J5 – SUMMARY OF REPRESENTATIONS UPDATED HOUSING LAND SUPPLY AND DELIVERABILITY & DEVELOPABILITY

Rep ID	Respondent	Paragraph/ Section	Summary Representation	Changes sought	Request to be heard?	BCKLWN Response	Proposed changes (Main Modifications) to Plan
TOPIC PAPER							
5 YEAR HOUSING LAND SUPPLY REQUIREMENT							
	Natural England	n/a	Natural England does not have any specific comments on F50 - Updated Housing Land Supply	None	No	Noted	n/a
SOURCES OF HOUSING SUPPLY							
	Elm Park Developments (JWPC)	Para 12-21	The LPA's assessment of housing supply is heavily reliant on windfall developments. As set out above, we question whether the Policy as proposed is sufficiently worded to allow such a high volume on windfall to be delivered year on year. From current figures in the Housing Trajectory (Doc 50a), the total windfalls expected from year 2022/23 up to 2039 is 4,186. This represents 34% of all anticipated housing delivery in that period, which is a significant amount.	Not specified	Yes	Noted. Windfall development is based on past completion rates. The forecast annual rate (299/ year) already includes a 25% discount. This was previously explained in the submission plan (para 4.1.9), in recognition that land is a finite resource. Therefore, we are confident that the stated rate (299/ year) is sustainable. Paragraphs 28 to 32 on page 6 of F50 explains the windfall calculation and this is also explained in [H43a] Matter: Housing, Issue 6, Question 332.	No change
	Elm Park Developments (JWPC)	Para 12-21	This document also shows that three sites are proposed for de-allocation from the plan, including site E1.15 at Bankside, West Lynn which removes 120 houses. There are acknowledged and significant development constraints on this site. There are multiple potential contaminants associated with the site's former uses, and the developable area would be reduced by a 16M flood defence buffer zone. Critically it states that there are no current plans or proposals to bring this site forward and it will be removed from allocation. There appears to be no plan to replace this deleted site allocation.	Not specified	Yes	Noted The Updated Delivery and Developability document [F50b], provides the evidence and justification for deliverability. Production of this document led to the regrettable conclusion that the Bankside site (E1.15) ought to be removed as an allocation. However, this remains on the Brownfield Register (Brownfield register | Brownfield register | Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)). Paragraph 33 and Table 3 Housing Land Supply 2021-2039 concludes that 12,065 homes will be delivered over the Plan period which is 1,787 more than the housing need figure of 10,278 so there is no need to allocate further sites.	No change
COMPLETIONS WITHIN PLAN PERIOD 2021/22							
EXTANT CONSENTS							
ALLOCATIONS							

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	Kemp (Cllr A) – Norfolk CC	Para 25-27/ Appendices B and C (E1.10)	Objection to Document **F50** Appendices B and C – Updated Housing Land Supply – Deliverability and Survey Responses: South Lynn – Non-Deliverability of Site Allocation E.1.10 Hardings Way and Hardings Pits Land North of Wisbech Road There is a serious error in the Policy E1.10 Wisbech Road, which encompasses the principal and only green space of Hardings Pits along Hardings Way that serves the most urban and deprived areas of South Lynn and also the town centre Friars Area, as an Active Travel zone, for Recreation, Heath and Wellbeing. Increasing Active Travel and opportunities for exercise is important to increase health equity. There is a lower life expectancy in wards experiencing the highest levels of deprivation, like South Lynn. Furthermore, the Council has agreed to protect Hardings Pits as a Village Green and Biodiversity Site in perpetuity and is taking steps to bring this about. South Lynn suffers from poor scores for Income, Health Inequalities and the Environment, at Lower Level Super Output Area ward level, as set out in the Indices of Deprivation Indicators, on the Norfolk County Council Norfolk Insight website. King's Lynn was found to be 26 hectares short of green space in the West Norfolk Green Infrastructure Plan of 2010. Hardings Way is the bus and cycle only Lane running through the Greenspace of Hardings Pits. Placing 50 houses on the site north of the Coach works would risk motorised access for private cars onto Hardings Bus Lane, despoiling and detracting from the safe and quiet nature of Hardings Pits and Hardings Way as safe walking route to school, for family walks, Active Travel and improving health Inequalities, healthy life expectancy and the longevity gap. The Allocation for 50 houses needs to be removed completely from the Plan. It is not sufficient for the Council to shrink the site to the area north of the coachworks. Hardings Way encourages the use of bus travel by speeding up journeys into town. Keeping Hardings Way as a bus and cycle-only Lane, accords with the Lynn Transport Plan (KLATS) aim of reducing short car journeys into Lynn. Placing of accesses for private cars on Hardings Way would place Active Travel, health and sustainability at risk. The community of South Lynn has held 7 peaceful protests in favour of Hardings Way Bus and Cycle Lane remaining traffic-free. This should be respected.		