

Examination of Kings Lynn & West Norfolk Local Plan Review
Resumed Hearing

Matters and Issues for Discussion
(Week 3: 26 – 28 March, 2024)

Response to Inspectors' Questions

Submission from Holme-next-the-Sea Parish Council

Covering:

Policies: LP01, LP02, LP04, LP31, LP41

Topic Papers: F47, F48

8 March 2024

MATTER 2 – SPATIAL STRATEGY

Issue 2: Is the spatial strategy of the Plan positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development, including in respect of the proposed housing requirement?

Spatial Strategy and Settlement Hierarchy (Policies LP01 and LP02)

New Policy on the Spatial Strategy and Settlement Hierarchy³

AQ3. *Are the Council's proposals to modify the Plan's spatial strategy in the following ways justified by the evidence set out in the Spatial Strategy and Settlement Hierarchy Topic Paper [F47] and would the resulting spatial strategy be positively prepared and consistent with national policy in enabling the delivery of sustainable development:*

(a) *The removal of the Strategic Growth Corridor from the Plan?*

NO.

NPPF 31 requires the review of all policies to be underpinned by relevant and up to date evidence and to take account of market signals. NPPF 35 requires justification of "an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

No convincing evidence has been presented and no consideration has been given to establish the answer to the original MIQ22 "would a broader distribution of growth across a wider range of settlements" ... "within the Strategic Growth Corridor represent a more sustainable spatial strategy to meet the needs of the Borough". It is therefore impossible to compare the merits of the alternatives - ie with and without the Corridor. Furthermore, no consideration has been given to the 'market signals' emanating from the buoyant regional economic growth to the south and the ongoing significant improvements to the rail corridor which carry implications for sustainable development in the Borough.

The revised policy ignores market signals and has neither an adequate evidence base nor any justification in relation to the Growth Corridor alternative.

The multi-modal "A10" transport/rail corridor has never been assessed as part of the Strategic Growth Strategy - either as a complementary policy or an alternative to the highways-dependent option of West Winch.

How can a spatial strategy that depends so heavily on one very large development **plus** a substantial element of windfall housing be judged sound? If the necessary infrastructure does not come forward (WWHAR), the Borough will struggle to meet its housing need and be left dependent upon a very significant element of **unplanned** (windfall) housing. This will reinforce the emerging, unsustainable dispersed pattern of development which depends upon the use of the private car and can never hope to be

serviced effectively by public transport.

It is clear that:

- The Corridor already exists and is of both regional and national significance in terms of the economic development potential it offers. It is attracting huge investment in infrastructure (new railway stations; transport hubs; road improvements and hotels) to the south to support economic growth in areas where demand for labour outstrips supply - notably the Cambridge-Sub Region. How can this be ignored?
- Existing housing development along the Kings Lynn – Downham Market axis already supports commuting via the sustainable rail link eg Downham Market to Cambridge North (30 mins), Cambridge (50 mins) and London (90 mins). Downham Market to Kings Lynn is only 15 minutes by train but can easily be more than twice this by car in peak periods especially during the holiday season.
- The evidence base for the plan appears to contain no information about existing rail-based commuting patterns, modal choices or the capacity for development in the Corridor to attract income and growth into the Borough.
- The recently concluded County Devolution Deal promotes the A11 Corridor recognising the economic possibilities of improved links between Norwich and Cambridge (average rail journey time 96 mins!). Is Kings Lynn in danger of being left behind despite its huge potential?

(a) *The change in the status of Watlington and Marham from Growth Key Rural Service Centres to Key Rural Service Centres?*

Given the capacity for growth, both settlements have the potential to be well connected to rail links and to benefit from sustainable transport improvements. However, this needs to be established in the light of a full assessment of alternative proposals for the Strategic Growth Corridor.

Currently, there is insufficient evidence available to answer this question.

AQ5. *Should the Spatial Strategy, as proposed to be revised in the New Policy, provide for more growth at Downham Market given its status as a Main Town and its accessibility by public transport?*

YES - based on our answer to AQ3 above and our previous consultation response. However, this needs to be demonstrated by further evidence.

AQ6. *In the light of the analysis in the Updated Technical Note on Transport Evidence [F48, F48a and F48b], does the evidence base demonstrate whether or not the Borough's transport network would have the capacity to support the proposed spatial distribution of development in the Plan, with the range of transport mitigations and interventions proposed in place? If not, why not?*

NO

The evidence provided by the transport modelling is limited by:

- the restricted spatial extent of the models
- their inability to model modal choices
- lack of data representing seasonal increases in tourist traffic

Despite the above, even with the WWHAR the results show evidence of significant areas of traffic congestion including on the Queen Elizabeth Way (which serves the hospital) and the A149 to the north which serves Hunstanton and the North Coast. This road is already unacceptably congested in the holiday season - to the detriment of commuters, local business, the emergency services and the tourist economy.

