

Further statement in response to Inspectors' questions
Land off Buxton Road, Eastgate, Cawston (Ref GNLP5004)

David and Jane Steward

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Date: 10 July 2023

Questions

Q9 Have the sites proposed for allocation been selected using a robust, objective, and consistent process?

... Issue 1: Site allocations

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

- 1. Is the allocation justified and is it supported by the evidence?**
- 2. Have any constraints to development been properly assessed and, where necessary, is it likely that appropriate mitigation can be achieved?**
- 3. Is the site available, and is the assumed number of pitches robust?**
- 4. Is the site likely to come forward in the timescales envisaged?**
- 5. Are the detailed policy requirements that would apply to the allocation justified and effective?**

Statement in response

We preface our response by making two points. The first is that we are not opposed in principle to pitches for gypsies and travellers in this area. Our concern relates solely to a failure of the process to address properly issues as to (1) the size of the site and (2) traffic and road safety at this location. Secondly, we are not attempting to criticise any individual, or to suggest in any way that information has been omitted or mis-stated with any deliberate intention to mislead. We believe that the Suitability Assessment in the Site Assessment Information of January 2023 and other documents are inadequate, do not properly describe the size or context of the site, and are inconsistent among themselves; it is irrelevant how this has come about.

If you think we have misunderstood anything, or overlooked anything in the documents, please let us know.

Summary

We submit that this site has not been selected using a robust process and the proposed site allocation is not soundly based, because the selection and proposal have been made by reference to inadequate and unsound descriptions of the site, including in the Site Assessment Information. There appears to be also a lack of consistency in evaluating this site by comparison with others, at least in one respect (see para 28 below).

As we set out in detail below, the relevant documents did not properly describe the size of the available site or the risks of increased traffic and road safety, including the risk of serious injury or death, particularly to pedestrians on unlit roads with no footpaths or pavements. Among other things, the Site Assessment Information is inconsistent with findings of the Planning Inspectorate in 2020. The above matters make the site wholly unsuitable for the proposed pitches and should have been more properly reflected in the documents. In our submission, the mis-statement of admittedly important information about size is enough in itself to undermine the validity of the consultation. Taken together with other shortcomings, as set out in this statement, it appears to be part of a wider lack of due process.

Correspondence with GNLP

We have had an exchange of emails with Mr Adam Banham, Principal Planning Policy Officer, who has kindly responded to questions which we asked about the process of the consultation and allocation. There are significant points in Mr Banham's helpful emails which we would like to bring to the attention of the Inspectors. In our view, these are relevant to our submissions that this site has not been selected using a robust process and that the proposed site allocation is not soundly based.

Detailed response

Size of the available site

1. We attach for ease of reference a copy of our representations of 5 March 2023 (Appendix 1) and our supplementary representations of 15 March 2023 (Appendix 2).

2. In the supplementary representations, we drew attention to a discrepancy between (1) the Policy GNLP5004 and the Site Assessment Information (para 18), both of which said that the size of the Buxton Road site was 0.12 Ha (equal to 1200 square metres), and (2) a planning application for the same location, reference 20191685, which referred to a site size of only 0.09 Ha (900 square metres). As we wrote, this was not a matter which would be relevant only to the planning application stage, if that stage was reached. We made the point that, if there was any error as to the size of the site, then the consultation process for this site would be fundamentally flawed.
3. We have seen a copy of an exchange of correspondence between Mr Banham and Mr Darren Groom. When Mr Groom raised this discrepancy, Mr Banham expressly acknowledged in an email of 7 March 2023 (attached as Appendix 3) that the size of the site was “*important*” and that there appeared to be “*an error*”. But he went on to say that it would be “*confusing*” to change the consultation materials. An objective observer might conclude from this that GNLP were willing to allow the consultation to proceed by reference to erroneous information, rather than risk what they saw as potentially confusing. In fact, there was no need for any confusion. The proper course - and in our submission the *only* proper course - would have been to correct the information and the drawing, and then either re-start the consultation for this site or extend the time for it.
4. In his email, Mr Banham appeared to acknowledge the need for further consultation if GNLP5004 continued to be one of the favoured sites. It is not clear now whether, and if so when, any such further consultation will take place, but it would not have been necessary if the above course had been followed.
5. In our submission, the fact that an admitted error was not corrected is enough in itself to undermine the validity of the consultation. Taken together with other shortcomings set out below, it appears to be part of a wider lack of due process.

