to deliver site allocation Policy E4.1 and to implement the planning permission for land at Knights Hill once reserved matters are approved. It is unclear why there is no mention in draft KLWNLPR of the status of site allocation Policy E4.1, and in particular no mention in Appendix D (as submitted or suggested to be modified), when there is a clearly stated intention to deliver and implement the proposed development in accordance with that allocation. It should be noted that the land at Knights Hill is included in the latest housing trajectory (dated October 2022) and contributes to the housing land supply and is part of the housing strategy [Doc Ref. F22].
- 1.7 The draft KLWNLPR seeks to carry forward most of the adopted site allocations in SADMP that have not been implemented. For example, land at Hall Lane in South Wootton was allocated in SADMP (Policy E3.1 for at least 300 dwellings) and is carried forward as an allocation in draft KLWNLPR (also referred to as Policy E3.1 for at least 300 dwellings). Paragraph 9.4.1.7 of draft KLWNLPR highlights that there are two outline planning permissions for residential development at the Hall Lane site; one for 450 dwellings and another for 125 dwellings, providing a total of 575 dwellings. The Hall Lane site also now has reserved matters approval (Ref. 20/01954/RMM). Appendix D identifies the Hall Lane allocation in SADMP as a policy to be superseded by an allocation in draft KLWNLPR. It represents an inconsistent approach to carry forward one allocation from SADMP (land at Hall Lane) into draft KLWNLPR, but not carry forward another site (land at Knights Hill) with an identical planning status i.e. allocated in an adopted development plan and with outline planning permission.
- 1.8 Therefore, it is not clear that SADMP and the adopted allocations within it will be superseded by draft KLWNLPR. There is no mention in Appendix D of draft KLWNLPR of what happens to the existing allocation Policy E4.1 (Knights Hill), which is a site that has outline planning permission and BDW is in the process of bringing forward reserved matters to deliver and implement that allocation. As set out above, the land at Knights Hill is included in the latest housing trajectory. If the existing allocation Policy E4.1 is not carried forward in draft KLWNLPR and is no longer a development plan policy, then there would be no policy basis to determine the reserved matters for the outline permission (which remains extant until 2025). It is not in the Council's or BDW's interest to allow Policy E4.1 to be deleted without any replacement policy in place.
- 1.9 It is requested that allocation Policy E4.1 (Knights Hill in South Wootton) from SADMP is carried forward as an allocation into draft KLWNLPR and identified as such in Appendix D of draft KLWNLPR. BDW's Matter 5 Hearing Statement provides an additional requested change i.e. that land at Knights

Hill should be carried forward into draft KLWNLPR based on the proposed policy requirements contained in Policy E.4.1 in the Draft Consultation version of KLWNLPR published in 2019.