In addition, the Area Wide Modelling considers only sites with planning permission whilst all other development is treated as background growth - ie its location is unknown and therefore there is considerable uncertainty regarding its impact on the transport network.

AQ7. *Would the proposed New Policy on the Spatial Strategy and Settlement Hierarchy be consistent with national policy in maximising opportunities for sustainable transport solutions? If not, why not? Should it do more to reduce carbon emissions and improve air quality?*

- The spatial strategy fails to maximise the opportunities offered for rail commuting (eg existing stations at Downham Market & Watlington) and dedicated bus corridors, pedestrian and cycleways (eg disused railway line route Hunstanton to Kings Lynn). This is contrary to NPPF 105 and 110(a).
- The indicators used to score the settlement hierarchy, which influence the pattern of development, underestimate the importance of sustainable transport modes (eg rail score of only 1 – bus score of 3) and result in a distribution which is sub-optimal with regard to emissions.
- It is difficult to see how the plan reduces dependence on motorised vehicle travel – for example there is huge focus on the WWHAR to enable access to Kings Lynn and services by car but a lack of clarity about the exact provision for the same access using non-car modes. As a mitigation measure for the Growth Area the WWHAR reduces congestion on this part of the A10 but the modelling shows it increases overall vehicle kms and emissions...
- NPPF 110(d) seeks mitigation to counter increases in emissions but the increases associated with the congestion predicted in the network have not been addressed and no mitigation strategy is proposed.

Overall the proposed spatial strategy is not shown to be compliant with national policy on sustainable transport.

AQ8. *Overall, would the proposed New Policy provide a Spatial Strategy for King's Lynn & West Norfolk, which is positively prepared in meeting the Borough's needs, justified as an appropriate strategy, taking into account the reasonable alternatives, deliverable over the Plan period and consistent with national policy in enabling the delivery of sustainable development? If not, why not?*

Almost certainly not (though the evidence does not allow this to be fully assessed) for the reasons given in the answers to AQ3 and AQ5-7.

The balance between allocated sites and windfall is a huge concern given the uncertainties and development timescales surrounding West Winch. NPPF 23 requires that strategic policies "should include planning for and **allocating** sufficient sites to deliver the strategic priorities of the area". Whilst the level of windfall in itself might be acceptable there is not sufficient land **allocated** in the revised policies to meet the current housing need and this is counter to NPPF23.

Furthermore, the strategy for managing windfall is very unclear. Whilst there is little or no doubt sufficient housing could come forward through this route the problem is that the Council has not demonstrated **where** it will come forward. The neighbourhood plan policy refers to '*allocation of windfall sites*' but by definition this is unplanned and unexpected (small scale?) development which cannot be allocated. In a Borough with massive disparities in land values (especially between the AONB/Heritage Coast in the North and elsewhere) it is clear that the pattern of windfall will not relate well to the settlement hierarchy.

This is confirmed by patterns of development in the last plan period which have proved extremely damaging to coastal communities and is an issue we will pick up under Neighbourhood Plan targets below. At this point we would just like to underline that **there is neither clarity nor evidence supporting how the high proportion of windfall will help deliver on housing need**. It seems very likely that given the current pattern of market forces across the Borough the significant proportion of Windfall will distort the settlement hierarchy rather than reinforce it.

The Council have not addressed these concerns which we raised in our last consultation response.

New Policy on Neighbourhood Plans

AQ9. *Are the proposed housing requirements for designated neighbourhood areas, as set out in the Spatial Strategy and Settlement Hierarchy Topic Paper [F47], justified as appropriate, based on proportionate and robust evidence, taking into account the reasonable alternatives?*

Subject to previous caveats made regarding the scoring system the basic approach adopted to advising (potential) Neighbourhood Planning Bodies of their housing requirement seems reasonable – but would hopefully be done in consultation with the groups concerned to ensure that *the minimum figure is consistent with local housing need* as required by NPPF 67.

It is not at all clear how the apportionment algorithm can respond to local housing need or environmental constraints because it is entirely based on windfall development. By definition this is unexpected development which occurs in response to availability of land and market demand. It cannot be 'allocated'. There is disproportionately high demand in the north of the Borough – particularly along the coast, driven by demand for second homes in the exceptional environment designated as National Landscape. Elsewhere, especially in areas in need of regeneration where there are brown field sites (which are more difficult and less profitable to develop) there will be less windfall.

It is self-evident from looking at the different parts of the Borough that this is a long standing problem – many regeneration sites struggling to get off the ground and there is growing environmental damage to designated landscapes and Protected Sites as evidenced by the need to introduce the GIRAMS strategy.

