

Greater Norwich Local Plan Examination – Clayland Estates Ltd Representations ID 23954

Matter: 10 Issues 1-5 in relation to the following site

p) Land South of Norwich Road, Hingham (Ref GNLP0520)

Date: 2nd / 3rd March 2022

Further Written Statement on behalf of Clayland Estates Ltd

Submitted by J R Maxey MA FRICS FAAV, Maxey Grounds & Co

In relation to the above Matters Issues and Questions, the intention of this further statement is to assist the Inspectors, by signposting, in relation to the objections already submitted to the Submitted GNLP Reg 19 draft on behalf of Clayland Estates Ltd, how those objections relate to the MIQs

Are the proposed site allocations listed below soundly based? In particular:

1. Is the allocation justified and is it supported by the evidence ?

Clayland's response it that the assessment process has not been objective or robust and as a result the selection of this site for allocation is not justified. Our submitted ground of objection and supporting evidence detail why in flood risk terms the allocation is not directing development to the areas with lowest risk and indeed significant outstanding issues remain requiring, as identified in the policy wording, further investigation and resolution. (Appendix A of our submission). The Town Council objections support this point.

We have identified where the HELAA scoring has not been objective, and the outcomes objective assessment of the criteria might have produced, which evidence why this site allocation is unsound (Appendix B). Objective use of GNLP's own criteria does not support the site as justified. Key supporting evidence such as flood sequential approach has been ignored in site assessment.

The site booklets lacked transparency in evidencing decisions and "discussions". In Stage 6 "The Detailed Site Assessments" it is clear that negotiations were taking place with this sites promoter whilst other sites were not afforded this privilege at that stage or since. The Site Booklet allocated the heavily lobbied site and after allocation GNLP declined to meaningfully engage with the owners of other sites, despite holding a "consultation" where it was said that allocation was not a foregone conclusion. In previous EIP sessions GNLP have admitted that additional information submitted in support of reasonable alternative sites which show how issues could be addressed were not taken account of – again we would say further evidence that the selection process is neither objective or sound.

We have identified that the pedestrian linkages from Norwich Road require more mitigation and still produce a less safe route to the Town Centre than alternatives, and yet have been (incorrectly) identified as the key issue that has weighed in favour of this site selection (Appendix C).

We have identified how the allocation fails to take account of the effect on the longer distance views approaching the village and of the historic church (Appendix D), in contradiction of comments by the Planning Authority in relation to the adjoining development (The Hops) by the same developer which specifically identified that site as acceptable because it was below the level that would obstruct such views. The obstruction of such long distance views is to the significant detriment of the historic and landscape features of Hingham.

We have identified that the proposed allocation fails to take account of the environmental effects likely to result from proximity of the B2 uses, existing, and proposed to be expanded on the north side of Norwich Road, to new residential dwellings (Appendix E)

We have identified that the allocation has failed to take account of the significant local opposition as expressed by individual objectors and via the town Council, and selection of this site in the face of this opposition is unsound in that it does not take account of local views in the non-strategic selection process, contrary to NPPF paras 28-30 (Appendix G). Local evidence and representations do not support this site. Our common arguments to the Town Council are recorded in our Joint Statement of Common Ground (Appendix J)

The conclusion for the above reasons is that the site selection is unsound and should be deleted and Clayland say that the allocation for Hingham should be so modified.

The Strategic intention for at least 100 additional dwellings at Hingham will not occur because of the withdrawal of availability of GNLP 0503. If the Inspectors accept the submission that GNLP0520 should also be deleted, then the shortfall will increase. Either way the strategic policy for Hingham to allocate at least 100 dwellings requires a replacement allocation. Clayland had previously submitted sites reference GNLP0298/ 0335 together with significant woodland planting adjoining at Watton Road and GNLP4011 at Hall Close which remain available and deliverable for further consideration in any modification of allocations for Hingham.

