

**HEARING STATEMENT**

**EXAMINATION OF THE KING'S LYNN AND WEST NORFOLK LOCAL PLAN  
REVIEW 2016-2036**

**EXAMINATION HEARING - DAY 9**

**MATTER 2: SPATIAL STRATEGY**

**RICHARD BROWN PLANNING LIMITED ON BEHALF OF**

**KOTO LIMITED OR THEIR GROUP OR RELATED COMPANIES**

**12<sup>th</sup> APRIL 2024**

## **Introduction**

1. This Hearing Statement has been prepared by Richard Brown Planning Limited, on behalf of Koto Limited or their Group or related companies, who submitted representations to the King's Lynn and West Norfolk Local Plan review.
2. This Hearing Statement responds to the following matter:

### ***MATTER 2: SPATIAL STRATEGY***

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

*Area for Discussion:*

- *New Policy on Residential Development on Windfall Sites within the Borough*

**With regard to the issued Note, “Action 10 Policy LP02 amendments”, it is considered that**

3. The mischief is the failure to plan effectively.
4. The inherent weakness of the Plan is demonstrated in the acceptance that it won't deliver effectively.
5. The best approach would be to review the settlement boundaries, rather than to adopt a policy of non-planning in conflict with the NPPF.
6. My clients have promoted a site for approximately 250 dwellings on the edge of Downham Market in the south east sector.

7. The proposed Policy LP02 amendments, if submitted, should not restrict dwelling numbers, but should reflect a site's capability to provide sustainable development.
8. It is further considered that the proposed Policy conflicts with paragraph 20 of the Framework (pattern/scale) and with paragraph 23 which provides that Local Plans should provide (with our emphasis added):

*“a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively addressed needs **over the plan period**, in line with the presumption in favour of sustainable development... “.*

9. The Council have confirmed at the Examination and in their Response to Matter 2 – Spatial Strategy (AQ117) that the Plan periods need to be extended, they are of the opinion that a 1-year extension to 2040 is sufficient although it has been discussed that a 2 year extension to 2041 would be more suitable. Nevertheless, using the 1-year extension and the increase in housing requirement the council's housing requirement increases to 10,526 dwellings of which 4,485 are proposed to be delivered by windfalls.
10. The Council have a proposed *Policy LP02 – Residential development on windfall sites* amendment (Action 10). The Council state:

*Windfall development, which refers to development sites other than those allocated in this Plan, broadly consists of the following development types:*

- *Small scale/ minor infilling;*
- *Redevelopment of previously developed/ brownfield sites;*
- *Conversions/ changes of use of existing buildings;*
- *Rural exceptions housing sites; e.g. rural affordable housing schemes, Custom and Self-Build etc; or*
- *Additional development land allocations brought forward through Neighbourhood Plans.*

*Most windfall development will be on sites within development boundaries. However, in the interests of positive planning, this policy makes provision for some development outside and adjoining the development boundaries of the most sustainable settlements (tiers 1-3), provided certain criteria are met.*

11. The proposed amendments to LP02 with regard to development outside settlement boundaries provide the following caveat:

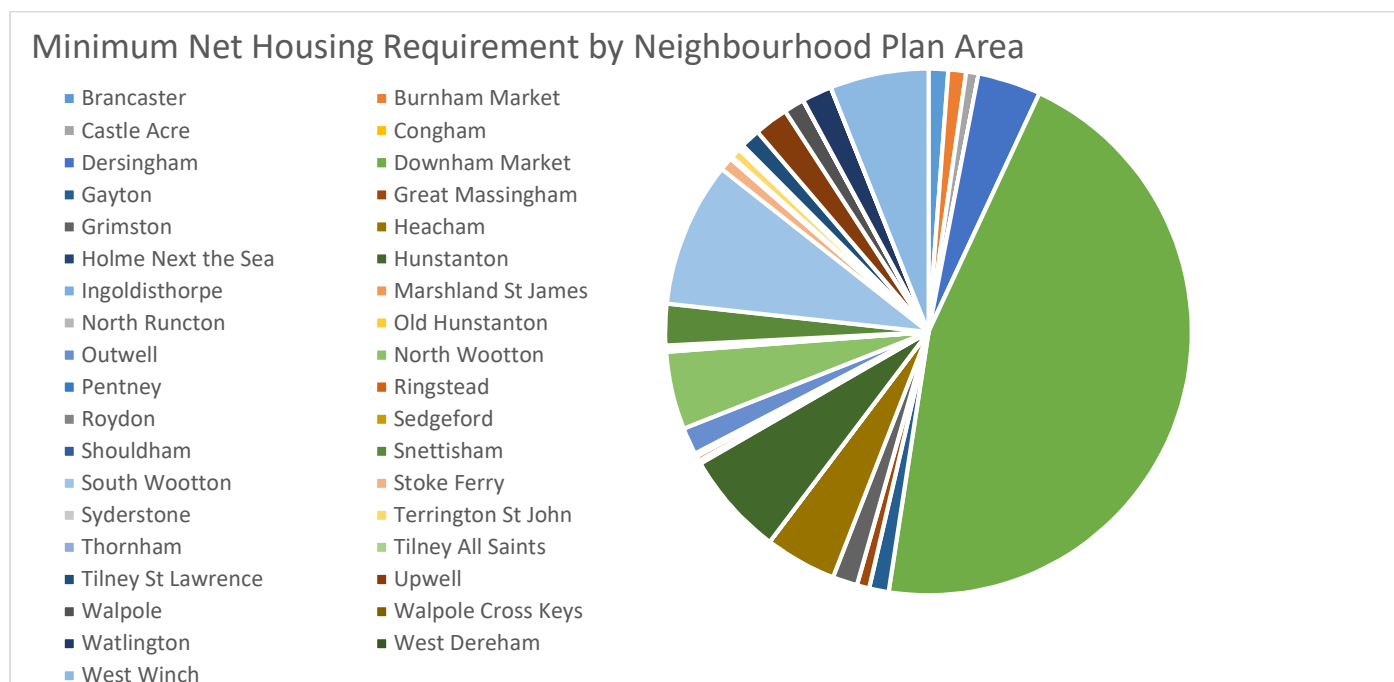
*Residential sites in excess of 50 dwellings outside of the development boundary must be brought forward as allocations through Local Plans and Neighbourhood Plans.*

