

TOWN AND COUNTRY PLANNING ACT 1990

**REPRESENTATIONS TO FENLAND DISTRICT COUNCIL IN MATTERS
RELATING TO THE SOUNDNESS OF FENLAND LOCAL PLAN CORE
STRATEGY PROPOSED SUBMISSION FEBRUARY 2013**

PREPARED ON BEHALF OF ELMSIDE LIMITED

NOVEMBER 2013

- 1.1 Elmside Limited own the land edged red as shown on the plan attached as Appendix 1 being described as “land at Elm High Road Wisbech”. Whilst this site is situated not within the Fenland District Council administrative area (the site lies within Kings Lynn and West Norfolk Borough Council administrative area) it is submitted that this site should also be “considered” by Fenland District Council, as part of the submissions relating to the emerging Development Plan and with regard to compliance with paragraph 181 of the National Planning Policy Framework (duty to cooperate).
- 1.2 Crucially this site, which abuts the urban area of Wisbech, lies outside of the flood plain, (attached are the Environment Agency Flood Risk Maps at Appendix 2) and should, therefore, be considered in the emerging Plan in the context of the sequential test as set out in paragraph 101 of the National Planning Policy Framework.
- 1.3 Through these representations it is submitted that the Fenland Local Plan Core Strategy (the “Core Strategy”) is not sound. The Core Strategy, it is submitted,
- (1) currently fails to provide an adequate level of housing provision which results in the housing needs of the District not being met.

The 2011 projections give a minimum growth of 13,856 (2011 to 2031), compared to the Core Strategy figure of 11,000. According to the latest AMR, Fenland cannot demonstrate a 5 year supply using the residual approach with a 5% buffer, both against the Core Strategy (4.25 years) and the RSS (4.5 years). When assessed against the 2011 projections Fenlands supply position deteriorates even further. The Elm High Road site can deliver housing in years 0-5 of the Plan.

and

- (2) fails the requirements of paragraph 181 of the Framework (duty to cooperate).

- 1.4 The purpose of the planning system is to contribute to the achievement of sustainable development (National Planning Policy Framework 2012 (NPPF) paragraph 6). For plan making this means that local planning authorities should positively seek opportunities to meet the development needs of the area. Local plans should meet objectively assessed need, with sufficiently flexibility to adapt to rapid change (NPPF paragraph 14).
- 1.5 One of the core objectives of the NPPF, as set out in paragraph 47, is to “boost significantly the supply of housing.....”
- 1.6 In order to achieve this aim, Local Planning Authorities should: “Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”
- 1.7 The core land-use planning principles require the planning system to ‘proactively’ drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local communities the country needs. As stated in the NPPF (paragraph 17): “every effort should be made objectively to identify and meet the housing business and other development needs to the area, and respond positively to wider opportunities for growth.” Plans therefore should take account of market signals and set out a clear strategy for allocating sufficient land which is suitable for development in their area (NPPF paragraph 17).
- 1.8 Furthermore, the NPPF requires Local Planning Authorities to “ensure that the Local Plan is based on adequate up-to-date evidence and relevant evidence about the economic, social and environmental characteristics and prospects of the area.”

The 2011 household projections confirm minimum growth of 13,865 (2011 to 2031) compared to the Core Strategy figure of 11,000.

- 1.9 Our client wishes to ensure that the Plan fully responds to these principles in the interests of securing a sustainable future for the District. The Proposed Submission document inadequately makes reference to the provision of development needs that the District requires during the plan period.
- 1.10 On this basis, it is considered that the Draft District Plan fails the tests of soundness identified at paragraph 182 of the NPPF. The plan has not been ‘positively prepared’ as it does not meet objectively assessed development requirement. The Plan specifically some of its key objectives are also not deliverable and therefore the strategy fails the tests of needing to be ‘effective’.
- 1.11 The Plan does not meet the full, objectively assessed needs for market and affordable housing in the housing market area as required by paragraph 47 of the NPPF.
- 1.12 With regard to housing needs, paragraph 159 of the NPPF sets out that Strategic Housing Market Assessments should assess housing requirements based on household and population projections and cater for housing demand and the scale of housing supply necessary to meet it. Importantly, paragraph 173 states that “Plans should be deliverable”.
- 1.13 It is submitted that the Core Strategy could be made sound by including an allocation for residential development of the site at Elm High Road Wisbech (Appendix 1) and also for the further allocation of residential development (or mixed uses) for sites numbered 2 March Trading Park Wisbech and for mixed uses relating to sites numbered 1, 3 and 4 March Trading Park Wisbech (Appendix 3).
- 1.14 Paragraph 181 of the Framework states Local Planning Authorities are expected to demonstrate evidence of considering “cross-boundary” issues. Paragraph 181 states:

“181. Local planning authorities will be expected to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans or policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development”.

1.15 Policy CS4 makes provision for an allocation of 3,000 new homes in Wisbech (plus 550 in Kings Lynn District). Policy CS4 then goes on to confirm that

“the Wisbech allocation of 3,000”

is actually

“subject to detailed master planning of strategic sites to address highways and flood issues in particular”.

It is submitted, therefore, that whilst the provision of growth in and around Wisbech is supported, that (apart from the eastern extension of Wisbech) that Policy CS4 distribution of growth is

- (1) Clearly in doubt because of highways and other “infrastructure” issues (ie. the availability of funding of river crossings and the like) and
- (2) The proposed distribution of growth is not compliant (flood risk) with the sequential test set out in paragraph 101 of the Framework.

It is submitted that the sequential test set out in the Framework (and previously PPS25) is clearly of significant importance with regard to the growth or expansion of Wisbech.

- 1.16 Included at Appendix 4 is an extract from map 2 of the Wisbech Strategic Flood Risk Assessment (potential development sub locations) that was issued by Fenland District Council in February of 2009.
- 1.17 The Wisbech Strategic Flood Risk Assessment (February 2009) demonstrates that to accord with the sequential test set out in paragraph 101 of the Framework that “sequentially” the land areas on the eastern edge of Wisbech (part of which it is proposed to allocate) should be developed before and prior to the allocation of land areas to the north and the west of the town.
- 1.18 In particular, as previously indicated, Elmside Limited own the land known as Elm High Road Wisbech. This land, whilst within the Kings Lynn administrative area abuts the urban area of Wisbech – it is submitted, therefore, that it is a highly sustainable location for residential development, and is (sequentially) to be preferred to the proposed allocations of housing either to the north or the west of Wisbech.
- 1.19 In any event, with the proposed allocations for Wisbech, particularly to the west, it is submitted that because of the highways and flood risk “issues”, that the proposed allocations may not be “suitable” for residential development or can be “delivered”.
- 1.20 To be ‘sound’ a Core Strategy should be ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ (paragraph 182 of the Framework). ‘Positively prepared’ means that the Core Strategy must be based on a ‘strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development’.
- 1.21 The current lack of the soundness is due to the Core Strategy not being ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’.

Richard Brown MSc
20th November 2013

Appendices

1. Elm High Road Wisbech site plan
2. Environment Agency flood risk map
3. Hostmoor Avenue March site plan
4. Map 2 of Wisbech Strategic Flood Risk Assessment