Yes	Noted. The site allocation boundary has been proposed for amendment, to exclude Hardings Pits and greenfield parts of the current Local Plan allocation. Regarding deliverability of the remaining site, the 1st development phase has already been delivered (7 dwellings; 18/00124/F & 19/01758/F). This indicates that constraints can be overcome with suitable mitigation. Retention of the brownfield part of the site offers opportunities to deliver enhancements to the South Lynn area (i.e. a gateway location). This is already recognised in criteria 3-5 of the submission Plan. The proposed Village Green Area does not form part of the site allocation. Noted. No changes are proposed to the status of Hardings Way as a public transport, cycling and walking route only, beyond the existing buses-only barrier. No changes to the transport status of Hardings Way are proposed.	No change

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	George Goddard Ltd	Allocation E1.15 (Bankside West Lynn)	Evidence in relation to delivery of homes at Bankside West Lynn E1.15 and if these are likely to meet the envisaged housing trajectory of 2028/29 – At hearing we expressed doubts. We note the Borough have now dropped the Bankside E1.15 from their revised local plan which is now under consideration. Sadly, the time that has elapsed has starved West Lynn of housing expansion. Not only has this site failed to deliver this is the second occasion as a former proposed site known as Dredging Construction was withdrawn from the last plan You are aware West Lynn does not have a parish council and up to now has been considered part of King's Lynn for expansion of housing. At the last hearing West Lynn had a total of 169 homes allocated over two sites. E1.15 120 homes and E1.14 St Peter's Road 49 homes. The removal of the larger site leaves West Lynn with a shortfall of 120 properties and deprived a community of much needed housing and the economic benefits such homes produce.	Not specified	Yes	Noted. The Updated Delivery and Developability document [F50b], provides the evidence and justification for deliverability. Production of this document led to the regrettable conclusion that the Bankside site (E1.15) ought to be removed as an allocation. However, this remains on the Brownfield Register (Brownfield register | Brownfield register | Borough Council of King's Lynn & West Norfolk (west-norfolk.gov.uk)). There is no need to allocate an alternative site at West Lynn to replace E1.15. Instead, the new designation of the settlement in tier 3 (as opposed to part of the main urban area) has entailed an appropriate proportion of planned growth at West Lynn (E1.14: 49 dwellings), comparable to the size of the settlement. Noted. Regardless of whether or not West Lynn has its own parish council (several other significant settlements throughout the Borough do not but are nevertheless listed separately in the settlement hierarchy. Paragraph 33 and Table 3 Housing Land Supply 2021-2039 concludes that 12,065 homes will be delivered over the Plan period which is 1,787 more than the housing need figure of 10,278 so there is no need to allocate further sites.	No change

	George Goddard Ltd	Allocation E1.15 (Bankside West Lynn)	We mentioned at the last hearing West Lynn is ideal for growth; having probably the best connectivity to the nearby town centre and employment areas. Walking, cycling, use of the ferry, an excellent road for public transport and cars result in good access options. Compare this with the delay and overcapacity on other routes heading to the town centre and this should favour West Lynn for housing expansion As you know George Goddard Ltd has a 5 acres site between Clenchwarton Road and Orchard Grove. One acre is subject to contract in the process of being acquired by Priors the local butcher. Priors have received planning to relocate and expand their meat and general food offer. On the remaining 4 acres of this site, we are granting an option and working with a developer to bring forward an affordable housing scheme for 50 homes, these could be delivered within the 5 year option period. The scoping shows our Clenchwarton Road site in the same flood risk category as E1.15 along with most of West Lynn homes. Our site when