Traffic and road safety

6. There are two related issues here. One is the fact that the site will lead to a significant increase in traffic, which itself entails a risk, and the other is that the location of the site involves serious risk to road users, including pedestrians and cyclists and including the users of the pitches themselves. In order to show what we consider to be a lack of due process, it is necessary for us to describe the issues

with the site, because our key submission is that these have not been adequately presented. We do so, not to make out a case on the demerits of the site, but only to address the questions which the Inspectors will be considering at this stage, as set out above.

7. Traffic and road safety are longstanding issues for the residents of Eastgate. These issues were recognised by the Planning Inspectorate in 2020. We refer to their decision on an appeal against a refusal to grant planning permission for a single dwelling on the same site: Appeal Ref: APP/K2610/W/20/3254640. A copy is attached as Appendix 4.
8. It is important to note that this was based on a site visit on 8 September 2020. The Inspectorate had seen at first hand the site and the implications for traffic and road safety of even a single dwelling.
9. We refer in particular to the following passages in the decision:

“9. ...The neighbouring village of Cawston has some limited services and facilities, which include a primary school, post office and convenience store, a public house, and some employment opportunities. Nevertheless, the roads to the village are generally unlit, with no footway. They are also subject to some sharp bends and have a narrow width in places. These factors are likely to render the routes concerned unattractive for regular use by pedestrians or cyclists. Thus, I do not consider that these would form realistic routes for occupants of the proposed development to regularly walk or cycle at all times of the year.

“10. Whilst the Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there is minimal indication that the wider range of services and facilities available at a larger settlement would be accessible from the development by any public transport. Occupants would consequently be reliant on journeys of some distance by private car in order to access the majority of services and facilities necessary to meet their day-to-day needs.”

No mention of this decision is made in the Site Assessment Information of January 2023.

10. Against that background, and without derogating from the generality of the response in our summary above, we submit that in particular, the allocation is not justified or supported by evidence. Furthermore, in our submission, it is not clear that constraints to development have been properly assessed or that appropriate mitigation can be achieved.

Access to local services

11. The Site Assessment Information says that *“The site is slightly disconnected from the local services including a primary school in Cawston 1.7 kilometres away.”* This understates the situation. Mr Banham has referred us to a Sustainability Appraisal of January 2023 by Lepus Consulting. That Sustainability Appraisal says:

6.1. *“As Site GNLP5004 is located outside the target distance to an NHS hospital, GP surgery and leisure centre, the proposed development at this site would be expected to have a major negative impact on the health and wellbeing of site end users”* (3.2.14); and

6.2. *“Primary/Secondary School: Site GNLP5004 is located approximately 1.1km from the closest primary school, Cawston CE Primary School. The site is also located approximately 5.3km from the closest secondary school, Reepham High School and College. Therefore, as the site is located outside the sustainable target distance to both primary and secondary schools, a major negative impact on the access of site end users to education would be expected.”* (3.2.16)

(Emphasis added.)

12. The corollary is that users would have to drive, or alternatively walk or cycle on narrow, winding, unlit roads with no footways, to access these services. In practice, they would be likely to drive to use local services, partly because of distances and partly because of the absence of footpaths and safe routes for pedestrians. In their decision, it is clear that the Planning Inspectorate were considering access to local services. As to this, the Site Assessment Information says only the following:

“However, as this is a relatively small development proposal it will not to lead to [sic] a significant increase in traffic on local roads or a significant increase in unsustainable travel patterns.”

