

Statement

Issue 1: legal requirements

Northern Trust (465)

June 2015

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Summary of conclusions

1. The SADMP is not legally compliant because the sustainability appraisal does not give adequate reasons for rejecting land off Gravel Hill Lane (sites 984 and 1034) and it does not specifically identify, describe and evaluate the likely significant effects on the environment of retaining sites 984 and 1034 in the Growth Area taking into account the objectives of the plan (principally the outcomes set out in Part A of policy E2.1 including the provision of affordable housing, a new link road and local highway improvements). In this respect, the plan is not legally compliant with the Environmental Assessment of Plans and Programmes Regulations 2004 (Regulation 12).
2. The SADMP can be made legally compliant by including land off Gravel Hill Lane within the Growth Area on the policies map as shown on all earlier drafts of the plan following a revised sustainability appraisal that considers the reasonable alternatives either as individual sites or where grouping does occur that sites within a group have similar characteristics.

1.0 Questions and responses

Question 1.4

In broad terms is the SADMP based on a sound process of sustainability appraisal and testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances? Has the site selection process been objective and based on appropriate criteria? Is there clear evidence demonstrating how and why the preferred strategy was selected?

- 1.1 The SADMP is not legally compliant because the sustainability appraisal does not specifically identify, describe and evaluate the likely significant effects on the environment of retaining sites 984 and 1034 in the Growth Area taking into account the objectives of the plan (principally the outcomes set out in Part A of policy E2.1 including the provision of affordable housing, a new link road and local highway improvements). Notably, the group of sites were rejected in totality and land off Gravel Hill Lane displays none of the characteristics in the reasons for rejecting the sites and no conclusion was made on the overall sustainability including positive impacts of the different alternatives (inclusion of sites 984 and 1034) taking into the account the objectives of the plan. In this respect, the SADMP is not legally compliant with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the Strategic Environmental Assessment Regulations') (Regulation 12).
- 1.2 The Strategic Environmental Assessment Regulations (Regulation 12(3)) states:
- 'The report shall identify, describe and evaluate the likely significant effects on the environment of – [...]*
- (b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.'*
- 1.3 Schedule 2 amplifies the legal requirements of regulation 12(3) as follows:
- '[...] 6. The likely significant effects on the environment, including short, medium and long term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects [...]*
- 1.4 The Sustainability Appraisal ('the SA') for the SADMP categorises sites 984 and 1034 within a group of fourteen sites 'within West Winch' (page 381, SA). The SA states the sites are within the existing settlement of West Winch but have been omitted from the Growth Area and yet on the policies map (Inset E2 West Winch) sites 984 and 1034 are not located within the West Winch development boundary. Confusingly, despite the group of sites being termed 'within West Winch', the table on page 380, I believe, refers to the group of sites as 'sites to the west'. It is assumed, although it is not clear, that a more accurate name for the group of sites to which sites 984 and 1034 are categorised is 'sites to the west' rather than 'within West Winch', although this would then not explain why sites KWW06 and part 485 have been included in the group as they are not located to the west.
- 1.5 Furthermore, some sites in the Growth Area (1096 (part), 1220 (part), 1224 (part) and 1225 (part)), are within the group 'sites to the east' and despite having the same overall sustainability score of 'sites to the west' some of the 'sites to the east' (including the majority part of some of those sites) are allocated for development.

- 1.6 The grouping of the sites in this way (i.e. to the east/west), leads to further concerns on the credibility of reaching a conclusion that the 'sites to the west' in totality score negative natural environment and landscape scores as the 'majority' of these sites would either encroach upon West Winch Common or result in the direct loss of Common land. In my opinion, at the sites allocation stage it is not adequate to group sites together with markedly different characteristics in this way as sites 984 and 1034 have been rejected even though they do not encroach upon West Winch common nor do they result in the direct loss of Common land.
- 1.7 The SA further states that a number of the 'sites to the west' are detached from the Growth Area and the line of the new link road resulting in a poor relationship between the new Growth Area. The SA is not specific on which sites it is referring to here but sites 984 and 1034 are part of an overall framework masterplan for the Growth Area, which includes the creation of walkable neighbourhoods to a new neighbourhood centre in the southern part of the Growth Area, which at present has no neighbourhood centre.
- 1.8 The SA further states that some of the 'sites to the west' come close to linking the southern section of Kings Lynn with West Winch. Clearly, this cannot refer to sites 984 and 1034, which are located to the south west of the existing settlement of West Winch and consequently the 'sites to the west' have markedly different characteristics across the group.

Appendices

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