

Kings Lynn & West Norfolk Local Plan Review Examination

Hearing statement relating to Matter 5, Issue 5, Para 173

Date of Hearing: 10th January 2023

Submitted by J R Maxey, Maxey Grounds & Co

1. The representation and objection is to the proposal by the Council, as a main modification to delete the part of the East Wisbech allocation as detailed in their Position Statement (Examination Document F23). Strategic Planning is fundamental to delivering sustainable development, hence the duty to cooperate between Local Authorities set out at paragraph 24 of NPPF relating to cross administrative area boundaries. It is noted that their Hearing statement in respect of matter 1 stepped back somewhat from that position, but our fundamental position is that the East Wisbech allocation is and remains sound for the reasons previously and herein statement and as such no main modification is required or appropriate.
2. East Wisbech has been a joint cross boundary housing proposals from both West Norfolk and Fenland Councils. Joint work by both authorities and development interests, and other stakeholders led to the production of a Joint Broad Concept plan, and the site is an allocation in the Fenland 2014 Local Plan and the West Norfolk SADMP 2016.
3. Since that time promotion of the site has been ongoing by landowners and agents (principally ourselves) and as a result the current position is as follows. Initially the Councils were seeking a comprehensive application for the whole allocation of 75 Ha, a position that was always likely to be difficult to achieve. However since Fenland District Council have indicated a willingness to consider phased but coordinated applications, progress has been made over the last 2 years such that now:-
 - A small section in the South West Corner of about 0.6 Ha has been granted consent for 10 units (F/YR20/0054/O) and a further 9 units adjoining on about 0.4 Ha have obtained PIP consent (F/YR22/0722/PIP)
 - Prosperity Developments have submitted an application for 325 units over 22 Ha in the south east part of the allocation cross boundary (F/YR22/1256/F and 22/0280/CON)
 - Seagate Homes have submitted an application for 325 units (all within Fenland) representing 13 Ha in the south western portion of the allocation F/YR22/0844/O
 - A further parcel of 9 Ha is in solicitors hands for a development option likely to be for 200 units in the eastern central section immediately north of Sandy Lane (primarily within West Norfolk) with an application likely early in 2023
 - A further parcel of around 8 Ha within the Fenland is the subject of a promotion agreement with Wellsbridge Estates and screening opinion for 200 units determine and application understood currently being prepared. (F/YR22/0700/SC)
 - PIP granted for 9 units on 0.8 Ha fronting Sandy Lane in central area (F/YR22/0802/PIP)
 - PIP granted for 9 units on about 0.8 Ha off Stow Road in North Western part (F/YR22/0825/PIP).
 - PIP application submitted for Burrettgate Road to BCKLWN for 9 dwellings on about 0.6 Ha – decision pending (22/01291/PIP)

The plan attached indicates these areas and demonstrates the extent of the allocation progressing

There is thus active progress towards obtaining consent on approximately 55 Ha (about 73% of the site) likely to produce in excess of 1100 of the combined 1550 units envisaged for this area. The remaining parts where consent is not yet being prepared are the natural later phases of development.