In our submission, this is wrong, and it is entirely inconsistent with (among other things) the findings of the Planning Inspectorate in 2020, which were based on a site visit. They said: *“Occupants would consequently be reliant on journeys of some distance by private car in order to access the majority of services and facilities necessary to meet their day-to-day needs.”* The statement in the Site Assessment

Information is particularly surprising because it says that this is “*a relatively small development proposal*”. In fact, it relates to four pitches, which would be likely to entail a minimum of four vehicles and probably significantly more. The Planning Inspectorate’s findings as to a single dwelling should apply *a fortiori*.

13. On 25 November 2019, Norfolk County Council, presumably acting as the Highway Authority in the context of the planning application for this site, wrote as follows:

“This is an isolated location without any local service provision or safe ability to access services without travelling by private car.”

They noted that the Highway Authority did not cite this issue as a reason for objection in cases of development of “*less than four dwellings*”. In the current proposal, there would be four sites and as such four dwellings.

14. As residents of Easton Way, we can say that the reality of access to services is as follows.

15. One route to the village of Cawston is via Easton Way. Easton Way is already dangerous, especially for pedestrians and cyclists, and it cannot accommodate any increase in traffic. This has been a serious concern for local residents since long before the proposal of pitches on Buxton Road.

15.1. The entrance to our own drive had to be relocated to reduce the risk of collision on a narrow stretch by a blind corner.

15.2. Cars are unable to pass when they meet a large van, lorry or agricultural vehicle, all of which are frequent users - we often see near misses on this stretch of road.

15.3. On the evening of Friday 30 June 2023, after dark, a car was accidentally driven into the verge by our front drive on a narrow stretch of Easton Way and a friend of ours called the police out. The car was a hazard until it was removed by the police.

15.4. We have given up cycling on these local roads, because of several near misses. We will not allow our grandchildren to walk or cycle from the house.

16. Another means of access to Cawston from the site is via Falgate and (1) Old Friendship Lane or (2) Perry’s Lane and Aylsham Road. Both involve narrow, winding roads. For the latter, the junction with Aylsham Road has restricted visibility and fast-moving traffic.

17. The only other route from the site into the village is a roundabout one - along Buxton Road, onto Holt Road and then onto Aylsham Road. This is unlikely to be the route chosen by users of pitches, because it is a long way round. But in any event, there is a hazardous crossroads at the junction between Buxton Road and Holt Road, which has been a cause of concern for local residents for some years. Holt Road is heavily used, and this is a straight stretch on which vehicles travel very fast. It is not unusual to see vehicles overtaking on Holt Road as they approach and pass this junction. Our own car was written off when David Steward was turning onto Buxton Road, by a pick-up truck travelling too fast along Holt Road. He was lucky to escape without serious injury. Even if this route were not used for frequent access to the village, there would still be a significant increase in traffic from the site at this junction. Among other things, the users of the pitches would have to go this way, or via Perrys Lane and Aylsham Road, in order to reach the local petrol station and garage.
18. In our submission, these are matters which should have been made clear in the Site Assessment Information or failing that, in other supporting documents. We believe that the negative impacts have been underestimated in the Sustainability Appraisal of January 2023, though even that Appraisal identifies major negative impacts in two material respects which are not reflected properly in the Site Assessment Information.

Access to and from the site

19. Our concern is not only about the resulting increase in travel patterns, which could be significant from four pitches, but also the danger presented by the context of access to and from the site. The Site Assessment Information says:

“A suitable vehicular access from Buxton Road is likely to be achievable, subject to demonstrating an acceptable visibility splay, but this might require the removal of a hedgerow.”

As we said in our representations of 5 March 2023, we disagree strongly. It is not clear on what evidence this statement has been made.

20. In fact, the site is close to a blind corner which is approached from both Easton Way and Falgate. The road by the site is narrow, with no footpaths, pavements or street lighting. It is approached from Holt Road by a long straight, which requires rapid slowing at the corner and on which vehicles frequently exceed the speed limit. The road is often used by very large agricultural vehicles and HGVs. Among other things, these leave no space for another vehicle to pass. It is a particularly unsafe location for

children and animals. As such, there would be a serious danger to, among others, the users of the pitches.

