

**PLANNING AND COMPULSORY
PURCHASE ACT 2004 (AS AMENDED)**

**TOWN AND COUNTRY PLANNING
(LOCAL PLANNING) (ENGLAND)
REGULATIONS 2012 (AS AMENDED)**

**CONSULTATION ON ADDITIONAL EVIDENCE
BASE DOCUMENTS, IN RESPONSE TO THE
INSPECTORS' LETTER AND NOTE ON
FURTHER WORK REQUIRED (30 JANUARY 2023)**

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

19th OCTOBER 2023

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1. Site location/description

1. THE STRATEGIC GROWTH CORRIDOR

1.1 These Representations have 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 In January 2022 the Inspectors adjourned the Local Plan Examination Hearing and wrote to the Council confirming the additional work that would be necessary for the Examination to continue.

1.3 The Council have published (F47) a Topic Paper – Spatial Strategy and Settlement Hierarchy (August 2023) to, they consider, address concerns raised by the Inspectors, in particular with regard to:

the Strategic Growth Corridor

1.4 It is submitted that the Council have misunderstood the Inspector’s concerns which are (with regard to Downham Market) as set out in the submitted Plan

Vision for places (page 14)

“development will support a pattern of growth which reinforces the roles of towns and key centres

and that significantly (and fundamental to the Plan)

this will be distributed to the most sustainable locations: the Main Towns of Kings Lynn, Downham Market, Hunstanton, Wisbech fringe area; and the key rural service centres.....”.

1.5 The Vision (page 15) further confirms with regard to Downham Market that

Remains a key local centre serving the Fens and the southern part of the Borough with the services necessary to meet the demands of a growing population. The town has taken advantage of being situated on the main railway line from Kings Lynn to Cambridge and London

- 1.6 Paragraph 3.1.2 of the submitted Plan confirms 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”.

- 1.7 The Council therefore correctly identify in the submitted Plan that Downham Market needs a planning strategy including growth, and we would submit, allocations that are compliant with paragraph 20 of the Framework (an example is to allocate the south east sector of the town as a sustainable mixed-use extension).

- 1.8 Further growth/allocations at Downham Market in the submitted Plan “new growth” should be allocated to Downham Market because it is a highly sustainable settlement not because may lie within, or not, an identified growth corridor.

- 1.9 The proposed Main Modifications on page 44 of the Topic Paper confirms (with our emphasis added)

Tier 2 Main Towns away from Kings Lynn, Downham Market and Hunstanton are the main towns in the Borough with populations around 11,300 and 5,200 respectively (2021 Census) they both have a wide range of services, shops and employment opportunities with good public transport links.

They are considered sustainable locations for growth and provide a significant role in supporting the needs of their residents, and the residents in nearby communities, in line with policies LP39 and LP40.

Both towns are expected to deliver local employment and housing growth appropriate to meet general needs, and to maximise opportunities to sustainable transport choices. Growth at Downham Market and Hunstanton will be delivered through a combined strategy of urban regeneration, sustainable urban extensions and on other urban sites.....

- 1.10 The Council confirm, wrongly in my opinion, that the Inspectors are concerned that the strategy of the growth corridor is wrong.

The Inspectors concerns are that the Policies in the submitted Plan, as drafted, do not support the aims of the strategic growth corridor nor allocate growth to settlements such as Downham Market that have alternative transport facilities (rail) which the Council confirm as the most sustainable locations for growth.

We, therefore, object to the deletion of the strategic growth corridor which, as discussed below, is fundamental to the submitted Plan.

- 1.11 At paragraph 3 of the Topic Paper

the Council accept the Inspectors concerns

but confirms that the Council propose to delete the “strategic growth corridor”, but which does not address the concerns that no new growth is proposed at the District’s second largest settlement – whether is contained within or part of a [titled] strategic growth corridor or not.

- 1.12 Paragraph 6 of the Topic Paper, to delete the Strategic Growth Corridor and not to allocate any growth to Downham Market, this change in strategy does “change the substance of the plan”.

- 1.13 On any reasonable assessment, it is a fundamental part of the submitted Plan, that cannot, it is submitted, be simply modified out of the Plan’s Spatial Strategy.

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 submitted Local Plan confirms that Downham Market is in need of investment and strategic policies, in particular at 3.1.2 the vision and objectives of the plan it is confirmed (with our emphasis added):

“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 an urban extension in the south east sector.

- 2.6 In short, Policy LP39 does not set out strategic policies as required by the Framework.

- 2.7 **We object to the proposed level of growth for Downham Market as insufficient to reflect its position as the second largest settlement in the District, that with the town’s sustainability credentials (services, railway station) growth should be planned not to rely upon windfall provision. The submitted Plan identifies a minimum net housing requirement of an additional 642 dwellings which should be provided in a sustainable urban extension.**

3. THE GROWTH OPTIONS FOR DOWNHAM MARKET

3.1 It is submitted that the circumstances that justify the redrawing of the development boundary to enable sustainable 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. This was also 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 as is supported by paragraph 73 of the Framework.
- 3) The A10 and the A1122 forms a physical boundary to the town, thereby creating a defensible urban boundary.

4. NEIGHBOURHOOD PLAN

- 4.1 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.
- 4.2 It is considered that the submitted Plan should contain broad locations for growth to provide certainty over the direction of future growth at sustainable settlements.
- 4.3 An appropriate and balanced mix of new development is essential for the long term prosperity of the District. The Plan should shape where new development should be located and present policies to manage pressure on infrastructure. It should provide new homes, jobs, services and thereby support economic, social and environmental objectives.
- 4.4 It is fundamental to the success of the Plan that the right type of homes are delivered, that all people should have access to a good home, irrespective of their personal circumstances. The Plan should also consider the care of the elderly and those seeking to build their own home.
- 4.5 It is considered that the submitted plan relies on windfalls to provide a significant contribution to the housing supply, but which should be provided through planned growth [allocations]. Previously the Council were not maintaining a 5 year land supply of deliverable sites, hence speculative windfall planning permissions were granted, but which with the Council now maintaining a 5 year land supply, the windfall contribution must considerably reduce. The purpose of strategic planning is to provide certainty and to have a plan-led process which the over reliance on windfalls is clearly not.

5. CONFLICT WITH THE FRAMEWORK

5.1 The current provisions of the submitted 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, with or without the strategic growth corridor.

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

5.3 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.

5.4 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.

6. SETTLEMENT HIERARCHY/WEST WINCH

6.1 It is submitted that the West Winch growth area

- i) is illogical to be considered part of Kings Lynn and therefore a Tier 1 settlement
- ii) the connectivity issues, in particular, negotiating the Hardwick roundabout
- iii) should be regarded as a Tier 3 settlement
- iv) the scale of growth proposed (4,000) highlights the entire transport assumptions are road based, and identify constraints of 350 dwellings before significant highway infrastructure is required before further growth
- v) it is far from clear that the funding is in place to provide the required highways and other infrastructure
- vi) that the current Hopkins Homes planning application has been submitted but not determined after 7 years, is also telling (deliverability)
- vii) it is considered that the Plan period needs rolling forward by at least one year, to at least 2040, for the Plan to be considered sound. There is, therefore, a requirement for an additional 571 dwellings to include in the housing requirement.

Richard Brown MSc

19th October 2023