compared for housing would be over 500m from the river and is protected by 2 banks, a parcel of arable land and a drainage ditch. It was not flooded in the great flood of 1953. We are reliably informed that properties can be built on our site to meet flood risk requirements. In a call for sites in 2015 we placed a full planning application in 2016 with complied with flood risk requirements. The refusal notice was misleading on flood risk, but we were too late as the call for sites had been fulfilled. Sadly, that negative decision deprived West Lynn of 50 fine homes attractively designed which would have tidied up and enhanced the main village corridor. We cannot understand the Councils thinking behind relegating West Lynn from the Tier 1 category to Tier 3 unless this is designed to favour the Boroughs own sites at Boal Quay and South Quay. If this was the case, we believe the thinking is flawed. Both Boal Quay (not projected to come forward until 2032) and South Quay are on the opposite side of the river. Both are again very close to the water with limited protection; not dissimilar to Bankside E1.15. We therefore question the viability and deliverability of these sites and whether flooding can be prevented. It would appear our site is being discriminated against leaving West Lynn without essential housing that should have been delivered in the current plan period. When you study the map of West Lynn it is an anomaly not to include the land between Clenchwarton Road and Orchard Grove as a development zone. This is opposite commercial buildings on the West and adjoins housing to the North and East. With the advent of a comprehensive butchery and food offering on 1 acre towards the south of our site; the remaining 4 acres presents an opportunity to extend the development boundary. The Environment Agency flood risk places West Lynn village under the same classification as our site. When compared with others and those on the opposite side of the river our site is far less exposed to flood risk. Hence, we state the need for each site to be judged on its own merit through the undertaking of a full flood risk assessment. We also believe it is not appropriate to state in the sequential tests that there are no suitable alternatives in West Lynn. Request that the development boundary be extended to include our Clenchwarton Road site. The opportunity to provide development and the economic benefits to the community would be welcomed.	Promotion of alternative site at West Lynn	Yes	Noted. West Lynn is not considered to be an appropriate focus for growth, due to flood risk. This was considered through the Sustainability Appraisal, which found any sites E1.14 and E1.15 to have negative impacts regarding flood risk [B3, p97]. This issue would affect any site at West Lynn. As such, supporting further expansion at the settlement is not desirable, despite its locational positives in terms of access to services. Promotion of alternative sites and/ or detailed changes to development boundaries were not part of the consultation. Noted. The potential alternative site being promoted by George Goddard Ltd has already been proposed, at the Regulation 19 stage (August/ September 2021) [A7]. This was assessed as an alternative site, in terms of the flood risk sequential test [A12-1c], but was found to offer few/ no advantages as an alternative site allocation for E1.15; e.g. the latter being a brownfield, compared to the greenfield alternative. Noted. The proposed redesignation of West Lynn as a separate tier 3 settlement is not about giving greater “weighting” to the Borough Council’s regeneration sites (Boal Quay/ South Quay). These sites are already identified in the Brownfield Register and could come forward regardless of whether or not they are allocations in the Local Plan. The DDD (Appendix B) and survey responses (Appendix C) – F50b and F50c respectively – set out the current position regarding the potential delivery/ trajectory for Council-owned sites within the main urban area. These reiterate the Borough Council’s commitment to delivery of the Boal Quay (E1.5) and South Quay (E1.8) sites. Noted. The potential alternative site being promoted by George Goddard Ltd has already been proposed, at the Regulation 19 stage (August/ September 2021) [A7]. This was assessed as an alternative site, in terms of the flood risk sequential test [A12-1c], but was found to offer few/ no advantages as an alternative site allocation for E1.15; e.g. the latter being a brownfield, compared to the greenfield alternative.	No change

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			There is no parish council in West Lynn to promote the wellbeing of the area. However, the 2 elected borough councillors Charles Joyce/ Alexandra Kemp (also a county councillor) have been very supportive with the proposals to bring much needed development to West Lynn.			Noted	
