



## EVIDENCE

JUNE 2015

1. This evidence is submitted on behalf of the Castle Rising Estate and Lord Howard of Rising. It follows from representations and evidence submitted by Alliance Planning on behalf of the Estate at the Submission Stage of the KLWNLP. Alliance Planning is now part of the WYG Group. This evidence follows the format of the Issues and Questions, June 2015.

### **1.2 Have any cross-boundary strategic priorities or issues been identified? If so are they clearly reflected in the SADMP (NPPF paragraph 179)?**

2. The SADMP has not identified clearly the likely cross border impacts of road traffic arising from the development proposals and site allocations set out within it in the terms set out in paragraphs 179 to 181 of the NPPF.
3. This is referenced in our evidence which draws attention to the lack of a strategic transport assessment taking account of the cumulative impact of development within the plan and its implications for the local and strategic road network. This was specifically identified in the requirements of the Core Strategy examination and little evidence is presented in the evidence base on this key issue.
4. While the KLWN Infrastructure Study 2015 and CIL Draft Charging Scheme identify a number of potential measures, these are not explained or justified taking account of development identified in the Plan with no phasing or timescale related to development.

### **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?**

5. The Sustainability Appraisal (SA) process has not been soundly based and a number of its conclusions appear tenuous and unjustified. This is referenced in my previous representations on the SA itself, which are not repeated here.
6. The criteria have at times been deficient and omitted key aspects (such as heritage issues relevant to key sites) and/or the weighting and assessments made are overly simplistic and unjustified relevant to any pertinent or available evidence.



7. There is significant doubt over whether, given the lack of a credible evidence base in relation to transport, heritage and nature conservation issues in particular, the SA has appropriately considered the alternatives and whether the strategy is the most appropriate in the circumstances. I would conclude that it is not and that the constraints relating to these issues have been undervalued and essential information omitted or not provided that would allow a more objective assessment to be made.

**1.5 In broad terms is sufficient weight placed on the need to conserve and enhance the natural environment (NPPF section 11)? In particular have the consequences of the proposed allocations on sites of nature conservation importance been adequately assessed and are satisfactory mitigation measures proposed if they would be required?**

8. Insufficient weight has been placed on the conservation and enhancement of the natural environment. In a number of instances this also coincides with the historic environment which is similarly glossed over and accorded insufficient weight.

**1.6 Is the relationship between the Core Strategy and the SADMP sufficiently clear? Should there be confirmation that work will start next year on a review of the Local Plan (i.e. the Core Strategy and the SADMP)?**

9. The relationship between the Core Strategy and the SADMP is not clear or well justified. There is an intention to review the Core Strategy in less than 12 months. This is necessary given that the Core Strategy is based on the former RSS and predates the NPPF.
10. There is no evidence that the SADMP has taken account of the wider context of heritage in the preparation of the plan or even identified heritage assets and the impact upon them as required by paragraph 169 of the 2015 Planning Practice Guidance accompanying the NPPF.
11. A number of the policies of the Core Strategy and allocations within the SADMP are not consistent with the NPPF (especially in relation to heritage, nature conservation and minerals in the case of the proposed Knights Hill allocation). A number are noted as only being 'broadly compatible' or N/A in the Compatibility Matrix and even this assumption is questioned. It is considered that to propose housing allocations that conflict with strategic road infrastructure, international and national nature conservation sites, nationally important heritage and nationally important minerals, is inconsistent with the NPPF.



12. 1.7 Is the relationship between the SADMP and any future Neighbourhood Plans sufficiently clear? Do the policies of the plan provide sufficient and appropriate 'hooks' on which to 'hang' Neighbourhood Plans?
13. 1.8 Does the SADMP appropriately reflect current national advice, for example the Ministerial Statement published on 25<sup>th</sup> March 2015?

