

GREATER NORWICH LOCAL PLAN EXAMINATION

HEARING STATEMENT - MATTER 10

Housing and mixed-use allocations: New sites without planning permission that are allocated for less than 500 dwellings

On behalf of:
Westmere Homes

Date:
February 2022

Reference:
03715/LP Examination Matter 10

1.0 Introduction

- 1.1 This statement is prepared on behalf of Westmere Homes in relation to **Matter 10 – Housing and mixed use allocations – new sites without planning permission that are allocated for less than 500 dwellings** and provides their response to the **Questions 10.1, 10.2 and 10.3** raised by the Inspectors. Specifically, our client's response focusses on the proposed allocations at the Main Town of Aylsham. As set out in detail in Westmere Homes' response to the Regulation 19 draft Greater Norwich Local Plan (dGNLP) the principal concern relates to the failure of the council's site assessment process to adequately assess the competing sites at Aylsham on their merits and arrive at a series of allocations which is most appropriately matched to the needs and capacity of the town.
- 1.2 The main thrust of our client's concerns in respect of the dGNLP's development strategy for Aylsham are set out clearly in their Regulation 19 response. This relates principally to the decision of the dGNLP to allocate Sites GNLP0596R 'Land at Norwich Road' and GNLP0311/0595/2060 'Land South of Burgh Road' on the basis of a flawed site assessment process calling into question the soundness of the final allocations. Specifically, we have identified some clear disparities between the assessment of the preferred sites and our client's Site GNLP0336 'Land at North East Aylsham' which has led to inconsistent and unjustified conclusions rendering the approach unsound. Indeed, upon the application of a more thorough and consistent approach to the main sites at Aylsham – and the various options offered by each – it should clearly be concluded that the allocation of our client's land either in part or in full would be fully justified and reflective of the evidence base.
- 1.3 The analysis set out in our response to the Regulation 19 dGNLP and now amplified by this statement demonstrates that, through proper assessment, our client's land should form one of the two preferred allocations at Aylsham as a clear alternative. That said, following on from the robust and detailed case put forward by several respondents at the Matter 2 and Matter 3 sessions (in respect of a deficient growth strategy for the Greater Norwich Area and one which is lacking in ambition and likely to miss meeting the housing needs for the plan area) there is an equally compelling argument to suggest that our client's land should be included as either an **alternative or additional allocation** at Aylsham capable of supplementing the dGNLP's delivery strategy.

2.0 Response to the Inspectors' Questions

Question 10.1: Is the allocation justified and is it supported by the evidence?

Question 10.2: Have the environmental and other constraints to development and the implications for infrastructure been properly assessed and, where necessary, can appropriate mitigation be achieved?

Question 10.3: Has the availability, viability and deliverability of the site been robustly assessed?

Overview

- 2.1 On behalf of our client, we are seeking to address the three Inspectors' Questions set out above together due to the overlap between each – all three draw a parallel response relating to our concerns in respect of the soundness of the site assessment and allocation process as a whole. In short, however, our response is as follows:

Question 10.1: No, as it stands the allocations at Aylsham are not justified nor supported by the evidence base of the dGNLP. Discrepancies in the site assessment process have resulted in an unjustified and potentially ineffective growth strategy for the town.

Question 10.2: Due to flaws and omissions from the site assessment process we cannot conclude that the environmental and other constraints to the development of the main sites at Aylsham have been properly assessment.

Question 10.3: Accordingly, and due to the same flaws, it is similarly impossible to conclude that the availability, viability and deliverability of the Aylsham sites have been assessed on a robust basis.

- 2.2 Our client's principal concern is that following the robust and thorough promotion of their site GNLP0336 towards the dGNLP, a process which included a significant level of engagement with both the emerging plan and officers directly, there remain clear discrepancies in the way in which the two alternative options for the land have been considered within the plan's evidence base. Indeed, an alternative proposal at the site centred around the delivery of a reduced scale scheme of 150 dwellings put forward in response to the January 2020 Regulation 18 'Draft Plan' has been overlooked entirely.

Review of the Site Assessment Process

- 2.3 The Site Assessment process accompanying the production of the GNLP was split into three parts: the first comprised an iterative review of sites leading up to the preparation of the initial draft Regulation 18 plan; the second comprised the consideration of the comments received following this consultation; and the third comprised a review of any new or updated sites.