	Barratt David Wilson (Carter Jonas)	Para 25-27	Representations to Doc Ref. F50 highlight the fact that the BDW site at Knights Hill is included within the housing land supply, but is excluded as an allocation in the submission version of the King's Lynn & West Norfolk Local Plan Review (draft KLWNLPR), which represents an inconsistent and unsound approach when compared to other sites with a similar planning status i.e. allocated in an adopted development plan and with outline planning permission. These matters were raised in BDW's Matter 5 Hearing Statement, and remain unresolved in this current consultation, which is why they are restated in these representations. The land at Knights Hill is allocated in SADMP for at least 600 dwellings (see Policy E4.1) and outline planning permission has been granted for a residential development that is consistent with the site allocation. In June 2022 reserved matters were submitted for the proposed residential development at Knights Hill. The Council is well aware of BDW's intention to deliver site allocation Policy E4.1 and to implement the planning permission for land at Knights Hill once reserved matters are approved. The draft KLWNLPR seeks to carry forward most of the adopted site allocations in SADMP that have not been implemented. Land at Hall Lane in South Wootton was allocated in SADMP (Policy E3.1 for at least 300 dwellings), has two outline planning permissions for residential development covering different parts of the site, has reserved matters approval, and is carried forward as an allocation in draft KLWNLPR. The Hall Lane site represents all of the 575 dwellings allocated for South Wooton (see table for Tier 3 at pg.51 of Doc Ref. F47) and is included in the housing trajectory (see Site Ref. E3.1 at pg.2 of 18 of Doc Ref. F50a]. It represents an inconsistent approach to carry forward one allocation from SADMP (Land at Hall Lane) into draft KLWNLPR, but not carry forward another site (land at Knights Hill) with a similar planning status i.e. allocated in an adopted development plan and with outline planning permission.	Not specified	Yes	The Borough Council previously withdrew its support for the continued allocation of E4.1 (Knight's Hill) from the Local Plan when outline planning permission was refused (regardless of the subsequent outcome of the appeal). The revised text therefore takes account of the site as an existing commitment. This will be subject to discussions at a future Examination Hearing session on Matter 5.	No change
WINDFALL							
OVERALL HOUSING LAND SUPPLY CONCLUSIONS							
	Thomson, David	Para 33-34	The major concern for local residents is that as the population of the area expands the infrastructure does not. Hunstanton has seen a considerable number of dwellings built in the last 5 years, but a decline in the number of doctors, banks, solicitors & quality retail outlets. Dental provision has remained the same. There is little point in giving planning permission for new houses unless infrastructure grows proportionally.	Not specified	No	Noted. No changes to Hunstanton's status as a Main Town (2nd tier) within the spatial strategy are proposed from the current Local Plan. The Plan, as submitted, seeks to address the matters of community infrastructure delivery, through policies such as LP05 (Implementation) and LP37 (Community Facilities).	No change

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	Elm Park Developments (JWPC)	Para 33-34	The Inspector's Letter notes that "overall, the spatial strategy and housing provision for rural settlements appears to be based largely on carrying forward existing allocations from the SADMP and windfall provision under Policy LP31, rather than evidence of the needs of settlements over the Plan period." Whilst the additional documents do provide some more detail regarding needs of settlements, it still fails to provide either sufficient allocations or windfall policies that will deliver the level of growth required, and certainly not the flexibility to meet the local need during the plan period. It is in effect not conducive to a plan-led planning system. We would propose that the Council needs to allocate sufficient sites to meet housing need and provide sufficient flexibility in allowing windfall developments beyond that, to deal with the potential issues already identified in the plan, such as larger strategic sites being reliant on highway matters, or for neighborhood planning purposes. Having a history of significant windfall development in a district could demonstrates that the allocations made previously have not come forward or that insufficient sites were allocated. The plan seems to be justifying repeating this process with the new Local Plan rather than identifying suitable and deliverable sites to meet housing need, whilst having a windfall policy that provides for flexibility within well-defined settlement boundaries that are based on current on the ground evidence. Submission remains that their extant site is being ignored from consideration, and that the settlement within which that site lies is also being ignored from being designated as part of the key rural settlement. We trust that the site specifics of this submission is addressed during the Examination Hearings in due course.	