21. There is a suggestion in the Site Assessment Information that a hedgerow would be removed to achieve an "*acceptable visibility splay*". This clearly acknowledges that there is an issue with visibility. It is not clear to which hedgerow this refers. Even if it were the hedge on the corner with Falgate, the visibility there would still be poor, because of the alignment between Falgate and Buxton Road, and the limited visibility from that corner along Easton Way.

Road safety generally

22. In their appeal decision, the Planning Inspectorate identified factors which would deter residents from going on foot or cycling. These are clearly matters of safety:

- Unlit roads with no footway;
- Sharp bends and narrow width in places.

We referred to these in our representations of 5 March 2023. The area is already unsafe for pedestrians and cyclists. The safety of the users of the pitches must be given proper consideration.

23. One longstanding concern is that schoolchildren have to use the junction of Easton Way and Falgate, to wait for the school bus at peak times.
24. We live on Easton Way and we are very familiar with the road traffic issues at this location. We do not even risk walking to the local pub or the letter box from here.
25. If a decision is taken to continue to consider this site for the proposed pitches, then we will commission an independent survey of road safety in the vicinity.

Input into the issues of traffic and road safety

26. It is not clear to us what input has been received from the relevant Highway Authority in relation to the issues of traffic and road safety for this site. On 28 June 2023, we asked Mr Banham to direct us to any reference in the Summary of Consultation or elsewhere on the GNLP website to input from the

Highway Authority/National Highways in relation to the Cawston site, noting that there were comments from them on other sites. In response, he wrote as follows:

“The context here is that Norfolk County Council are partners to the local plan. That’s why there is no reference to the Highways Authority in the Summary of Consultation, because as a partner to the plan they did not reply to the consultation. However, as I mentioned there was input from the Highways Team in respect to the Site Assessment Information (H2.1).

“National Highways have responsibility for motorway and major roads. They have responsibility for roads like the A47 and that is why they responded in relation to the site near Lingwood and Burlingham. I would not have expected them to reply in relation to a site like GNLP5004R given its location and the classification of the nearby roads.”

(Emphasis added.)

27. As regards NCC as the relevant Highway Authority, we cannot reconcile this with the Summary of Consultation. We refer to the following, which appear in the Summary of Consultation for two other sites:

GNLP5025

Land off Brandhip and Reepham Road, Foulsham, Broadland

“Highway Authority – objects to increasing car vehicles access on a tight bend along Reepham Road, where 60mph apply due to potential road safety concerns.”

GNLP5026

Land off Peddlars Turnpike, Guestwick Green, Broadland

“Highway Authority – Concerns over sustainability issues, considered remote, distances to services.”

28. These are references to the Highway Authority in the Summary of Consultation. They refer to concerns in relation to other sites which are very similar to those which we expressed about the Cawston site. In those circumstances, it is not clear how it can be said that the Authority did not reply to the consultation or why it apparently commented on these two sites, but not the Cawston site. This

suggests an inconsistency in approach. There is not even a reference in the Summary of Consultation to the absence of a walking route to the school, which Mr Banham fairly acknowledges that they raised.

29. By email on 29 June 2023, Mr Banham said that “*highways colleagues*” (presumably from Norfolk County Council) had raised the following point:

“Remote from local community, no walking route to catchment school”.

He said that this was “*documented in the Site Assessment Information*”. We cannot find a statement to this effect in the Suitability Assessment in the Site Assessment Information. It refers to the site being “*slightly disconnected*” (emphasis added), but it makes no mention of the absence of walking routes to the school.