- 2.4 In respect of Aylsham, it was initially proposed to identify a single key allocation of approximately 250 to 300 dwellings based on the proposed level of growth to be directed towards the town identified following the Growth Options consultation. The assessment process principally focused on three competing locations – our client's land and the two currently preferred sites at Norwich Road and South of Burgh Road.

Part 1 Assessment

- 2.5 The first part of the assessment comprised a seven-stage analysis which is described in full in our client's Regulation 19 response. It is after this stage, and on review of the conclusions of the final Stage 7 assessment, where the first clear discrepancies in the review of sites arise. At this point of the process two of the three preferred candidate sites proposed serviced land for a new primary school at the town: the initial preferred allocation at Burgh Road and our client's land. On reaching the conclusions in respect of each site the ability to deliver a new school appears as perhaps the single most important factor at Aylsham considering the identified deficiency in school places. On this basis the conclusions in respect of each site were as follows:
- **Land at Burgh Road:** *"The site allocation will need to include a requirement for a new primary school in Aylsham required to meet growth needs."*
 - **Land North East of Aylsham (our client's land):** *"A new school site is needed in Aylsham which is promoted as part of this scheme, however more evidence is needed regarding delivery."*
- 2.6 It appears, then, that the offer of land for a new school on our client's land was given reduced weight due to concerns over deliverability of the facility. This is a point that was been raised consistently by officers at the various meetings held in respect of our client's land – resultantly continual reassurances and evidence were presented to the GNLP team guaranteeing the provision of a serviced site of at least 2.1ha to meet the educational needs of the town. This included liaison with the management of the adjoining Aylsham High School to discuss the possibility of an education hub and as well with officers during a pre-application process during which the practicalities of the delivery of a school at this location were discussed favourably, with NCC Children's Services returning an endorsement of the proposals.
- 2.7 Evidence was then offered as part of the following Regulation 18 Consultation in March 2018 demonstrating that the provision of the school site would be proportionate when judged against the CIL Regulation 122 tests, with funding for delivery expected to be secured through a combination of planning gain and existing capital expenditure programmes. It continued to be offered by our client as one of the key benefits of the scheme, one which could be secured and required of the proposals as part of an appropriately worded allocation policy.
- 2.8 Most recently the feasibility of the proposal as a whole (both the 150 and 300 dwelling schemes) was demonstrated unequivocally in a Viability Report prepared by Strutt and Parker and issued to officers as

an appendix to a Statement of Common Ground in October 2020. A copy of this Viability Report was most recently provided in support of our client's Regulation 19 response.

- 2.9 It is not clear what additional evidence would have been required by officers to convince them that the school site would be deliverable as part of our client's proposals. Our client has gone above and beyond the provision of the normal statement of intent to provide the land that in our experience usually satisfies both officers and local plan inspectors alike. Conversely, it is also not clear what alternative evidence has been offered in respect of the proposed allocation at Burgh Road to demonstrate that a school is any more deliverable at this site. Certainly no additional evidence was presented at Regulation 19 stage. On this basis we do not consider that our client's land was subject of objective assessment in respect of this matter.

Highways Access

- 2.10 At the point where the preferred site was identified it appeared that there was still a requirement for both refinement of, and clarity on, the access strategy to be provided at each of the three sites. The conclusions in respect of the access arrangements at the preferred site at Burgh Road, our client's land and the final site at Norwich Road are set out below:

- **Land at Burgh Road:** *"...this combination of sites is preferred for allocation as it is favoured in highway terms as long as two points of access are provided."*
- **Land North East of Aylsham (our client's land):** *"This site is considered to be a reasonable alternative if additional growth is needed in the towns, subject to a satisfactory access strategy via existing allocation AYL2."*
- **Land at Norwich Road:** *"For highways reasons, requirements would include a maximum of 100 dwellings with access from Norwich Road and a 2-metre-wide footpath across the site frontage. 250 dwellings would require two points of access, but this would require further investigation as it would not be possible from either Copeman Road or Buxton Road. This site is therefore of secondary preference for allocation in the town."*

- 2.11 In short, no agreed access solution had been demonstrated in respect of any of the three main candidate sites at the point of their selection – all three required their respective promoters to undertake further work and produce technical evidence that satisfactory access could be provided. Regardless, much with the conclusions in respect of delivery of the school officers appear to have essentially taken a leap of faith in identifying competing sites over our client's land without sight of further evidence. Neither the Burgh Road or Norwich Road sites had submitted an access strategy that had sign off by NCC Highways – on all three sites the matter would require further work. Notwithstanding, by this point our client had offered a range of fully designed access solutions at their site at North East Aylsham (then, and still, the only promoter to do so).