Settlement boundary of Clenchwarton requires review	Yes	Noted. Windfall development is based on past completion rates. The forecast annual rate (299/ year) already includes a 25% discount. This was previously explained in the submission plan (para 4.1.9), in recognition that land is a finite resource. Therefore, we are confident that the stated rate (299/ year) is sustainable and provides for sufficient flexibility in delivering a sustainable quantum of housing growth over the Plan period. The new Policy LP02 (F47, Appendix 5) provides greater flexibility, by explicitly supporting windfall development within development boundaries and introducing a sequential test, allowing new-build development outside but adjacent to development boundaries where there are no suitable sites within existing boundaries. Windfall rates are supported by substantive evidence and, through LP02, the Plan recognises the need to make sufficient provision to address the matter of continued windfall development. Full details about windfall developments coming forward (as at April 2023) are set out in F50 (p6/ Table 3), which sets out the current housing land supply, made up of completions windfall and allocations.	No change
APPENDICES							
APPENDIX A HOUSING TRAJECTORY UPDATE APRIL 2023							

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	Maxey Grounds & Co	Trajectory (windfall)	I do not agree with the use of 299 Windfall dwellings per annum for the following reasons. Para 28-32 of the Re-consultation document refers Whilst the Council have adopted a 25% discount on the average numbers of windfall dwellings for the previous 20 years, I have no confidence that number will be forthcoming. Except where a five year land supply issue leads to windfalls outside the designated development areas (as occurred in 2017) generally windfalls occur within a finite land boundary within the development areas. New allocations as settlements expand generally to not create new windfall opportunities – these are found by redevelopment within the established settlements or subdivision of larger properties. As this finite land supply produces windfall development it is exhausted as a windfall source, and the pool of potential windfall land reduces. One would thus expect a diminishing rate of windfall over time. A five year land supply issue occurred in 2017 which lead to a plethora of additional quite large scale consents being granted in under a year. Some of those consents are still active and contributing to the identified 2647 Extant consents on non allocated land (Updated Housing Supply document para 23.). We are of the view that the average number of windfall consents is significantly inflated by this five year land supply issue from 2017. The scale of future windfall sites is likely to be smaller. In villages proposed LP02 will limit such sites to 10 units or lower. Past windfall consents were not limited in this way. We consider that the anticipated discount on past windfall supply is not sufficient. All of the above factors are likely to further limit windfall supply. Without the Windfall proportion there is a likely shortfall on anticipated supply and any buffer disappears. Given elsewhere we have commented on the needs to roll forward the plan to 2040 to give a 15 year period after adoption, the buffer is further squeezed in any case. Our conclusions are that it is unsafe to rely so heavily (to the extent of 33% of all housing) on windfall. Additional allocation of sites is required to enable the plan to be considered sound.	Not specified	Yes	Noted. Windfall development is based on past completion rates. The forecast annual rate (299/ year) already includes a 25% discount. This was previously explained in the submission plan (para 4.1.9), in recognition that land is a finite resource. Therefore, we are confident that the stated rate (299/ year) is sustainable. Paragraphs 28 to 32 on page 6 of F50 explains the windfall calculation and this is also explained in [H43a] Matter: Housing, Issue 6, Question 332. The windfall figure has been duly adjusted to take account of the specific matters referred to in the representation (i.e. an increase in speculative applications/ appeals around 2017 raising the overall windfall figure). The 25% discount has been introduced to address this particular issue. Paragraph 33 and Table 3 Housing Land Supply 2021-2039 concludes that 12,065 homes will be delivered over the Plan period which is 1,787 more than the housing need figure of 10,278.	No change
