

:

:

Date: 12/04/2024

**For the attention of the Local Plan Programme Officer**

Borough Council of King's Lynn & West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX

**REPRESENTATIONS IN RESPONSE TO PROPOSED AMENDMENTS TO PLAN POLICY LP02  
KING'S LYNN & WEST NORFOLK LOCAL PLAN REVIEW EXAMINATION  
MATTER 2: SPATIAL STRATEGY**

**WEEK 4, DAY 9 – 16 APRIL 2024**

**NEW POLICY ON RESIDENTIAL DEVELOPMENT ON WINDFALL SITES WITHIN THE BOROUGH**

**Introduction**

These further representations have been prepared by Bidwells LLP on behalf of Bennetts Homes in support of previous representations made to the King's Lynn & West Norfolk Local Plan Review. The focus of these representations are specifically with respect to the further new policy/approach to residential development on windfall sites within the Borough, published on 5 April 2024:

**Policy Principles**

With the acknowledgement by the LPA, specifically para 4 'Principles' that *'there may be a need to deliver windfall development outside settlement boundaries'*, Bennett Homes continues its contention, that this approach is unsound as it would suggest that insufficient capacity to accommodate the excessive reliance on windfall has been identified, and cannot be met within settlement boundaries. For this reason, insufficient sites/land have been identified/allocated outside existing settlement boundaries, in the submitted plan, which are suitable, available, and deliverable to meet the Borough's housing requirements.

By its very definition, windfall development refers to sites that unexpectedly become available for development during the lifetime of the plan. Whilst Bennett Homes have made previous representations raising soundness concerns on whether over-reliance on windfall is either justified or effective is a matter for the Inspectors to consider. However, this should be considered within the context where availability and deliverability of windfall sites are a finite resource within many settlements across the Borough, and previous windfall delivery would suggest this has been significantly eroded and there is no compelling evidence in line with the Framework or Planning Practice Guide to justify how and why this will continue to be a credible trajectory. Furthermore, the very fact the LPA are now suggesting that windfall sites may



16 Upper King Street, Norwich NR3 1HA  
T: 01603 763939 E: info@bidwells.co.uk W: bidwells.co.uk

need to be found outside settlement boundaries, does support our case that the plan has not currently allocated sufficient sites to have certainty around the delivery of planned growth.

The acknowledgement in para 4 that delivery of windfall development may be required outside of settlement boundaries does conflict with para 8 which states the '*windfall policy does not apply in the countryside*'. By virtue of acceptance that para 4 acknowledges the intent that windfall development may be delivered outside settlement boundaries, by their very nature being outside the settlement, such sites would be classified in policy terms as countryside.

The policy approach for tier 4 settlements (i.e. Key Rural Services Centres) and below will not be effective in delivering the windfall requirements already outlined in the Council's topic paper F47, table 2 for the reasons that follow.

### Policy LP02

**Part B, subsection b)**, Bennett Homes would contend that the wording is not sufficiently precise and therefore will not satisfy the effective test of soundness. It can be argued that any development has the potential to adversely affect existing and future service and infrastructure provision. Therefore, this element of the policy needs to be rewritten to provide further precision on level of impact that will be acceptable under this criteria.

**Part B, subsection d)** suggest this is superfluous and duplication of national policy and does not add any further value.

**Part C**, in tiers 4-6 of the Council's Settlement Hierarchy, the policy approach proposed is that new build residential development will not be supported outside development boundaries, unless allocated through a Neighbourhood Plan. As articulated at previous hearing sessions, Bennett Homes contention in the case of Watlington, is that this policy approach will not be effective in delivering the windfall allowance already identified in the plan for this settlement. Watlington, currently has a windfall requirement of a further 29 dwellings over the plan period. Based upon development currently under construction or allocations carried forward from the previous plan, the settlement boundary of Watlington is tightly defined, thereby severely limiting the prospect of suitable and deliverable windfall sites coming forward within the Plan Period.

Notwithstanding this requirement identified by the Local Plan, a Neighbourhood Plan was made in December 2023 for Watlington not allocating any new housing development.

Therefore, Bennetts Homes considers that in the event the Local Plan proceeds in its current proposed form, then on adoption of the Local Plan, the Neighbourhood Plan for Watlington would be out of date as not being in general conformity with the Local Plan. Without an early review of the Neighbourhood Plan for Watlington which allocates sufficient site(s) for a minimum of 29 dwellings or no additional local plan allocations, the delivery of this windfall allowance for Watlington would not be effective and question its delivery across the plan period.

There are other examples across the Borough within tier 4 and below settlements where neighbourhood plans do not allocate growth, thereby further undermining the deliverability of the quantum of windfall allowance envisaged for such settlements now proposed by the Local Plan. Therefore, there is a direct conflict between what the strategic plan policies of this plan are now expecting and then actually capable of being delivered through the Neighbourhood Plan process, thereby making this policy approach ineffective, furthermore conflicting with the requirements of national policy.

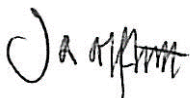
Consider this in the context of our previous representations questioning the removal of Watlington as a Growth Key Rural Service Centre, and instead absorbing this sustainable settlement into the wide ranging tier of Key Rural Service Centres, is not justified by the Council's own evidence. The Council's evidence concludes that *'Watlington has been chosen for growth as it lies upon the Main Line Railway and is a sustainable settlement boasting a primary school, local convenience shop, public house, social club, church, village hall, GP/Pharmacy and bus links'* (Examination Doc Ref D21). Instead, Watlington is now not proposed for any further growth beyond carrying forward a previous local plan allocation which is now consented, in one of the most sustainable settlements within the tier with a genuine choice of alternative and more sustainable transport modes available. Watlington provides a real opportunity to deliver sustainable development, consistent with national policy. Instead, with the current windfall policy approach proposed, there is a real prospect, this settlement will not deliver any further windfall within the plan period, contrary to the proposed strategic policies of the Local Plan.

To remedy these soundness concerns, we would propose the Local Plan allocates additional land outside the current settlement boundary of Watlington to accommodate at least the scale of windfall allowance/housing requirement identified by the strategic policies of the Local Plan. The Council previously had a preferred site allocation option in the form of WAT1 which could be allocated in full or part.

As set out within the Council's document 'Action 13: Review New Policy XX Neighbourhood Plans, the windfall figure assigned to settlements should be the starting point in setting Neighbourhood Plan housing requirements. Given the scenario identified above is replicated in many other settlements in tiers 4-6 of the settlement hierarchy where neighbourhood plans remain silent on additional housing allocations (incl. Watlington, Burnham Market, Gayton, and Heacham), then cumulatively this shortfall in windfall allowance and under delivery could be significant across the Borough.

We hope these written representations will be duly considered and inform the hearing discussions.

Yours sincerely,



**James Aflatt MRTPI PIEMA**  
Partner