

King's Lynn & West Norfolk Local Plan Examination

Examination Hearing Statement in relation to:

Additional Matter 2, Issue 2 (Spatial Strategy and Settlement Hierarchy – Policies LPO1 and LPO2):

Additional Questions AQ11 (New Policy on Residential Development on Windfall Sites within and adjacent to Rural Settlements)

March 2024



1. Introduction

- 1.1 This hearing statement has been prepared by Cornerstone Planning Ltd. and relates to Additional Matter 2, Issue 2 (Spatial Strategy and Settlement Hierarchy – Policies LPO1 and LPO2). Specifically, Additional Questions AQ11 (New Policy on Residential Development on Windfall Sites within and adjacent to Rural Settlements)

2. Additional Questions and responses thereto

- 2.1 We respond as follows - in **red text** - to the Inspectors' Questions:

New Policy on Residential Development on Windfall Sites within and adjacent to Rural Settlements

AQ11. Is the proposed New Policy on Residential Development on Windfall sites within and adjacent to Rural Settlements positively prepared, justified, effective and consistent with national policy in promoting sustainable development in rural areas and maintaining the vitality of rural communities as part of the spatial strategy for the Borough? In particular:

- (a). Is criterion 1a) and the supporting text to the policy justified in limiting residential development in SVHs to 'only' 1 or 2 dwellings per site?

No response.

- (b). Is it clear in criterion 1e) what is meant by 'high quality sustainable schemes which is appropriate to its context'?

No; the phrasing is neither clear or effective. We recommend that the policy can rely on criterion 1 b) in this respect.

- (c). Is the wording of criterion 1g) consistent with paragraph 111 of the NPPF in preventing residential development that would result in 'significant adverse cumulative impacts (such as highway impacts)'?

No; with reference to highway impacts, the policy must reflect the terms of paragraph 115 of the NPPF (December 2023).

- (d). Is part 2 of the policy justified in only supporting residential development outside of rural settlements 'in exceptional circumstances'? Is it clear what 'exceptional circumstances' means in the context of the policy and would it be evident how a decision maker should react to such development proposals?

No. The use of the phrase 'exception circumstances' is subjective, with no bases by which a proposed development can be determined. Paragraph 83 of the NPPF indicates that: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services." As drafted, section 2 of the policy is thus not justified or effective, and not consistent with national policy. We therefore recommend the deletion of the phrase "In exceptional circumstances", and the use of/reliance upon appropriate assessment criteria the same or similar to section 1 (Development within Development Boundaries) – to which section 2 already refers - subject to amendments/modifications arising from Questions (a) to (c) above.

Furthermore, criterion 2 a) is not justified or effective. It creates a de facto 'sequential test' requirement for ruling out any prospective development site ("no existing available sites") within the Development Boundary before allowing development within section 2 of the policy (outside/adjacent to the Development Boundary). This does not accord with any policy approach of the NPPF, and is unnecessary and unreasonable. If there is an adjacent development site that meets the requisite criteria, then the existence of a 'potential' site elsewhere but within the boundary, ought not to preclude it.

(e). Is part 2 of the policy justified in applying strict limits of 10, 5 and 2 dwellings to developments outside the boundaries of KRSCs, RVs and SVHs, respectively? What is the proportionate evidence to justify these dwelling numbers?

No response.

(f). Is the wording of criterion 2e) clear and effective in preventing development which does not lead to impacts on local character? Would this criterion duplicate criteria in part 1 of the policy?

The wording is not clear and effective. Arguably, all new development has an 'impact' of some sort on local character, as do "existing developments". Paragraph 2 e) is thus superfluous and should be deleted; we recommend that section 2 of the policy can rely on the criteria of paragraph 1 b).

(g). Should the policy or its supporting text specify that development boundaries to settlements are defined on the Policies Map?

Yes.