***Where it appears that sites brought forward separately could be part of an overall larger development, the council will require it to be demonstrated that the provision of infrastructure and other essential services that ought to be provided, would not be prejudiced by piecemeal development.***

12. The Council are heavily over-reliant upon the Housing Requirement to be delivered by windfalls and, in particular, land allocations brought forward by Neighbourhood Plans. Topic Paper (F47) Spatial Strategy and Settlement Hierarchy (August 2023) Table 2 at paragraph 47 provides the Housing Requirement to 2039 by Designated Neighbourhood Areas. Column C confirms the windfall requirement per area which is also the Housing Requirement for Neighbourhood Plans should they choose to allocate sites.
13. The Housing Requirement to 2039 identified in Table 2 for Neighbourhood Plan areas totals 1,822 dwellings (of 4,186 windfalls). With the Council proposing to extend the Plan period by 1 year and the Housing Requirement increasing and therefore the number of windfalls increasing to 4,485 it is somewhat surprising that the total number Housing Requirement provided in the recent table in *Action 13: Review New Policy XX Neighbourhood Plans* is 1,572 dwellings. The windfalls increase - the Housing Requirement for the mechanism (Neighbourhood Plans) to deliver windfalls decreases.

## Downham Market

14. The Housing Requirement for Downham Market that is proposed to be delivered by windfall development is much higher than other areas in the Borough, as demonstrated below:



15. The Council, in our opinion, should positively plan for growth at Downham Market through allocations, however, the acceptance that the Housing Requirement cannot be met solely within settlement boundaries and will need to be met outside settlement boundaries, is agreed.
16. The Council have suggested that there should be a limit on the size of development and have provided the arbitrary number of 50 dwellings. The limit would work at most settlements, however, it is submitted not at Downham Market.
17. Downham Market's revised windfall Housing Requirement is 715 dwellings (*Action 13: Review New Policy XX Neighbourhood Plans*).

18. The Downham Market Regulation 14 Pre-Submission Neighbourhood Plan that was submitted for Consultation in 2021 and has not proceeded any further did not propose to allocate any housing sites. Therefore, for Downham Market's Housing Requirement to be met without Neighbourhood Plan allocations with the limit of 50 dwellings would require, for example, 14 separate applications of 50 dwellings and 1 of 15 dwelling application to meet this minimum requirement.
19. The Housing and Economic Land Availability Assessment (HELAA) (2019) (Document C1b) provides sites identified by the Council that are potentially suitable for development of which there are 7 at Downham Market.
20. It is submitted that the Council should allocate further sites or the arbitrary number of 50 is removed. Larger scale sites are required to provide land for new infrastructure or facilities (for example local shopping and care homes) in addition to Section 106 financial contributions. This simply cannot be accomplished by windfall development or by a Neighbourhood Plan that fails to allocate sites. It is clear that paragraph 23 of the Framework, as confirmed above, confirms that this Plan should provide strategic policies for the growth of Downham Market in the south east sector, and that the growth should also be compliant with paragraph 62 of the Framework.
21. With regard to the lack of proposed policies to deliver a strategy for Downham Market to meet its Housing (and other) Requirement, by the growth of the town in the south east sector, it is considered that the Plan is not positively prepared nor justified or effective. The Plan is also not compliant with the Framework for the reasons set out above, and also in previous representations.

**Richard Brown MSc**