

**HEARING STATEMENT**

**EXAMINATION OF KING’S LYNN AND WEST NORFOLK BOROUGH COUNCIL  
LOCAL PLAN REVIEW 2016-2036 (THE PLAN)**

**MATTER 2 – SPATIAL STRATEGY**

**ISSUE 2: IS THE SPATIAL STRATEGY OF THE PLAN POSITIVELY PREPARED,  
JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY  
ENABLING THE DELIVERY OF SUSTAINABLE DEVELOPMENT, INCLUDING  
IN RESPECT OF THE PROPOSED HOUSING REQUIREMENT**

**RICHARD BROWN PLANNING LIMITED ON BEHALF OF**

**KOTO LIMITED OR THEIR GROUP OR RELATED COMPANIES**

**18<sup>th</sup> NOVEMBER 2022**

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## **1. Introduction**

- 1.1 This Hearing Statement has been prepared by Richard Brown Planning Limited, on behalf of Koto Limited or their Group or related companies, who submitted representations to King's Lynn and West Norfolk Borough Council Local Plan review.
- 1.2 This Hearing Statement responds to the following matter:

### **Matter 2 – Spatial Strategy**

16. *Is the Council's proposal to modify the Plan period from 2016-2036 to 2021-2038 justified in order to comply with national policy<sup>13</sup>? If so, should the revised plan period end in 2038 or 2039, as indicated in the Revised Housing Trajectory?*
17. *Given that the Revised Housing Trajectory anticipates the majority of development from larger scale developments being delivered by 2036, is the Plan positively prepared and consistent with national policy in not setting a spatial strategy to look at least 30 years ahead?*
20. *Is the spatial strategy justified and effective in respect of its focus on a Strategic Growth Corridor along the A10 and Mainline Railway, given that the rail line only connects to two stations within the corridor and parts of the A10 are heavily congested?*
22. *Would a broader distribution of growth across a wider range of settlements, both within and outside of the Strategic Growth Corridor, represent a more sustainable spatial strategy to meet the needs of the Borough?*
24. *Is the policy of major urban expansion effective in meeting the Borough's housing needs? Should more small scale allocations be proposed to increase flexibility in the housing land supply and provide more choice for homeowners and developers?*

25. *Is the spatial strategy defined in Policy LP01 consistent with national policy in maximising opportunities for sustainable transport solutions? Is the strategy too reliant on road transport solutions? Should it do more to reduce carbon emissions and improve air quality?*
27. *Should more growth be provided for at Downham Market given its status as a Main Town and its accessibility within the Strategic Growth Corridor? Is it clear what is meant by 'appropriate housing growth' in criterion 5(b)(iii) of Policy LP01?*
29. *Is the proposal to delete Policy F3.1 allocating land east of Wisbech for 550 dwellings justified, based on the evidence in the Council's position statement<sup>15</sup>, and would the spatial strategy be effective without it?*
33. *Given that paragraph 66 of the NPPF expects strategic policies to set out the housing requirements for designated neighbourhood areas, is the Plan, in particular Policy LP01 and its supporting text, justified and consistent with national policy in not doing so for each parish and/or each KRSC and Rural Village (RV) in the Borough?*

## 2. Matter 2 – Spatial Strategy

Issue 2: Is the spatial strategy of the Plan positively prepared, justified, effective and consistent national policy in enabling the delivery of sustainable development, including in respect of the proposed housing requirement?

16. *Is the Council’s proposal to modify the Plan period from 2016-2036 to 2021-2038 justified in order to comply with national policy<sup>13</sup>? If so, should the revised plan period end in 2038 or 2039, as indicated in the Revised Housing Trajectory?*

### Response

2.1 The Councils plan to modify the Plan Period is justified in order to make the Plan sound and consistent with national policy. The modification would only bring the Plan to the minimum period of 15 years from adoption provided at paragraph 22 of the Framework. However, the 2021 update provides:

*Where **larger scale developments** such as new settlements or **significant extensions to existing villages and towns** form part of the strategy for the area, policies should be set within a vision that looks further ahead **(at least 30 years)**, to take into account the likely timescale for delivery. **(our emphasis)***

17. *Given that the Revised Housing Trajectory anticipates the majority of development from larger scale developments being delivered by 2036, is the Plan positively prepared and consistent with national policy in not setting a spatial strategy to look at least 30 years ahead?*

### Response

- 2.2 The National Planning Policy Framework at paragraph 22 confirms that strategic policies should look ahead over a **minimum** 15-year period.

The Local Development Scheme indicates that the Local Plan will be adopted in summer 2023 resulting in the remaining plan period of only 15 years if the Council modify the Plan period to 2021-2038.

- 2.3 The 2021 update to the previous 2019 framework provides further text as follows

*Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.*

- 2.4 Clearly the spatial strategy put forward by the Council includes large scale urban extensions where policies should look forward at least 30 years. The Council in their response to Inspector's Initial Questions (F18) direct the Inspector to Planning Guidance (PPG) [Paragraph: 083 Reference ID: 61-083-20211004] where the guidance uses the word *most*, the High Court Judgement *R (Solo Retail) v Torridge DC* [2019] 489 (Admin) confirmed that the PPG is intended to be guidance and is not a definitive statement of government policy. The Conclusion at paragraph 33 confirms

*"In my view the NPPG has to be treated with considerable caution when the Court is asked to find that there has been a misinterpretation of planning policy set out therein, under para 18 of Tesco v Dundee. As is well known the NPPG is not consulted upon, unlike the NPPF and Development Plan policies. It is subject to no external scrutiny, again unlike the NPPF, let alone a Development Plan. It can, and sometimes does, change without any forewarning.*

