

Kings Lynn & West Norfolk Local Plan Hearing Position Statement on behalf of Elm Park Developments Ltd

Hearing Position Statement Part 2 to Kings Lynn Local Plan – December 2022

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Prepared by: Stuart Booth MRTPI

Hearing Position Statement

- 1.1. The comments below are made on behalf of our client, Elm Park Developments Ltd, who have interest in a residential development site at Clenchwarton that is under construction at Fosters Sports Ground. It follows our Part 1 Statement, with comments on additional questions from the Inspector's MIQs for the Part 2 Examination.
- 1.2. In our Part 1 Statement we made note of the Council's summary of our Regulation 19 objection being incorrect. We now understand subsequently from the Programme Officer that our representation was not actually considered by the Council prior to submission for Examination. We would therefore request that the Council acknowledge a response to the main points of our client's objections during the examination. This is also requested with regard to the error in the updated housing trajectory.

Q187 - Are the proposed housing allocations in the Key Rural Service Centres justified, effective and consistent with national policy, with particular regard to:

- a) the effect of the development on landscape character, heritage, biodiversity, agricultural land, flood risk, highway safety, infrastructure and facilities;
- b) the relationship of the site to the existing settlement and its accessibility to local services and facilities;
- c) the evidence to support the site's 'deliverability' and/or 'developability', as defined in Annex 2 of the NPPF, and set out on the housing trajectory; and,
- d) its viability, having regard to the provision of any infrastructure, affordable housing and other policy requirements?

- 1.3. Our main objection to the plan questioned why the proposed development boundary of the existing Clenchwarton settlement did not include significant areas of existing housing in the village and the extant housing site to the east of the proposed development boundary at Fosters Sports Ground, and sought that this area and the extant housing site be included within the settlement boundary. Correcting the development boundary for Clenchwarton in

this way would query whether the assessment of potential sites for allocation in the key rural service centre was adequately undertaken, with particular regard to Q187 part b) above. Were sites excluded as being too far from the settlement boundary, when in reality the settlement boundary was incorrectly drawn?

- 1.4. The consideration of what is 'the existing settlement' is essential to the proposed housing allocations. This argument is supported by the text to Policy LP04 which states that "the development boundaries are used to indicate the distinction between largely built up areas of settlements where development is generally acceptable, and areas of the countryside and areas of more sporadic buildings considered generally less suitable for new development, and where a more restrictive approach will be applied". Areas outside these boundaries are considered countryside. Most of the allocations in Clenchwarton are peripheral to the settlement boundary defined in the plan rather than that which exists on the ground. Our initial representation to the Local Plan sets out our case and presents a site close to the extant housing consent and surrounded by existing properties that may have been considered, had the settlement boundary been correctly drawn.

Clenchwarton

Q199 – Is sufficient land allocated for housing within Clenchwarton for the Plan period in respect of Policy G25.1 Clenchwarton – Land between Wildfields Road and Hall Road (at least 10 dwellings); Policy G25.2 Clenchwarton – Land north of Main Road (at least 20 dwellings); and Policy G25.3 Clenchwarton – Land south of Main Street (at least 20 dwellings)?

- 1.5. Our representations have focused wholly on Clenchwarton and our client's site with extant planning consent, along with the adjacent potential additional site that has not been considered for allocation. The site would have been excluded due to being 25 metres from a development boundary, a boundary which we consider has been unjustifiably defined to exclude existing housing.

- 1.6. Should the Council accept, or the Inspector determine, that the boundary needs to be corrected then we would request that the assessment of sites for allocation is reconsidered for Clenchwarton.

Q332 – Is the allowance of 299 dpa for windfall sites from 2025/26 to the end of the Plan period justified as a reasonable source of housing land supply, in addition to allocations, on the basis of compelling evidence? Does the windfall allowance take account of the effect that an increased housing supply from allocated sites may have on the availability of, and market demand, for windfall sites?

Q334 – Given the reliance of the future housing supply on a small number of strategic sites, is there sufficient contingency within the projected supply for annual housing needs to be met in the event that the strategic sites stall or do not deliver at the rates expected?

Q335 – Is Policy LP31 clearly written, unambiguous and effective? In particular, is it evident how a decision maker should determine the following?

- a) In criterion 1, whether an area is ‘reasonably related’ to an existing settlement?
- b) In criterion 3, what qualifies as ‘meaningful consultation’ with the local community?
- c) In criterion 4, what level of ‘additional weight’ should be given to proposals for Custom and Self-build development?

- 1.7. The above questions all cover in some regard the general acceptance that the site allocations will not be the only form of residential development consented during the plan period. A windfall allowance based on past trends will almost certainly be reduced due to the allocation of new sites that may have come forward as windfall sites, but given Q334 itself regards the plan to have a reliance on a small number of strategic sites, the Council cannot then also rely on a contingency of windfall sites when such a reliance is already included in the housing supply during the plan period. The approach to windfall sites and small to medium housing developments needs further consideration.

- 1.8. Policy LP31 is not clearly written. If it is intended to act as a primary development management tool to support windfall housing development on small sites, of between one and five dwellings as Paragraph 7.5.2 suggests, then this would require at least 60 new small windfall sites to come forward each year (299 dpa / five per site). This does not then factor in a potential need for contingency sites if the large site allocations stall. There should not be a clear limit placed on the size of sites than can come forward under Policy LP31, which should instead be focused on ensuring proposals are appropriate to the scale and character of the settlement and its surroundings (criterion b).
- 1.9. The settlement boundaries appear to have been tightly drawn around existing settlements such that very limited windfall development will come forward during the plan period. The approach taken to Policy LP31 is not consistent with the provision of windfall in the housing supply of the local plan. The Plan either needs to allocate more land instead of relying on windfall or provide the policy with scope that will ensure windfall development can come forward during the plan period.
- 1.10. We would also question how such a reliance can be placed on windfall development in a borough that is covered by such substantial areas in flood zone 3, and hence requiring a sequential test for planning applications not on allocated sites. We would propose that details of an approach which deals with windfall developments is either more developed in the plan itself, or contingency allocations are proposed in the areas already subject to development and hence where housing is already proposed and shown to be acceptable and deliverable by the local planning authority, and consistent with the Strategic Flood Risk Assessment.



JWPC Ltd

1B Waterview, White Cross
Lancaster, Lancashire, LA1 4XS

Tel: 01524 599980

enquiries@jwpc.co.uk www.jwpc.co.uk