“Fewer sites to choose from”

30. In our email exchange, Mr Banham refers to the planning appeal which was dismissed in October 2020. Our point is that in rejecting the appeal against the refusal of planning permission, the decision referred to the potential impact on traffic patterns, and to issues such as the absence of lighting and footways. Mr Banham says that identifying landowners willing to provide gypsy and traveller sites is more difficult than for home-building, and that there are far fewer sites to choose from: “*It has thus been necessary to consider for Gypsy and Traveller pitches pieces of land that would not be the prime locations for general needs housing.*” We accept this, but in our submission, this is no answer to the issues of traffic patterns and road safety. It cannot be suggested that the risk of an adverse impact on these can be ignored or discounted merely because there are fewer sites available, especially where the proposal is for four pitches, with a greater impact than one dwelling.
31. Indeed, the Site Assessment Information does not attempt to suggest this: rather, it says explicitly that: “*as this is a relatively small development proposal it will not to lead to [sic] a significant increase in traffic on local roads or a significant increase in unsustainable travel patterns.*” (Emphasis added.) In our view, that is wrong and inconsistent with the appeal decision in 2020. The risks as to travel patterns and road safety at this location do not change merely because there are fewer available sites than for home-building. In our submission, they remain equally material, and it appears that insufficient account has been taken of them. Mr Banham has written to us that “*a part of our argument for GNL5004R is that it performs well out of the available sites*”. This suggests that the decision is being

driven, as least in part, by an attempt to compare this site with others, rather than by an objective assessment of its suitability in its own right. We do not accept that it has been demonstrated that a sufficient evaluation has been made to justify a conclusion that site GNLP5004R does “*perform better*” than other sites. But in our submission, if a site is intrinsically unsuitable, especially where road safety is concerned, then it should be rejected, even if no alternative is currently available.

Our representations of 5 March 2023

32. We have reviewed the Public Document Pack for the meeting of Broadland Communities, Housing and Planning Policy Development Panel on 7 June 2023. It is not clear to us to what extent the issues of traffic and road safety were made known in detail to the Panel.
33. In the “*GNLP Gypsy and Traveller Focused Sites Consultation Summary of Consultation*” on the GNLP website, there is the following statement:

“Member of the public comments

- ***Site GNLP5004 Cawston*** – *(see site summary for general comments). No comments specific to site assessment”*

This statement is wrong, because our representations expressly challenged certain statements in the Site Assessment Information.

34. In an email to us dated 27 June 2023, Mr Banham has fairly acknowledged that this statement in the Summary of Consultation was “*incorrect*”. He has apologised for this, though we have seen no explanation of how it came about. He went on to say that “*comments on the highways issue were captured elsewhere in the document and therefore available for consideration by committees*” and that “*The Development Panel had access to representations via a link to the consultation in the committee report*”. We cannot comment on the form in which representations were made available to the Panel or others, but presumably the Summary of Consultation was intended to serve a purpose and as such it should have been correct. In stating that there were no comments specific to site assessment, it might well have had an impact on the extent to which, or manner in which, a reader approached the detailed representations.
35. In Table 2, under “*Member of the Public Comments*”, the only passage which appears to refer to our representations is as follows:

“Highway safety due to farm vehicles and exit being near junction and bend – suitable visibility splay needed”

This is a wholly inadequate summary of our representations, and we urge you to compare the attached copy of our representations (Appendix 1) with that summary. In our view, our concerns have not been properly reflected in this document, and we reserve our position. In our respectful submission, taken together with the fact that the Summary of Consultation has been acknowledged to be “*incorrect*” as set out above, this is relevant to due process.

Closing Comments

It appears to us to be extraordinary that this site should be proposed for four pitches, without the consultation documents adequately describing (1) the error as to its size and (2) the risks associated with its location, especially when less than three years ago, the Planning Inspectorate rejected an appeal against refusal of planning permission for even a single dwelling, referring to issues as to traffic, lack of street lighting and footways, narrow roads and sharp bends. Nothing has changed since then. We submit that the selection and proposal should be reconsidered, taking proper account of issues as to size, traffic and road safety, including for the prospective users of any pitches. If GNLP5004 continues to be a prospective favoured site, then we urge a site visit and a proper assessment and presentation of the risk before any decision is taken.

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