*The NPPG is not drafted for or by lawyers, and there is no public system for checking for inconsistencies or tensions between paragraphs. It is intended, as its name suggests, to be guidance not policy and it must therefore be considered by the Courts in that light. It will thus, in my view, rarely be amenable to the type of legal analysis by the Courts which the Supreme Court in Tesco v Dundee applied to the Development Policy there in issue.”*

- 2.5 National Policy for which the Local Plan must be in compliance with provides that where larger scale developments such as new settlements or significant extensions to existing villages and towns **form part of the strategy**, policies should be set within a vision that looks further ahead (at least 30 years). The policy wording of *part of the strategy* is important and the wording of guidance is just that ‘guidance’.
20. *Is the spatial strategy justified and effective in respect of its focus on a Strategic Growth Corridor along the A10 and Mainline Railway, given that the rail line only connects to two stations within the corridor and parts of the A10 are heavily congested?*

## **Response**

- 2.6 We agree with the spatial strategy in respect of its focus on a Strategic Growth Corridor along the A10 and Mainline Railway. The fact that the rail line only connects to two stations (on the main line from King’s Lynn to Cambridge and London King’s Cross) along the corridor confirms the importance of this strategy for sustainable development which is confirmed in the Sustainability Appraisal as the highest scoring option considered.
- 2.7 The Framework at Paragraph 105 supports this approach promoting sustainable transport:

105. *The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.*
- 2.8 The purpose of the planning system is to contribute to the achievement of sustainable development. The supporting Sustainability Appraisal and the Sustainability Appraisal Addendum 2022 confirm that the A10 and Rail Line Growth Corridor strategy is the most sustainable option
22. *Would a broader distribution of growth across a wider range of settlements, both within and outside of the Strategic Growth Corridor, represent a more sustainable spatial strategy to meet the needs of the Borough?*

## **Response**

- 2.9 The Plan promotes development within the Strategic Growth Corridor which contains King's Lynn and Downham Market which are highly sustainable settlements providing key services and facilities, to which development should be located.
- 2.10 The identified Strategic Growth Corridor locations also provide connection to a key sustainable transport mode (rail) which other settlements would be unable to provide as confirmed in the Framework paragraph 105. Rail connections and by locating development within the strategic growth corridor will reduce congestion on the road network.
24. *Is the policy of major urban expansion effective in meeting the Borough's housing needs? Should more small scale allocations be proposed to increase flexibility in the housing land supply and provide more choice for homeowners and developers?*



## Response

- 2.11 It is agreed that the most sustainable option for growth is urban extensions, but which it is considered the Plan is unsound by **not** allocating appropriate growth to Downham Market (within the Growth Corridor).
25. *Is the spatial strategy defined in Policy LP01 consistent with national policy in maximising opportunities for sustainable transport solutions? Is the strategy too reliant on road transport solutions? Should it do more to reduce carbon emissions and improve air quality?*

## Response

- 2.12 With regard to King's Lynn and Downham Market being on the rail network, clearly provides sustainable transport opportunities not reliant on car use, the location of development at sustainable locations will reduce noise and air quality considerations as confirmed at paragraph 105 of the Framework.
27. *Should more growth be provided for at Downham Market given its status as a Main Town and its accessibility within the Strategic Growth Corridor? Is it clear what is meant by 'appropriate housing growth' in criterion 5(b)(iii) of Policy LP01?*

## Response

- 2.13 Paragraph 17 of the Framework confirms that the Development Plan *must* include strategic policies to address the priorities for the development within the Plan area.
- 2.14 Paragraph 20 of the Framework confirms:
- "20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:*

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) *infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) *community facilities (such as health, education and cultural infrastructure); and*
- d) *conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation”.*

2.15 Paragraph 20 confirms in the context of Downham Market that the Local Plan should include strategic policies addressing local needs of the town and for the policies to include provision for the development clearly set out in the Framework.

2.16 Also of relevance are paragraphs 22 and 23, emphasising that the Local Plan should include

*“strategic policies”*

and

*“broad locations should be identified on a Key Diagram”*

*“strategic policies should provide a clear strategy for bringing sufficient land forward..... to address objectively assessed needs over the Plan period”*

2.17 Downham Market is in need of strategic policies compliant with paragraph 20 of the Framework.

It is considered that the Plan to be considered sound should:

- (1) set out the strategic policies as required by the Framework;
- (2) provide for significant growth
- (3) identify the opportunities for the town to redress the previous imbalances; and
- (4) to positively plan the regeneration of the settlement through the provision of urban extensions rather than the limited proposals to provide further development.

2.18 It is not considered appropriate for strategic policies to be developed via the Neighbourhood Plan process. Strategic policies should be confirmed by the Local Plan.

29. *Is the proposal to delete Policy F3.1 allocating land east of Wisbech for 550 dwellings justified, based on the evidence in the Council's position statement<sup>15</sup>, and would the spatial strategy be effective without it?*

#### **Response**

2.19 It is not considered justified to delete Policy F3.1 allocating land east of Wisbech for 550 dwellings which is considered previously in Section 1 the Duty to Co-operate (please refer to the previous 2.2-2.12). The proposed allocation on the eastern edge of Wisbech is compliant with the principles of sustainable development.

33. *Given that paragraph 66 of the NPPF expects strategic policies to set out the housing requirements for designated neighbourhood areas, is the Plan, in particular Policy LP01 and its supporting text, justified and consistent with national policy in not doing so for each parish and/or each KRSC and Rural Village (RV) in the Borough?*

#### **Response**

2.20 It is not considered appropriate for strategic policies to be developed via the Neighbourhood Plan process. Strategic policies should be confirmed by the Local Plan.