

## **KINGS LYNN & WEST NORFOLK LOCAL PLAN REVIEW EXAMINATION**

### **REPRESENTATION RESPONSE TO PROPOSED AMENDMENTS TO POLICY LP02**

**on behalf of ELM PARK DEVELOPMENTS Ltd**

**April 2024**

This draft policy had allowed for new housing permissions as windfall developments adjacent to the existing settlement boundaries of Key Rural Service Centres, with a proposed limit to schemes of 10 dwellings or fewer. We objected to this as we considered this would severely limit the number of dwellings coming forward as windfall development during the plan period within this tier of the settlement hierarchy. It would also limit the number of affordable homes being brought forward by restricting the number of units, arguably in areas where affordable homes are more likely to be needed.

The new draft of this policy does nothing to address our objection, and in fact goes further in restricting the potential for new dwellings to be delivered as windfall developments within this tier of the settlement hierarchy, by not allowing windfall adjacent to existing settlement boundaries, and whilst also increasing the anticipated number for windfall to 671.

During the Week 3 Hearing Session discussing the previous draft of this policy, the Inspector's made clear that they needed to be sure that windfall sites would come forward and the Council agreed to redraft the policy. The new draft policy allows for windfall residential developments outside of development boundaries in tiers 1-3, subject to five listed criteria and a sixth restriction limiting development to 50 dwellings unless brought forward through Local Plans and Neighbourhood Plans. However, in tiers 4-6, no residential development will now be supported outside of the development boundaries unless allocated through a Neighbourhood Plan, which in effect creates a two-tier approach to the Tier 4 Key Rural Service Centres; those with or without a Neighbourhood Plan.

Tier 4 settlements are sustainable locations for growth that the Council has determined should provide a level of development to meet housing need during the plan period, setting out minimum housing delivery numbers and anticipated windfall during the plan period. The Council has not however assessed the existing settlement boundaries, nor assessed the capacity of these settlements to meet the minimum level of anticipated development need during the plan period within that settlement. Despite this, the policy as drafted would restrict all development to be within these old settlement boundaries, despite requiring additional growth in these locations. This is an unsound approach to windfall delivery that will likely reduce the current levels of windfall, which are proposed to be maintained across the plan period, and have a significant effect on restricting growth at tier 4 settlements.

Given that these settlement boundaries for Key Rural Service Centres were previously tightly drawn around existing dwellings, and in many cases include protective policies such as Conservation Areas and AONBs, and in the case of the village of Clenchwarton exclude existing developed areas of housing, it is an unsound approach to only allow windfall developments within these old boundaries that were not defined to meet current growth targets. The Council has in effect set a strategic housing target for the tier within the local plan, based on evidence of past windfall delivery and housing need, and then actively introduced this new policy to make that target less likely to be achieved in these specific areas.

Whilst the Council will allow windfall developments outside of the existing settlement boundaries for Tier 4 settlements only where allocations are made within a Neighbourhood Plan, there is no requirement for Neighbourhood Plans to make these allocations, meaning that if they do not allocate sites, the minimum targets are unlikely to be met. However, for these settlements without a Neighbourhood Plan, where no sites come forward within the settlement boundary, no development can take place and these areas will not meet growth targets and will have no affordable housing brought forward during the plan period.

In addition, we wish to point out that windfall sites are defined in the NPPF as 'sites not specifically identified in the development plan.' The proposal to include sites allocated in neighbourhood plans as counting towards windfall developments is flawed, as sites allocated within a Neighbourhood Plan would become part of the development plan and therefore not meet the definition of a windfall site.

Our solution to these issues, assuming the Inspector's do not consider more allocations should be forthcoming in these locations, are that tier 4 settlements are reassessed for capacity and that where boundaries are tightly drawn, they are relaxed accordingly to accommodate future development needs, or that Tier 4 settlements are treated as tiers 1-3, by allowing appropriate sustainable developments within **and** adjacent to existing development within the settlements.

To allay fears the Council may have over larger developments coming forward in villages, wording could be devised that would allow developments that are appropriate to the scale of the village and the immediate locality, alongside the criteria already set out for tiers 1-3. Whilst this is not an ideal or standard approach, it would still provide for appropriate windfall development to meet the housing need in the plan period and specifically allow for growth in the tier 4 settlements, where the Council is unwilling to properly assess capacity of the older settlement boundaries to meet that growth.