**2.10 Is the Council's approach to protecting the function of the strategic road network justified (policy DM 12)? What are the circumstances in which a Traffic Impact Assessment would be required? NPPF paragraph 29 confirms that transport policies are important in facilitating sustainable development. Does the SADMP sufficiently reflect this advice, for example in paragraph 97? Is the Plan based on a sufficiently robust transport evidence base?**

14. The transport implications of cumulative development in the Kings Lynn area, as proposed in the SADMP, particularly at Knights Hill, have not been adequately assessed. There were reassurances given at the Core Strategy stage that this aspect of the Plan would be subject to further study, but there is no clear evidence base that sets out such assessment and allows public scrutiny of capacity or safety issues or the required mitigation.
15. There are acknowledged transport capacity issues and safety issues in the immediate vicinity of Kings Lynn on the A47, A148 and A149 and related junctions. It has been reported that the Highways Agency have said the development included in the SADMP will increase traffic to such an extent that (among other things) a new dual carriageway will be needed that they cannot fund. This and improvements to the town centre and public transport need to be identified and assessed as part of this process.
16. At present, there has been no assessment of the implications of any such measures on the environment, nature conservation or heritage assets. It is not known to what extent they are viable or deliverable, though it is clear (from the CIL consultation and Infrastructure Study) that several of the measures required are not affordable at the current time or have no identified source of funding. This must bring into question the overall strategy.
17. A range of 'long list' and other potential measures are identified, including some included within the potential projects identified in the CIL consultation and KLWN Infrastructure Study. However, there is no evidence base that has been made available to assess the impact of development and the implications of the various infrastructure measures potentially identified.
18. It is likely therefore, that there will be a significant adverse impact on the transport network including the town centre, A47, A148 and A149.
19. In the absence of robust and credible evidence dealing with the above, the plan cannot be found sound.



**3.1 Does the SADMP accurately reflect the requirements of the adopted Core Strategy particularly in terms of meeting identified housing need?**

20. The Core Strategy was itself based on the RSS prior to the publication of the NPPF. It predates and is not considered to be compliant with the NPPF in a number of respects. The Core Strategy is not based on the requirement to consider objectively assessed local housing needs.
21. Similarly the policies and proposed allocations of the SADMP are not consistent with the NPPF relating to the protection of heritage assets and nature conservation.
22. The SADMP identifies an excess of housing over the level required in the Core Strategy which is inconsistent with the likely adverse impact that development will have on nationally important heritage and nature conservation assets.
23. It is also important to remember that the Core Strategy did not identify specific locations for development and expressly did not consider key constraints relating to the growth areas, which was a matter left for the SADMP. It left significant scope for the quantum and location of development in any given location to be defined through a thorough assessment of constraints and opportunities at SADMP stage.
24. This assessment has not been adequately carried out and the SADMP has initially overlooked relevant constraints and then slavishly stuck to the locations for growth identified, subject to detailed assessment, in the face of constraints identified through the consultation process.

**3.2 Has the Council adequately justified the proposed distribution of development across the Borough? What has been the role of the Parish Councils in the distribution process?**

25. In ignoring a number of key constraints until the final Submission Stage SADMP and only then including token reference to key constraints such as nationally important heritage in the case of the proposed Knights Hill allocation, the evidence base on which the distribution of housing and development is seriously compromised.
26. The issues affecting transport and the adverse impact of development around Kings Lynn on the capacity and safety of the road network have not been adequately reflected in the location and spatial distribution of development. The consequences of development on the strategic road network, especially sites such as Knights Hill, clustered around Kings Lynn, have not been adequately assessed or the implications of the any necessary improvements considered in the SA or the consideration of alternatives. The potential for major junction improvement, or the dualling of key routes considered in the relevant transport reports, have not been clarified in the context of development proposed, properly assessed or considered in the SA and evidence base.



27. The Parish Council's have largely been ignored in the proposed distribution of development and, in the case of examples such as the comments of Castle Rising Parish on the proposed allocation at Knights Hill, only lip service appears to have been paid to the views expressed.

**3.3 How has the Council assessed the potential density of development on each of the allocated residential sites?**

28. There appears to be no stated basis for the assessment of housing density that is available in the SADMP and hence that is open to public scrutiny. It is noted that the promoters of development at Knights Hill are also questioning this aspect of the proposed allocation.
29. There is no robust or credible evidence on this important aspect of the Plan and hence it is not sound.
30. The SADMP is not justified and there is no basis for consideration of alternatives or assessing the impact on key constraints, including transport, nature conservation or heritage issues.