Part 2 Assessment

- 2.12 This stage of the Site Assessment process comprised a general review of the responses received to the Regulation 18 Draft Plan consultation. As with the first part of the process this stage did not reveal any significant issues in respect of our client's land – no objections were received. Conversely a range of objections were received from Aylsham Town, members of the public and various technical consultees in respect of both the preferred allocation at Burgh Road and the other 'reasonable alternative' at Norwich Road. Indeed, we note that a significant level of additional objection has now been lodged in respect of the Norwich Road site at Regulation 19 stage. In fact, positively in respect of our client's land the public comments identified that *"the concept of this site to include more for the community in terms of leisure, retail and neighbourhood centre is positive"* whilst in objecting to a rival site welcoming the idea of the country park.
- 2.13 Referencing the earlier issues identified in respect of the deliverability of the scheme, officers also provided their own comments at this stage, confirming that *"the documents provided for GNLP0336 give assurance for the deliverability of development"*. In totality this stage of the Site Assessment process should have led to the significant strengthening of the prospects of our client's land as it clarified matters in respect of viability and achievability whilst revealing no strong public objection to the proposals.
- 2.14 Conversely, both the Burgh Road and Norwich Road sites received a more intense level of criticism. In total the former received 11 objections with the latter receiving 6. Both returned concerns about highways impact, landscape impact and ecology. Despite this the response of officers was to retain the Burgh Road site as an allocation and, perversely in the face of the identification of fresh issues, go on to propose the Norwich Road site for allocation.
- 2.15 Equally as perversely a new reason appears at this stage of the Site Assessment process as to why our client's land would be unsuitable for allocation – that is the distance of the site from local facilities and the town centre. It is not, however, clear how this view is reached, particularly considering the walking plan submitted to officers as part of our client's representation in March 2018 which showed the excellent relationship of the site to a full range of shops, services and facilities at the town – submitted once again in support of our client's Regulation 19 response.
- 2.16 Assuming the nearest point of each site to the town centre offers possible pedestrian access, it would be appropriate to measure from here for walking distances to most services. On this basis our client's land lies approximately 950m from the town centre via routes offering a pavement or footpath. Conversely the site at Norwich Road lies over 1.2km from the edge of the main shopping area via Norwich Road itself (on the basis that Buxton Road is unlit and does not offer a continuous footway from the site to the town centre).

- 2.17 Once again, we can only conclude that judgements have been made in respect of our client's land without any reference to the evidence available or indeed with scant regard for the case put forward by our client throughout the consultation process. On this basis it can only be concluded that these continued discrepancies in the Site Assessment process once again prejudiced the chances of our client's land coming forward for development and resulted in a perverse and unjustified conclusion by officers.

Part 3 Assessment

- 2.18 It is at the Part 3 stage where perhaps the clearest omission from the site assessment process in respect of our client's site arises. The purpose of the Part 3 assessment was to review any additional sites received at Regulation 18 Draft Plan stage as well as any proposed amendments to existing sites.
- 2.19 The Site Assessment paper recorded the submission of an amended proposal in respect of Land at Norwich Road which, along with our client's land, was at this stage considered to be a 'reasonable alternative'. This was given the updated reference of GNLP0596R recognising that it was a variation of the original proposal. The updated proposal appears to do little more than include an additional 0.83ha parcel of land without including any definitive evidence on how the constraints identified at the previous stage of the assessment process – principally access – have been overcome. Additionally, further unreconciled constraints were identified in the updated Site Assessment paper respect of heritage impact, landscape impact and surface water flooding. It does not appear that any additional evidence was submitted at Regulation 19 stage to clarify these concerns.
- 2.20 What the paper then startlingly fails to do is consider the variation of our client's proposal put forward as part of the representations towards the Draft Plan for a reduced scheme of 150 dwellings but including all of the same benefits offered by the enlarged 300 dwellings proposal (school, community land, country park). This was set out plainly as an alternative available to officers in our client's Regulation 18 'Draft Plan' submission – indeed, following our meeting with the GNLP team on 2nd March 2020 it was a variation that was actively encouraged by the officers present. This represents a clear alternative to our client's initial proposal and one that must be subject of the same rigour as the revised Norwich Road scheme – both in respect of the Site Assessment paper and as what would clearly be a reasonable alternative for the purposes of the Sustainability Appraisal.
- 2.21 The omission of any analysis of our client's alternative option, in contrast with the full exploration of the variation of the Norwich Road scheme, both demonstrates clear prejudice to our client's chances of allocation as well as presenting clear flaws in both the Site Assessment and Sustainability Appraisal processes. This omission alone should render the plan both unsound, by way of a failure to reference key evidence available to officers (it would not be justified) and as a result would likely see it fail the tests of legal compliance in respect of the sustainability appraisal process.

