

Examination of King's Lynn & West Norfolk Local Plan Review

Inspectors' further comments on New Policies on Windfall Development and Neighbourhood Plan housing requirements

1. New Policy on Windfall Development

- 1.1 The Plan relies upon development on windfall sites to meet the housing requirement over the Plan period. Table 1 of the Council's Additional Statement on Matter 6 [K25] includes an allowance for 4,473 dwellings from this source at 298 dwellings per annum (dpa) within the overall housing land supply of 13,233 dwellings for the remainder of the Plan period. Even if this is reduced to avoid double counting of permissions already granted on windfall sites, an allowance of around 3,576 dwellings over a period of 12 years would still amount to around 29% of the housing land supply.
- 1.2 The evidence from past windfall site completions suggests that an allowance of 298 dpa going forward is realistic. However, in the past windfall housing developments have taken place both within and outside of development boundaries. Therefore, to enable the delivery of housing from windfall sites in line with the rates achieved in the past, it is important that the Plan continues to provide a policy framework that supports windfall development in these locations. This needs to be balanced with maintaining the open, rural character of the landscape outside of settlements, which is an important asset of the Borough.
- 1.3 As submitted, Policies LP04, LP31 and LP41 would limit housing development outside of development boundaries to sites of no more than 10 dwellings. Development boundaries are tightly drawn around the existing built up areas of each settlement, and were not reviewed in preparing the Plan, such that the opportunities for further windfall housing within settlements would also be limited. The result of such a restrictive policy framework would be that the Plan would fail to deliver sufficient windfall housing schemes to meet the housing requirement.
- 1.4 In addition, in response to our concerns about the lack of a positively prepared strategy to meet the housing needs of rural communities in the submitted Plan, as expressed in our letter of 30 January 2023 [G19], the Council proposes a New Policy on Neighbourhood Plan (NP) housing requirements, at Appendix 5 to the Topic Paper on the Spatial Strategy [F47]. The methodology on which this is based (at Table 4 of Appendix 5) identifies a windfall housing requirement for each settlement in Tiers 1-5 of the settlement hierarchy. However, it is evident that a more flexible policy framework for windfall development would be necessary to deliver those housing requirements, particularly at settlements within Tiers 1-4 of the hierarchy.

- 1.5 A New Policy for Residential Development on Windfall Sites within and adjacent to Rural Settlements was proposed as part of the Council's further evidence, at Appendix 4 to the Topic Paper on the Spatial Strategy [F47], in response to our concerns about the soundness of the spatial strategy expressed in our January 2023 letter. However, this also seeks to restrict development outside of the development boundaries of rural settlements to schemes of 10 or less dwellings, which we consider to be too restrictive. As that policy is also focussed on rural settlements within tiers 4-6 of the settlement hierarchy, it also makes no provision for development adjacent to the boundaries of the main settlements in Tiers 1-3 of the settlement hierarchy, which is evidently an omission from the revised policy framework.
- 1.6 Our questions on these points were discussed at the Hearing sessions in March and April this year. In response, the Council has proposed a New Policy on Windfall Development [F68], which was made available for participants to comment on in April. We have considered the proposed New Policy and the written comments on it from interested parties. Our views are as follows:

Part A – Residential Development within development boundaries

The wording should make clear that this part of the policy applies to all settlement tiers in the hierarchy, as identified in the New Policy on the Spatial Strategy and Settlement Hierarchy. The term 'high quality' is ambiguous without further qualification, and should be replaced with a series of criteria to which all residential development within settlement boundaries would be expected to comply, referring to other relevant policies in the Plan as appropriate.

Parts B and C - Residential development outside of development boundaries

Part B of the policy should be extended to apply to Tier 1-4 settlements, comprising King's Lynn and its related settlements, the Main Towns and the Key Rural Services Centres as the most sustainable settlements in the Borough, where the majority of windfall residential development is expected to occur. It should also make it clear that the criteria listed in Part A of the Policy would also apply to residential development outside of development boundaries allowed by Parts B and C of the Policy.

Criteria a) to e) require some editing to ensure they are effective and consistent with national policy. For example:

Criterion a) - the phrase 'high quality' should be removed and 'local character' qualified or explained;

Criterion b) - should provide for any potential adverse effects on infrastructure and services to be mitigated; and

Criterion d) should reflect national policy in preserving or enhancing the significance of heritage assets, including their settings.

The dwelling thresholds above which developments should be brought forward as allocations should be tiered to reflect the respective size of settlements in the hierarchy and their ability to support larger scales of development. An example might be:

King's Lynn	100 dwellings
Downham Market and Wisbech	75 dwellings
Hunstanton	50 dwellings
Key Rural Service Centres	25 dwellings

With regard to the last paragraph of Part B, we understand the desire to avoid a piecemeal approach to infrastructure provision if larger sites are sub-divided, but as drafted the wording is ambiguous about the size of development being referred to. To be effective, this paragraph needs further clarity.

Part C of the policy should be applied only to settlements in Tiers 5 and 6 of the hierarchy. However, we consider that additional wording is necessary for Tier 5 settlements that have a housing requirement identified in the Appendix to the New Policy on NPs, for which there are no opportunities within the development boundaries and which the relevant Neighbourhood Plan does not address through allocations. As an exception in such circumstances, we consider that small scale development of up to 5 dwellings should be considered to meet that housing requirement, subject to the criteria under Parts A and B of the policy.

2. New Policy on Neighbourhood Plans

- 2.1 We consider the proposed New Policy on Neighbourhood Plans setting minimum housing requirements for designated NP areas is necessary for the Plan to be consistent with national policy in paragraphs 66 and 67 of the NPPF. We have also reviewed the methodology for calculating minimum housing requirements in the Appendix to the Policy on NPs and consider it to be adequately justified and robust. We consider it offers an appropriate strategy for the distribution of the unallocated element of the housing requirement across the settlement hierarchy.

- 2.2 However, we do have concerns about the implications of the Capacity Sense Check of Main Settlements in Table 3 of the Appendix for the overall windfall allowance in the housing trajectory, which we expressed at the Hearing session on 16 April 2024. Table 1 of that Appendix calculates a windfall requirement of 4,470 dwellings over the remainder of the Plan period, with a total of 3,711 dwellings to be provided from this source in the Tier 1-3 settlements. However, the Capacity Sense Check in Table 3 indicates that only 2,773 dwellings are considered appropriate from the Tier 1-3 settlements should NPs come forward for these settlements. This would amount to a reduction in the windfall allowance of 938 dwellings.
- 2.3 We note that the minimum housing requirements for the designated NP areas at Downham Market, Hunstanton, North and South Wootton and West Winch in the proposed New Policy on NPs have been based on the capacity sense check figures. We assume the same would be true for any NP housing requirement for King’s Lynn.
- 2.4 The implications of this for the overall housing land supply and the 5 year supply of deliverable housing sites will need to be set out clearly in the Plan and the housing trajectory. We will need to be satisfied that the Plan, as proposed to be modified, would provide a strategy which is able to meet the Borough’s housing needs.

Karen L Baker & Mike Hayden

INSPECTORS

16 May 2024