4. The West Norfolk Local Plan progressed through Reg 18 and Reg 19 consultation with both Councils maintaining support for East Wisbech and the existing allocation. The Plan was submitted on that basis for Examination.
5. Wisbech, although outside the West Norfolk District, is a sizeable and important Market Town with a significant part of the land within the Wisbech A47 bypass within West Norfolk. The Spatial Strategy of the Draft Plan acknowledges Wisbech Fringe as being part of the Main Towns of West Norfolk with an allocation of 550 units being part of the East Wisbech allocation.
6. The current suggestion to remove the West Norfolk element of the allocation follows a Reg 18 draft of the Fenland Local Plan review that proposes to omit the East Wisbech allocation.
7. The Fenland position is seen as a use it or lose it reaction. The reality is that it will be at least 2 years before any replacement Local Plan is adopted by Fenland, they have made clear that in the interim they will continue to determine applications within East Wisbech on the basis of the existing Local Plan. The Fenland Local Plan evidence document cites a “strategic political decision was taken to remove any existing Broad Concept Areas without significant progress towards a planning application on the grounds of “failure to deliver” as the reason to exclude the allocation. The reality is that this area is progressing to delivery, and it is likely that by the time the Local Plan is approved a large part of the Fenland allocation will be a commitment, and the rationale within the evidence document given progress being made, is frankly a ludicrous one.
8. The Fenland Draft Plan is not allocating its target numbers without East Wisbech, with Wisbech identified as the largest settlement with greatest Economic activity, but with a significantly scaled back growth by the last minute removal of this allocation that had been anticipated throughout the process would remain. The Fenland plan states a need of 10525, and an intention to have a buffer of 10% to this number which would be 11578. However, the proposed allocation is of 10838 (stated to be 103% of requirement). Of these 1500 are windfall i.e. unidentified locations. Whilst it is accepted that there will be some windfall, as infill sites are exhausted, this will be likely to reduce. There are thus just 9338 identified units within the plan. An additional 1000 from East Wisbech would rectify the shortfall.
9. The Fenland Plan is the subject of significant objection to the proposed removal of the allocation (our own objections are attached for reference). As the main area adjoining the built environment of Wisbech within Flood Zone 1, in sequential terms development is driven to this area. There is no logic to the Fenland position other than one of seeking to encourage delivery of an allocation that was until about 2 years ago stalled specifically by the FDC attempts to require a single application for the whole site. Since that position was relaxed, progress towards development has been rapid, with significant regional housebuilders now involved is delivering parts of the scheme.
10. Fenland DC at their June 2022 meeting determined to remove allocations where there was no significant progress towards a planning application. It would appear given the applications now under consideration and in the process of preparation, that East Wisbech

should not be classed as such. Any delay in progress was resulting from a prolonged unwillingness by FDC to see applications progress on a phased basis.

11. The Council's reaction in considering as a modification removal of the West Norfolk part of East Wisbech was on the basis that on its own it would not be a viable project. It is submitted that in reality as an allocation it will not be on its own. The existing applications will be determined under the existing Local Plan provisions and those of both authorities are currently supportive of the principle of development of this area. In fact the removal of the West Norfolk element (part of which is likely itself to be a commitment by that time) might actually threaten the viability of consents already approved and ready to be delivered by the Housebuilders promoting them.
12. The Position Statement acknowledges that if the Fenland element comes forward the West Norfolk part is important to and contributes to the overall sustainability.
13. It is submitted that at this stage that to consider removal of the East Wisbech (West Norfolk) element is a knee jerk reaction, unjustified in policy terms. The plan being tested is the submission version and if West Norfolk wish to depart from that plan they need to demonstrate it is not sound. It is accepted that the FDC draft plan was unexpected by West Norfolk and somewhat caught them off guard. It is further considered that the FDC failure to consult and cooperate with West Norfolk on this point is contrary to the duty to cooperate. The mismatch in timescales for review of the respective local plans means that West Norfolk are at Examination stage whilst FDC are at the Reg 18 stage. It is accepted that at present West Norfolk perceive a risk of being left dangling alone. But the evidence we have presented show why the risk of non delivery of the Fenland part of East Wisbech is low, and as such the risk of a non sustainable allocation in West Norfolk is also low.
14. It is not appropriate to remove the largest allocation for housing around Wisbech on the basis that it is not considered to be progressing (because in reality it is that forming the basis of the Fenland decision that West Norfolk seek to follow) at the very time when progress is being made after 6 years of the plan period stifled by the Councils desire to see proposals for the whole area as a single application, now accepted to have been unrealistic. Progress has since been made rapidly. We submit for these reasons the proposed allocation remains sound and should therefore remain.
15. It is submitted that the Inspectors should have regard to the fact that the Flood Zone sequential requirement, the extent of current applications submitted or in preparation, that FDC will continue to determine under current policy where the site is an allocation, and the deficiency in Fenland numbers otherwise, all lead to the conclusion that FDC will achieve what they are seeking – accelerated activity to obtain planning consent, meaning that at Reg 19 stage they can reinsert East Wisbech largely because by then it will be a commitment, and in reality the West Norfolk element, much of which will also be a commitment by then, will not be unsustainable or unviable as is now suggested.

JRM

14/12/2022

