

HEARING STATEMENT

**EXAMINATION OF KINGS LYNN AND WEST NORFOLK
BOROUGH COUNCIL LOCAL PLAN REVIEW 2016-2036
(THE “PLAN”)**

MATTER 5 – SETTLEMENTS AND SITES

**RICHARD BROWN PLANNING LIMITED ON BEHALF OF
KOTO LIMITED OR THEIR GROUP OR RELATED
COMPANIES**

15TH DECEMBER 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 (“Koto”) or their Group or related companies, who submitted representations to the King’s Lynn and West Norfolk Borough Council Local Plan Review in September 2021.

1.2 Koto has participated in the previous stages of plan preparation, with a view to promoting land to the south east of Downham Market for development, where it is considered that the plan is unsound because it does not contain a sustainable mixed use extension which addresses the identified need for open market and affordable housing and the town, as is acknowledged by the Council, is in urgent need of care homes/care accommodation, self/custom build, community facilities and other services.

1.3 The first paragraph of LP39 as drafted, with my emphasis added, states that

*The growth of Downham Market will be supported through the provision of land for housing and employment **and through the development of services and facilities***

LP39 is sadly lacking as a policy response to the identified needs of the town to deliver the objectively assessed needs and, therefore, the plan is unsound because is not compliant with Paragraph 35 a) of the Framework.

1.4 This Hearing Statement responds to the following matters:

149. *Is the strategy for the growth of Downham Market appropriate and is Policy LP39 justified and effective?*

173. *Having regard to the Council’s Position Statement on the Wisbech Fringe, September 2022, is the continued allocation of this site for 550 dwellings justified as appropriate, based on the evidence? For soundness, should the site be deleted from the Plan?*

- 1.5 Downham Market is identified in the Plan (2.1.10) as
“the second largest town in the borough”
- 1.6 At 2.1.14 of the Plan, it is confirmed that the towns of Downham Market and Hunstanton
“are of strategic importance”.
- 1.7 At 2.2.3 it is confirmed that the Sustainability Appraisal identifies significant
“issues to be considered in determining future development in the Borough”

“an ageing population”

and

issues for Downham Market including:

“years of under-investment and is in need of improvement to its visual amenity and regeneration of the economy”
- 1.8 At 3.1.2 it is significantly confirmed that the vision and objectives of the plan include:

“a shift towards encouraging development towards Downham Market based upon the sustainable nature of the settlement and the key role the town plays within the borough, as opposed to the previous approach which sought to allow for a slower pace of growth”.

The point made, with which we concur, is that the town clearly needs a planning strategy including, we would submit, the allocation of the south east sector of the town as a sustainable mixed-use urban extension that is compliant with paragraph 20 of the Framework.

2. NATIONAL PLANNING POLICY FRAMEWORK (JULY 2021)

Response

2.1 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.

2.2 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”.*

that in the context of Downham Market 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.

2.3 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”

- 2.4 The Local Plan review confirms that Downham Market is in need of significant investment and strategic policies, in particular at 3.1.2 the vision and objectives of the plan it is confirmed:

“A shift towards encouraging development towards Downham Market based upon the sustainable nature of the settlement and the key role the town plays within the Borough, as opposed to the previous approach which sought to allow for a slower pace of growth”

- 2.5 The Plan is considered unsound because Policy LP39 Downham Market:

- (1) does not set out strategic policies as required by the Framework;
- (2) seeks only to identify a limited growth strategy in the provision of two modest residential allocations that are both consented and which developers are starting on site and some employment land; and
- (3) falls far short in positively providing a strategy for the settlement through the provision of a mixed use urban extension in the south east sector rather than the limited proposals to provide further residential development.

- 2.6 In short, Policy LP39 does not set out strategic policies as required by the Framework, and fails to recognise that

- (10.1.6) “the Town is located within the Local Plan reviews Strategic Growth Corridor”

3. DEVELOPMENT BOUNDARY

3.1 It is submitted that the circumstances that justify the redrawing of the development boundary to enable mixed-use development of land to the south east of Downham Market are as follows:

- 1) The focusing of housing and infrastructure growth to the south east of the town represents the most sustainable growth option. Importantly, this was confirmed by the Core Strategy Inspector.
- 2) The most sustainable strategy to accommodation growth at Downham Market is for new development to be accommodated beyond the existing limits of the urban area, in the provision of a **single** sustainable urban extension. The allocation should include both market and affordable housing and identified other housing and the provision of Care Homes and Care accommodation and the identified services, facilities and infrastructure.
- 3) As an example (Norfolk Strategic Planning Framework), part of the evidence base (D13) on page 55 discusses the need for housing for the elderly and also for Care Home bedspaces. It is confirmed that

“Across the whole of Norfolk there is unmet need for 2,826 units of extra care housing and 4,034 units of sheltered housing. By 2041, those figures will have risen to 5,149 and 10,384 respectively. The report also highlights that Care Homes will also need to accommodate an additional 5,239 people and better provision should be made for elderly with various levels of dementia with Norfolk likely to see an increase in residents with dementia by nearly 10,000 to 2041.