3.0 Conclusions on Soundness

3.1 Based on our comments above and amplified by the content of our client's response to the Regulation 19 consultation we conclude as follows on the soundness of the dGNLP. We consider it is:

- **Not justified:** The evidence base of the plan fails to take into account the reasonable alternatives in respect of the sites available for allocation at Aylsham. It omits consideration of our client's revised proposals for a 150-dwelling scheme and appears to consistently overlook key pieces of evidence offered by our client demonstrating the sustainability merits and deliverability of the site. This is evident in the inconsistent and often irrational conclusions of both the Site Assessment and Sustainability Assessment matrices. Accordingly, it fails this test as it clearly has not been properly informed by proportionate site-specific evidence, with clear indications that the information provided by our client in respect of the site has been neglected;
- **Not effective:** There remains outstanding concerns in respect of the deliverability of at least one of the preferred sites at Aylsham – Norwich Road. The Site Assessment paper identified matters still to be mitigated in relation to this land (access, flooding, heritage and landscape impact amongst them) which have all been demonstrably overcome by our client's proposals. The failure to allocate the one site at Aylsham that has to date satisfactorily demonstrated that it is unburdened by constraints results in an ill-informed strategy that is at risk of being ineffective by virtue of issues relating to delivery; and
- **Not consistent with national policy:** Lastly, and as identified in our client's response to both the Regulation 18 Draft Plan and Regulation 19 consultations, the current strategy fails to allocate the single most sustainable site at the town and the one which brings with it the most public benefit. Our client's land would allow shared bus and car trips to a single education hub through the delivery of a new primary school adjacent to the Aylsham High School site and would provide the greatest level of public benefit through the inclusion of allotments, a new site for the Scout group and an extensive public park. Accordingly, the current strategy for Aylsham fails to secure the clear range of sustainability benefits offered by our client's site, missing an opportunity to deliver a "*positive vision for the future*" for the town as required by paragraph 15 of the NPPF.

3.2 For the reasons set out above the lack of a fully informed and objective approach towards the allocation of sites at Aylsham, resulting in an unjustified growth strategy at the town, would be sufficient to render the entire GNLP as unsound.

4.0 Proposed Changes

- 4.1 We consider that a single amendment should be made to the plan to ensure that it can be made sound and that any concerns in respect of unfairness or omissions from the sustainability appraisal can be overcome – that is the allocation of some or all of our client's land at North East Aylsham (either the 150 dwelling or 300 dwelling scheme).
- 4.2 On assessment of the capacity of Aylsham to sustainably accommodate additional growth and based on the public benefits offered by our client's site we are clear that most benefit can be secured through the allocation of the entire site for 300 houses alongside land for an additional new primary school, a new facility for the local scout group and an extensive country park on the northern parcel adjacent to the River Bure. This would complement growth elsewhere at the town and ensure that the potential for Aylsham to deliver significant sustainable growth to serve the rural north of the plan area is realised. Alternatively, the opportunity to deliver a smaller scale development of 150 dwellings remains available to the Inspectors.
- 4.3 Referring back to the strong evidence presented to the Inspectors' during the Matter 2 and 3 hearings there is a clear need for additional sustainable and deliverable sites across the GNLP area. As demonstrated consistently by our client's responses to the Plan, including at Regulation 19 stage, there is similarly a clear case for additional growth at Aylsham.
- 4.4 Irrespective of which option is adopted there is a clear necessity for the Site Assessment and Sustainability Appraisal documents to recognise and consider this reduced proposal to ensure a consistent, fair and legally compliant process can be demonstrated. In light of the concerns identified within this response it is imperative that officers also review the findings of both the site assessment and sustainability matrices and update them to reflect the evidence made available by our client. We are confident that, upon doing this, the case for the allocation of our client's land either as an alternative or preferably as an addition to the current preferred sites at Aylsham will become clear. Certainly, if each process were to be undertaken properly it would be almost impossible to justify the omission of our client's land as one of the preferred alternatives at the town.