



Representation to Local Plan

Consultation on Additional Evidence Base Documents

Borough of Kings Lynn and West Norfolk

Representation on behalf of Elm Park Developments

Job No: 21/L/004

Version: 1

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Written Representation

- 1.1 These representation are made on behalf of Elm Park Developments and follow previous representations to the Kings Lynn Local Plan Examination. They respond to the Consultation on additional evidence base documents, which are provided in response to the Planning Inspector's identified issues with the Local Plan.
- 1.2 We understand the Examination Hearings will reopen in due course and previous questions raised by the Inspectors that were not discussed, will be dealt with during those Hearings.
- 1.3 Our previous representations concerned the drawing of settlement boundaries, the treatment of an extant consent for housing on the proposals map, the potential for windfall sites to come forward in the plan and the lack of sufficient allocated sites. Several of the additional evidence base documents deal with these issues and therefore we have provided our client's response to these documents in the context of their initial objections to the Local Plan.

Document F47 – Topic Paper Spatial Strategy and Settlement Hierarchy

- 1.4 This document proposes moving the settlement of West Lynn to Tier 3 as a settlement adjacent to King's Lynn. West Lynn lies across the River Great Ouse from King's Lynn, connected by the King's Lynn ferry. Our client's site lies to the west of West Lynn along Ferry Road approximately 600 metres from the site, within Clenchwarton. Similarly the southern part of the site connects to Main Road, which also connects to West Lynn along Clenchwarton Road.
- 1.5 The document also proposes amendments to housing policies to provide more clarity and to address Inspector's concerns regarding what is considered an appropriate scale of development in the rural areas. The Council claims this also seeks to provide a clear, unambiguous, and effective spatial strategy for development on unallocated sites across the rural area. Policy provides what the Council considers to be appropriate thresholds in terms of the scale of development likely to be supported outside of, but adjacent to, development boundaries relative to the settlement's position in the settlement hierarchy. In this context, we repeat our objection to what we consider to be an inaccurate representation of the settlement boundary at Clenchwarton in particular, but

also across the plan, as the boundary of a settlement is critically important to how allocations are chosen and how policy will be interpreted, effecting how windfall sites will be brought forward during the plan period.

- 1.6 Appendix 3 details the new policy wording. The amended Settlement Hierarchy states that West Lynn is considered a separate village, but is in Tier 3 as it's in close proximity to the urban area of King's Lynn. In the four villages in this tier, 1,339 new dwellings are proposed from commitments (715) and site allocations (624). Document F50b (below) updates on the site allocations within West Lynn, which demonstrates potential changes to the two site allocations in West Lynn. This will result in the two allocations in West Lynn delivering just 38 new dwellings, rather than the 169 proposed at submission. There is no plan to replace these lost dwellings through new site allocations.
- 1.7 Tier 4 – Key Rural Service Centres includes Clenchwarton, and identifies these areas as the most sustainable villages outside the urban area, providing some growth to support their roles as 'service centres' and enhance local service and public transport provision. It notes 1,647 dwellings should be delivered within the existing settlement boundaries of these villages, which highlights the importance of having accurate settlement boundaries in the Local Plan.
- 1.8 New Policy LP02 concerns Residential Development on Windfall Sites within and adjacent to Rural Settlements. This allows for windfall development within settlement boundaries of Key Rural Service Centres and Rural Villages and acknowledges that some villages do not have ability to grow in this way. It also allows for new housing adjacent settlement boundaries, but these are proposed to be limited to schemes of 10 dwellings or fewer for Key Rural Service Centres and 5 dwellings for Rural Villages. This policy is very limited in scale and also provides a list of criteria that would severely limited the number of windfall sites coming forward in the plan period. When Policy LP01 anticipates 299 new dwellings to be delivered by windfall sites each year, there would appear to be a clear issue with these polices that will not result in the level of expected windfall development. This will place a serious strain on expected delivery. The criteria in Policy LP02 requiring demonstration that there are no available site within the settlement boundary, in essence a sequential test on a settlement, will also limit the number of sites that can come forward.

1.9 An additional consideration is that smaller sites of fewer than 10 dwellings are less likely to contribute to affordable housing and infrastructure requirements associated with new development. A reliance on small sites as windfall risks these elements not being provided.

1.10 Further details on the level of expected windfall development in the Rural Areas is provided within an Appendix of the new proposed policy on Neighbourhood Plans. This annex is referred to as a Neighbourhood Plan Housing Requirement Methodology. Paragraph 5 of this Appendix explains that the table that follows sets out the proportion of the 4,186 dwellings expected from windfalls across the tiers of the settlement hierarchy.

Tier 4 - Key Rural Service Centres shows 628 new windfall dwellings

Tier 5 - Rural Villages shows 84 new windfall dwellings

Tier 6 – Smaller Villages and Hamlets shows 0 new windfall dwellings

1.11 There are 22 Tier 4 settlements listed in the Hierarchy, some of which have allocations and some of which do not. However, to assume that a single windfall development may come forward in each settlement of the maximum proposed at 10, which seems to be the maximum that the proposed policy would allow, would provide just 220 new dwellings, and not the 628 proposed. We would question whether the settlement boundaries are drawn so tightly to exclude windfall development within these rural settlement boundaries and how Policy LP02 will deliver the level of expected windfall development.

1.12 Whilst the Council has justified a high level of windfall sites in the plan based on past delivery of such sites, the question should surely be asked whether similar barriers to windfall developments were previously in place. As if not, then carrying forward such high levels of windfall would not appear to be possible within the constraints of the new policy approach to limit size.

1.13 The proposed changes do not make clear how the proposed new policy will delivery on the growth needed in the Local Plan. Either more allocations are required, to reduce a reliance on windfall, or a less restrictive windfall policy is required than that proposed. What is key to both is accurate settlement boundaries that clearly defines existing dwellings within a settlements and includes both committed extant sites and proposed allocations. We maintain our objection that the

settlement boundary at Clenchwarnton requires review and provides a clear example of how the policies proposed will not meet housing need without significant amendment.

Document F47a - Appendix 1 Settlement Hierarchy Assessment

- 1.14 This document shows the village of Clenchwarnton remains as a Key Rural Service Centre, having the essential and preferable requirements of that tier of the settlement hierarchy. It's location close to the main settlement of Kings Lynn, connected by the ferry, road and good bus and cycle links identified within the sustainable transport strategy also benefit the location for growth.
- 1.15 These elements of the location provided justification for allowing the appeal on our clients site, which has extant planning consent for 40 houses.
- 1.16 We note that West Lynn is not included within this assessment of rural settlements, despite its new position within the settlement heirarchy.

Document F50 – Updated Housing Land Supply

- 1.17 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.
- 1.18 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.
- 1.19 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.

Document F50a – Appendix A – Housing Trajectory

- 1.20 This provides an update on housing delivery and projected delivery across the district. 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.
- 1.21 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 sites have been assessed and the overall accuracy of this document.

Document F50b – Appendix B – Updated Deliverability and Developability Document

- 1.22 This document provides a detailed reassessment of site allocations within the Plan. 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.
- 1.23 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 and to 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.

Summary

- 1.24 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.

- 1.25 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 demonstrate 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. The settlement boundary of Clenchwarton clearly requires review on this basis.
- 1.26 Our client's 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.



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