- 4) The A10 and the A1122 forms a physical boundary to the town, thereby creating a defensible urban boundary.

3.2 The Proposals Map and LP04 – Development Boundaries Policy should also include the allocated/consented site F1.4 and should be further extended to include the south east sector.

4. A STRATEGY THAT IS FRAMEWORK COMPLIANT

4.1 The south east sector is a demonstrably sustainable location for the growth of the town (page 263 of the submission version of the Plan). The strategic policies should redefine the settlement boundary and deliver a mixed use urban extension, these policies should be confirmed by the Plan, or the Plan will fail.

4.2 Whilst the principle of Neighbourhood planning (10.1.13) is supported, with Downham Market being identified for growth within the Borough's Strategic Growth Corridor, it is considered that the Local Plan should set out strategic policies.

Without this the plan, on any objective analysis, is not sound.

4.3 The Inspector (paragraph 78) in his Report on the assessment of the Core Strategy confirmed that given the clear geographical and physical boundaries of the Great Ouse and its relief channel to the east, and the A1122 by-pass to the south, the most obvious potential directions for growth lie to the east towards the A10; and to the north towards Wimbotsham.

Importantly, then, the Inspector goes further and confirms that (paragraph 79):

“I am not recommending any extension of the area to the north” and that the “easterly direction” for growth should be

“south of Bexwell Road”.

4.4 The Inspector, therefore, identified the south east sector of the town as being the preferred option for growth.

5. Matter 5 – Settlements and Sites

173. *Having regard to the Council's Position Statement on the Wisbech Fringe, September 2022, is the continued allocation of this site for 550 dwellings justified as appropriate, based on the evidence? For soundness, should the site be deleted from the Plan?*
344. *Given that the 2020 HNA for King's Lynn and West Norfolk identifies a need for 30-35 self-build and custom housebuilding (SBCH) plots per year over the next 15 years and that national policy expects local planning policies to reflect the housing needed by different groups, including people wishing to build their own home, is the Plan positively prepared and consistent with national policy, without a policy providing for SBCH plots?*

Response

- 5.1 The majority of the cross-boundary strategic site allocation at land east of Wisbech lies partly within Fenland District Council administrative area and partly within Kings Lynn and West Norfolk Borough Council identified at F3 Wisbech Fringe (Appendix 2). The adopted Local Plan for Fenland District Council comprises the Fenland Local Plan (adopted 2014). The Fenland Local Plan 2014 Policies Map confirms the land to the east of Wisbech is identified as forming part of a strategic urban extension (Policy LP8). The supporting text to Local Plan Policy LP8 confirms (with our emphasis added).

The two Councils are working towards agreeing a single development allocation which straddles the administrative boundary. The allocation will comprise the whole of the land to the east of Wisbech as identified on the Key Diagram and the Policies Map, plus additional adjoining land to the east and/or south of that land as falling in the KLWNBC administrative area.

- 5.2 Identified in the Fenland Local Plan (2014) as part of the East Wisbech (strategic allocation) provided by Policy LP8 – Wisbech confirms (with our emphasis added):

this area is identified on the Policies Map and is proposed to be of a predominantly residential nature. Prior to the consideration of detailed planning applications, a broad concept plan for the area will need to be agreed jointly by both Fenland District Council and Kings Lynn and West Norfolk Borough Council (KLWNBC).

Indicatively, around 900 dwellings should come forward in the Fenland area and 550 dwellings in the KLWNBC area (with the final latter figure to be determined via the KLWNBC Site Specific Key Site Boundary Allocations and Policies Local Plan).

- 5.3 In the King’s Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (adopted 2016) Policy F3.1 is the policy for the Wisbech Fringe - Land east of Wisbech (west of Burrowgate Road) states (in which the site is located):

‘Land to the east of Wisbech (approximately 25.3 hectares), as shown on the Policies Map, is allocated for 550 dwellings,’

- 5.4 The Fenland Local Plan (adopted 2014) contains the policies and locations for the growth and regeneration of Fenland over the plan period of 20 years. Wisbech is the largest settlement in Fenland and as confirmed in Policy LP8 is the

main focus for housing, employment and retail growth.

Local Plan Policy LP8 confirms that growth will be supported through the provision of new urban extensions to Wisbech and provides for a strategic allocation at East Wisbech and broad locations for growth to the south and west of Wisbech and the Nene Waterfront and Port. The Settlement Hierarchy confirmed in the Fenland draft Local Plan (LP1) that Wisbech is a top tier settlement confirmed at:

7.3 As the main population centres, the market towns provide opportunities for new development in locations with good access to employment, retail, education, transport, leisure and community facilities.