	Elm Park Developments (JWPC)	Housing Trajectory	We had submitted previously that our client's extant planning consent had been incorrectly included as a completed site, despite no completions having yet occurred. The site at Clenchwarton for 40 houses is now shown in the Housing Trajectory as having 5 completions in the year 2021/22 and a note at the end of the table states that the other 35 houses were completed prior to that. This is not correct, as we have pointed out in previous submissions, and raises questions regarding how other sides have been assessed and the overall accuracy of this document.	Not specified	Yes	Representation F26a states that the development was in the process of construction. Further details required from agent so that the extant planning permission (17/01632/RMM & 13/01123/OM) can be correctly included in the Housing Trajectory going forward. This will mean an increase in the number of dwellings delivered within the first five years of supply.	Possible change to Housing Trajectory
APPENDIX B UPDATED DELIVERABILITY AND DEVELOPABILITY DOCUMENT							
	Elm Park Developments (JWPC)	Updated Deliverability and Developability Document (DDD)	We note that of the two allocated sites in West Lynn, one site (E1.14) is under construction with consent for 38 dwellings, whilst being allocated for 49 dwellings, and the other site (E1.15) is proposed to be removed as a site allocation due to contamination issues and there being not plans to bring it forward. The update therefore removes a site allocation of 120 dwellings from one site and shows 11 fewer being delivered on the other site.	Not specified	Yes	Noted	No change

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	Elm Park Developments (JWPC)	Updated DDD	We also note that of the Clenchwarton allocations, one site (G25.2) has had two permission lapse. We consider that Clenchwarton requires a full review of the settlement boundary to include existing dwellings within the settlement boundary and for extant consents. Allow for either additional land to be allocated or for sufficient clarity to be provided to bring forward suitably sized windfall sites for this well located settlement.	Not specified	Yes	Noted. The revised Policy LP01 (Appendix 3) sets out the anticipated growth at Clenchwarton over the Plan period. This appropriately reflects the status of that village as a Key Rural Service Centre. Paragraph 33 and Table 3 Housing Land Supply 2021-2039 concludes that 12,065 homes will be delivered over the Plan period which is 1,787 more than the housing need figure of 10,278 so there is no need to allocate further sites. Settlement boundaries are proposed to include allocations in the Plan but not extant planning permissions. As set out in H7 Matter 2 Q46 Development Boundaries should be duly amended on the Policies Map to incorporate site specific allocations. This would be appropriate, given that these remain extant for the duration that the Plan is in force. By contrast, unimplemented windfall permissions should not be included within boundaries in the event that these subsequently lapse	No change
APPENDIX C SURVEY RESPONSES							
	Kemp (Cllr A) – Norfolk CC	P19, E1.10	The site is undeliverable, contrary to Appendix C at page 19 of 139. It is in the rapid inundation zone. The risk of flooding is so high that the Environment Agency conditioned that homes should not have any ground floor living accommodation. Norfolk is at the 10th highest risk of flooding in the country, coastal area and this area saw a tidal surge that flooded Lynn in the Great Floods of 1953. The site was also flooded in the 1970's when there was a traveller encampment. This site is clearly unsustainable in the time of Climate Change The Allocation for 50 houses needs to be removed completely from the Plan. It is not sufficient for the Council to shrink the site to the area north of the coachworks.	Not specified	Yes	Noted. The site allocation boundary has been proposed for amendment, to exclude Hardings Pits and greenfield parts of the current Local Plan allocation. Regarding deliverability of the remaining site, the 1st development phase has already been delivered (7 dwellings; 18/00124/F & 19/01758/F). This indicates that constraints (most notably flood risk) can be overcome with suitable mitigation. This is a Council owned site and the survey response from the Assistant Director Property & Projects for the Borough Council in Appendix C [F50c] Survey Responses shows that the site is deliverable.	No change