**7.1 Is there evidence that any elements of the proposed development at Knights Hill (E4.1) are not justified, sustainable, viable, available or deliverable? If such evidence exists, what alternatives are available and have they been satisfactorily considered by the Council?**

31. I would refer to my comments submitted at Submission Stage in particular those relating to the conclusions of the landscape, heritage and transport assessments included with my representations. These conclude that:
- there is an inadequate evidence base in respect of transport effects of the SADMP
  - that the landscape and visual impact of the proposals at Knights Hill are unacceptable and impact on an important landscape
  - that the historic context of the site and its surroundings have been consistently undervalued and not adequately understood in the plan process and that the site is part of a nationally significant historic landscape.
32. There is clear evidence therefore, that the proposed allocation at Knights Hill is neither justified, nor sustainable and I would also suggest, there must be serious questions over deliverability. However, I would also suggest the question is rephrased to whether there is any robust or credible evidence, set out within the SADMP or its evidence base, to support the proposed allocation given the acknowledged presence of transport, nature conservation, heritage and landscape constraints?
33. I would note that in considering sustainability, it is important to consider the impact on the environment and heritage assets, so as not to adversely affect those assets for future generations.



34. I would also note that the Council have made pre-application comments to the prospective developer but have declined to release either the pre-application enquiry or their response and hence the only information in the public domain is that forming part of the evidence base.
35. In this regard, there is no credible evidence put forward in the evidence base or the SADMP on the heritage issues relating to the site or its physical or historic context. It should be noted that my representations at Submission Stage set out the only historical information that has assessed the site and its importance as part of the hunting chase serving Castle Rising and its importance in serving hunting grounds with royal associations that date back to the 12<sup>th</sup> Century. This is of national importance to grade 1 heritage assets including the understanding of Castle Rising and Rising Lodge.
36. The site is also within 1km walking distance of international nature conservation designations as well as being adjacent to the SNCI and Ancient Woodland of Reffley Wood. No credible evidence has been provided that assesses the impact of additional visitor pressure or predation on these nationally important nature conservation assets. The proximity and resultant visitor pressure requires habitats assessment (see my comments at Submission Stage) and SANGS to be provided at the Plan stage. These cannot be adequately reserved for later consideration if the SADMP is to be assessed in light of all relevant likely effects.
37. The site is identified as being within an area that requires consideration of the presence of silica sand. This is a nationally important mineral that is subject to safeguarding policies that would effectively prevent development of housing that would lead to its sterilisation. No evidence has been put forward that assesses the significance of the presence of silica sand and in the absence of this, it must be questioned whether the site is deliverable.
38. No real regard appears to have been given in the criteria set out within the policy of the landscape and visual impact of development within the allocation, given the presence of the AONB to the immediate north and the landscape associations of the hunting chase of Castle Rising. There is no landscape or visual evidence in the SADMP other than that set out within my Submission Stage comments.
39. The transport implications of cumulative development in the Kings Lynn, particularly Knights Hill, have not been adequately assessed. There were reassurances given at the Core Strategy that this would be subject to further study, but there is no clear evidence base that sets out such assessment and allows public scrutiny of capacity or safety issues or the required mitigation. It has been reported that Highways Agency have said the development will increase traffic to such an extent that a new dual carriageway will be needed that they cannot fund. This and improvements to the town centre and public transport need to be identified and assessed as part of this process.
40. In the absence of robust and credible evidence dealing with each of the above, the plan cannot be found sound in relation to Knights Hill.



**7.2 Has proper regard been given to the protection of sites of nature conservation importance and to the protection and enhancement of heritage assets?**

41. In short, no. There is no credible evidence put forward in the evidence base or the SADMP on the heritage issues relating to the site or its physical or historic context. The initial proposals including at Preferred Options Stage, had scant consideration of heritage issues. It is and has been, an afterthought which demonstrates a reluctance to rethink an allocation that would have a damaging effect on a nationally significant heritage and landscape asset.
42. While the Submission Stage responded to our representations by retrospectively adding consideration to the criteria, the fundamental allocation and number of dwellings identified remained unchanged, indicating that no real account had been taken of the constraints themselves or the site specific nature of any required response.
43. There is no consideration of the interaction between people and the historic environment, which in this case relates as much to the historic setting of Rising Lodge and Castle Rising and its hunting chase. The relationship with Reffley Wood and other ancient woodlands that persist since medieval times has not been acknowledged.
44. The site is also within 1km walking distance of international nature conservation designations as well as being adjacent to the SSSI and Ancient Woodland of Reffley Wood. No credible evidence has been provided that assesses the impact of additional visitor pressure or predation on these nationally important nature conservation assets.
45. The planning system should under the NPPF contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and nature conservation sites. It should place appropriate weight on the importance of international and national designations, including SAC/SPA and Ancient Woodland. It must be noted that the presumption in favour of development does not apply where designates sites require Habitats Regulation Assessment and development adversely impacting on these areas should only be proposed or permitted for overriding reasons of public interest.