The PC's previous evidence has shown the impact of ongoing failure to address local housing need and the on-going problems for the AONB/Coastal Parishes. The 2021 Census shows that these areas have the highest levels of second home ownership in the country. Resident populations have been decimated and many are on the verge of extinction. Most of the neighbourhood plans coming on stream have identified this problem and are trying to address it through principal residence policies in order to prevent all new dwellings becoming second homes.

The proposed plan is completely silent on this issue. However, the ongoing exclusion of local people from the housing market is not only destroying local communities but undermining the local labour supply and damaging the economy.

The proposed 'allocation' of windfall housing to these areas coupled with the proposed policy on development outside development boundaries will be the final nail in the coffin for these communities. There appears to be nothing in the evidence base of the plan identifying these trends (though there is ample evidence in the Census and elsewhere) and there is no policy which addresses this fundamental planning issue.

Surely this renders these policies ineffective and unsound?

AQ10. *Is the proposed New Policy for Neighbourhood Plans consistent with national policy in setting out housing requirements for neighbourhood areas that reflect the overall strategy for the pattern and scale of development in King's Lynn & West Norfolk and any relevant allocations?*

The proposed algorithm attempts to create a distribution that is consistent with the overarching local plan settlement hierarchy and pattern of development taking account of any allocations. However, it does not demonstrate how this will be realised and in all probability it will not (see below).

New Policy on Residential Development on Windfall Sites within and adjacent to Rural Settlements⁴

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?*

Definitely not.

The PC has set out its objection to this policy in detail in its previous consultation response. Our concerns have not been addressed in the Council's response and we would like to emphasise the following points.

The LPA has the authority to allocate sites in or close to Neighbourhood Areas as long as they meet the requirements of the NPPF and Local Plan. Planning applications can come forward within development boundaries and they should be approved if they are policy compliant.

However, the proposed New Policy (LP02) specifically allows development adjacent to but outside development boundaries – ie it specifies not just the quantum of development (eg 1 or 2 houses in SVAHs) but also the location (outside but adjacent to the development boundary).

By specifying the location, the LPA is removing the power conferred on local communities through the Localism Act to choose where they want new homes (and other forms of development) to be built. In its current form the policy is thus of questionable lawfulness and certainly at odds with Planning Guidance (paragraph: 001 Reference ID:41-001-20190509).

In practice, this policy will allow landowners and developers to determine the location of housing and it will distort/inflate land prices thereby undermining the ability of communities to deliver affordable housing on exception sites.

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?*

Stipulating 1 or 2 dwellings per gap in an otherwise continuous line of development would be more effective (eg in order to prevent multiple applications for two dwellings within a single infill space) and would also help to preserve settlement form. However, it does seem difficult to justify any particular number and focusing directly on the features of the site would be easier to justify. SADMP Policy DM3 has been successful in dealing with this matter and we would urge basing the new policy on this.

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

In the absence of supplementary guidance defining what these terms mean it is likely that 'high quality' will be controversial and open to interpretation. Backed up by appropriate explanation in the supporting policy text or local design guidance the clause is otherwise helpful.

- (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)'?*

Highway impacts is a poor example in relation to NPPF 111 – so a better example could be used (eg impacts on the landscape, townscape, biodiversity or the wider environment).

- (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?*

From a developer perspective every application will claim 'exceptional circumstances'. Furthermore, there is also lack of clarity about the meaning of clause 2(a) – what constitutes an 'existing available site'? Does it have to be in the ownership of the applicant, does it have to be on the market or is it just a gap where infill might take place at some unknown time in the future?

Part 2 of this policy will undermine the entire purpose of having development boundaries which guide development and protect the countryside whilst making sufficient space for accommodating future growth. Their role is to provide certainty over where development can take place but Part 2 of this policy removes that certainty. The boundaries in this Local Plan and the NDPs were consulted on extensively. They were designed to accommodate future growth requirements. Subsequently proposing a policy that permits development outside boundaries undermines the consultation process and will lead to a lack of faith in the planning system.

For the SVAHs (which previously had no boundaries), this aspect of the policy is not justified as required by NPPF 35(b) against the alternative of using the boundaries to control development as intended and consulted on.

- (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?*

The PC's views on this policy have been made clear above. However, having strategic policies concerned with placing 2 dwellings adjacent to the boundaries of SVAH's is clearly inconsistent with NPPF 21 which states "*Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies*".

- (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?*

There is no mechanism in this policy for preventing multiple sites of 2, 5 or 10 dwellings per site coming forward and therefore no mechanism for controlling cumulative development and its impacts. Success of an application for the first such site will be cited as precedent for subsequent sites. Decision makers will be unable to control this type of development.

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

NPPF 25 states "Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map". It would be reasonable to expect clarity in the location of expected development via a map including windfall – but this might be difficult to achieve.