2. Have the environmental and other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

Proper assessment has not taken place as required by Policy GNLP which requires all sites to provide at least 10% biodiversity net gain. The significantly greater gains on reasonable alternative sites have also not been assessed. The allocation of GNLP0520 is not justified in that it has failed to take full account of the issue of biodiversity net gain or the environmental factors identified in Appendix F of the submitted objections.

The proposed allocation is subject to significant environmental mitigation measures that would not have been necessary on reasonable alternative sites, and on this basis is neither justified nor sound. Flood sequential testing has not been followed and no account has been taken of the existing surface water flooding issued being caused to the area by the promoters adjoining development. It is reasonable to suggest that if they have caused a flood issued by the first development, will this not be made worse by further adjoining development. The LLFA response to the promoters drainage proposals is that further investigation work is still required to determine what methods will work

The assessment has not fully considered the potential affect on TPO protected trees of the policy criteria for access and frontage footpath, which are not achievable without some damage to those natural assets

Heritage assets will be threatened as the site promoters proposals are for an infiltration basis outside the allocation area (ref Doc D2.105.1 page 49) and in close proximity to these listed buildings

The Sustainability Assessment has not been used objectively to assess the merits of competing sites, with the sustainability scoring of this allocation significantly improved when assessed in conjunction with the draft policy, because of policy criteria safeguards added, which are assumed to be able to solve potential sustainability issues eg flood risk. The Inspectors are invited to study the variation of scoring in the various stages of the sustainability assessment (SA Vol 3 Appendices:- table on page D109 with policy mitigation) should be compared with that on E6 (Pre-mitigation) and E35 (Post mitigation) to identify how much the effect of enhancing the score of sites selected for allocation, because of stated mitigation within the policy, creates.

3. Has the availability, viability and deliverability of the site been robustly assessed?

It is submitted that assessment has not been sufficiently robust. There remain outstanding technical floor issues to determine, and the proposals appear to be to site

any attenuation features outside the allocation boundary, rather than the site being capable of accommodation dwellings and all infrastructure within the draft allocation.

It is submitted that the policy criteria, related to continuous frontage footpath and enhancement /protection of heritage assets, that are not achievable, and the flood risk factors that require further investigation put at risk delivery of this site which represents the majority of allocation within Hingham. Such risk of non-delivery, allied with the withdrawal of availability of the other allocation in the town, makes that risk unsound and unjustified for the site to represent the majority of the proposed allocation for the Town.

4. Does the evidence support the delivery of the housing units on the expected trajectory? (Document 3.2C)

It is submitted that the flood risk and other flood and pedestrian linkage constraints will prevent or delay delivery, in which case development will be below the trajectory, and with the majority of the allocations and the only available allocation stalled, supply available to this Town will be below the anticipated or required trajectory for the Town.

The plan is not sound as any delay or constraint on brings forward this site jeopardizes the whole delivery for the Town

5. Are the detailed policy requirements that would apply to the allocation justified and effective?

The policy criteria included with allocation of this site are in part not achievable – a adequate visibility splay incorporating footways to be provided along the whole site frontage is not achievable given the protected trees on that frontage are to be retained. As such the detail of this provision is unsound. Any footway would have to be within the site back from the trees to avoid causing damage to protected trees that must be retained.

The requirement to investigate further and mitigate the sites susceptibility to surface water flooding acknowledges the issue, but does not ensure a solution. Indeed the development by the same developer of the adjoining Hops Development has increased the flood risk issues in the area (Appendix A and Town Council objection evidence refers). The further reports submitted by the promoter still leave aspects requiring further investigation and it appears clear that the site can not accommodate the mitigation features likely to be required to avoid a repeat of the flood issues cause by the adjoining development. This suggests that the number proposed for the site is excessive, with risk of being able to deliver the allocation remaining

The requirement to conserve and enhance the significance of the two listed buildings south of the site cannot be achieved by the development. Any mitigation may reduce the affect but it will not enhance in comparison to open land adjoining those heritage assets. (Appendix D)

Claylands position is that the allocation is unsound and should be deleted, and maintain the view that additional allocation is required in Hingham to meet the strategic need identified, given the withdrawal of GNLPO503.

JRM 09/02/2022