It is also confirmed at paragraph 7.14 that

7.14 Wisbech, the district's largest population centre, provides a range of employment opportunities, notably in food processing industries, manufacturing, logistics and storage, with good access to the A47. The town has an inland port which provides economic opportunity and is already identified as an area for regeneration.

5.5 The strategic allocation at land east of Wisbech by both Councils will provide housing at a highly sustainable location including important infrastructure and the provision of a new primary school and a community hub/local centre.

It appears from the Site Evidence Report contained in the Fenland draft Local Plan evidence that a decision was made by Fenland District Council to exclude the proposed allocations on the eastern edge of Wisbech on the basis of the absence of evidence of progress made.

5.6 It is not unusual for lead in times in the development of urban extensions to be extended due to a complex of issues in resolving technical constraints, resolving contractual issues and in securing Officer engagement to secure all necessary consents. In this case, the majority of the potential technical constraints and attendant contractual issues have been resolved and the only obstacle to delivery is in the provision of all necessary consents.

- 5.7 In this regard, Seagate Homes have submitted a planning application to Fenland District Council relating to:

Land to the East of Stow Lane. Hybrid Application: Outline application with matters committed in respect of access to erect of up to 224 x dwellings, and Full application to erect 101 x 2-storey dwellings (7 x 1-bed, 24 x 2-bed, 45 x 3-bed and 25 x 4-bed) with associated parking, landscaping, public open space, and a new access off Sandy Lane. Planning reference F/YR22/0844/O,

and Prosperity Wealth and Developments Limited have also submitted a planning application to both Councils for

Full planning permission for the erection of 325 dwellings with access off Sandy Lane, highways layout, public open space, landscaping and associated infrastructure. Outline planning application for a Community Hub/local centre comprising convenience store 300m², other retail/services/health 200m², parking/servicing, play areas/open space, 60-bedroom care home/extra care accommodation and C3 residential development with all matters reserved apart from access.

Other adjoining land owners/promoters are engaged in pre-application discussions with the Councils and/or are submitting planning applications.

- 5.8 Fenland District Council Local Plan Policy LP8 – Wisbech (2.4) refers to a Broad Concept Plan needing to be agreed jointly. The area has an adopted Broad Concept Plan (East Wisbech) (May 2018) and development is now being delivered in this area in accordance with this Broad Concept Plan. Both Councils indicate rightly that the urban extension be phased rather than, as was previously considered, the requirement for a single application for the whole of this significant application. That the requirement for a single planning application was acting as an impediment to delivery rather than the (now) phased approach which is acting as a catalyst for delivery.

- 5.9 Delivery will therefore now be achieved in the early plan period as a result of the current and other applications for the majority of the area which will be determined under the current Local Plan policies. The point is made that by the two Councils complying with their duty to do-operate, the outcome is a highly sustainable urban extension developed at cross-border administrative areas.
- 5.10 It is submitted that the Borough Council by not continuing the allocation on the eastern edge is contrary to the duty to co-operate with Fenland District Council, and is also contrary to the principles of sustainable development that Wisbech, being a top tier settlement, should be allocated significant planned growth and particularly that the allocation policies provide for infrastructure and community facilities, such as a primary school, a local centre and also the provision of a Care Home and accommodation for the elderly.
- 5.11 With two planning applications submitted by Seagate Homes and Prosperity Wealth and Developments Limited, there is clearly now a firm intention by developers to deliver the development proposals for housing and community facilities located on the eastern edge of Wisbech.

6. CONCLUSIONS

- 6.1 Policy LP39 – Downham Market should include provision for a mixed use urban extension, it is considered, in the south east sector. The Plan should include strategic policies to address the identified needs of the town and to redress the “years of under-investment” and the “regeneration of the economy”. Provision should also be made for Care Home bedspaces and care or retirement accommodation together with self/custom build.
- 6.2 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.
- 6.3 The current provisions of the Plan are in fundamental conflict with the Framework, in particular, paragraph 35:

Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

The Plan is in conflict with the above policy considerations and is unsound.

6.4 The Plan currently identifies that Downham Market is in need of strategic growth to address the imbalances of local need and services and other facilities.

6.5 The Plan clearly confirms these priorities, but then seeks to “address” this strategic need by simply proposing two residential allocations and some employment land.

6.6 The Plan is clearly in conflict with paragraph 35 of the Framework, it is not positively prepared in that it does not provide a strategy which

“seeks to meet the areas objectively assessed needs”,

is not justified that provides

“an appropriate strategy”

and similarly is not

“effective”

and for the reasons previously stated is clearly in conflict with the Framework policies, in particular paragraph 11 (a) and (b) and paragraphs 20, 22, 23 and 28.

6.7 Policy LP39 – Downham Market contains (1, 2, 3, 4 and 5) a number of aspirations, ie. improving the arts and culture offer, but which provides no details of how may be delivered, so it is submitted is therefore in conflict with the Framework paragraph 35 (a) does not provide a strategy and (c) is not effective.

Richard Brown MSc
15th December 2022