



## **Kings Lynn & West Norfolk District Council Site Allocations and Development Management Policies Plan**

**MHB Planning Ltd on behalf of Mr R. Martin (ID: 302)**

### **Issue 26: Hilgay (G48.1)**

**Is there evidence that any elements of the proposed development south of Foresters Avenue (G48.1) 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?**

This further written submission is made by MHB Planning Ltd on behalf of Mr R. Martin and is referenced specifically to the settlement of Hilgay and in particular to the proposed housing allocation of land south of Foresters Avenue, Hilgay (Policy - G48.1).

The submission is made in addition to those representations made on behalf of Mr R. Martin at the previous consultation stages of the Site Allocations & Development Management Policies Plan (SADMP) namely the Issues & Options, Preferred Options and Pre-submission plan stages.

As such we would confirm that our client Mr R. Martin owns the freehold interest of an alternative site at East End, Hilgay that extends in area to approximately 0.3ha and which was referenced through the previous consultation stages of the SADMP as site reference 975.

Paragraph 182 of the NPPF states that in respect of a plan being '*Justified*' – *the plan should be the most appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence.* Although it is acknowledged that a number of alternative sites have been considered around the settlement of Hilgay as part of the process of preparing the SADMP our client's objection to the soundness of the plan is that the identification and allocation of the site G48.1 has not been based on sound proportionate evidence and is therefore not justified.

To fully understand the basis of our client's position on this matter it is appropriate to review the process through which the individual sites at Hilgay were considered up to the stage of a proposed allocation.

In this regard the Strategic Housing Land Availability Assessment (SHLAA) 2011 prepared by Kings Lynn & West Norfolk DC considered a total of 7 sites around Hilgay, including the land south of Foresters Avenue (Site Ref: 801) (which at that stage extended over a larger site area of 2.6ha than that now proposed for allocation) and our clients land identified as: land at Thistle Hill Road (Site Ref: 975).

The SHLAA confirmed there to be no significant difference between these two particular sites other than it was identified within the assessment that only a part of site 801 was '*potentially suitable*' whilst our clients smaller site was noted as '*site acceptable*'. In this regard the individual criteria assessed through the Suitability Stage 1 and Stage 2 of the SHLAA were identified to be the same in terms of the respective scoring/weighting for both sites 801 and 975.

The subsequent publication of the Issues and Options Consultation on the SADMP in September 2011, identified as part of that consultation process only 6 sites from the SHLAA, including both the larger site 801 and our clients site 975, which at that stage was the only site identified as being a '*potential option for housing*'. However at the publication of the Preferred Options consultation stage in 2013 our client's site (975) was overlooked in preference to a significantly reduced site area from within site 801 which it would appear was primarily on the basis at that time of the representations made by English Heritage and the Parish Council on the issues and options consultation.

Consideration of those respective consultee representations indicate that those made by English Heritage stated that: '*Sites 281, 561 and 976 could potentially impact on the setting of the Grade II church within the village, while sites 614 and 975 could potentially impact on the setting of scheduled moated earthworks. It may be possible to develop some of these sites, either in whole or in part, but further assessment and justification of the sites is necessary in order to take them forward*'.

The approach and wording adopted by English Heritage in their consultation response, in particular the use of the words '*could potentially impact*' was clearly not placing an absolute constraint on the development of those particular sites to which reference was made and did not therefore make those sites necessarily unsuitable for development. However this appears not to have been the interpretation in which the Local Planning Authority treated the English Heritage representation in dismissing those 5 sites identified (including site 975) without recourse to the completion of any further assessment work either on the part of English Heritage or the Borough Council to establish the relative scale of any impact on the identified heritage assets that may arise from development on those sites.

In this regard it should be noted that previous reference has been made in the consultation submissions submitted in respect of site 975 as to:

- i) the relative distance of the site 975 from the scheduled moated earthworks, which in any event have an absence of above ground features: and
- ii) to the fact that the LPA granted planning consent (LPA Ref 10/00595/F) in 2010 for the erection of a new bungalow on land to the north of site 975 and at which time the officer

report in assessment of the potential impact of that proposed development on the moated earthworks stated that it was *'not considered to have a detrimental impact on this historic asset'*

The Sustainability Appraisal on the Submission SADMP Plan as it relates to Hilgay indicates in respect of assessment of the proposed allocation G48.1 that: *'A small site here would reduce the potential impact upon 'heritage' and 'landscape & amenity' and this could be mitigated further through a good design scheme'*. The fact that a potential heritage issue is raised through the sustainability appraisal appears to conflict with the previously stated position that there were no potential impacts on heritage assets associated with a proposed development on that site.

The apparently more relaxed approach by the LPA toward such a potential impact on heritage assets related to site G48.1 contrasts markedly with that taken to our clients site 975 whereby the LPA state in the Sustainability Appraisal that: *Site 975 is located in proximity to a scheduled monument, a medieval moated site and associated earthworks 270m north east of Millers Farm, therefore development could have potential impact upon this site as has been highlighted by English Heritage who expressed this concern'*.

This approach clearly offers no opportunity to mitigate the potential impact through a good design scheme, unlike the approach proposed for site G48.1; and suggests that the evidence on which the allocation is proposed is not justified when assessed in equal measure with our client's site 975.

Similarly in consideration of the Parish Council response on the Issues and Options consultation the LPA state in the Preferred Options consultation document (Paragraph 7.47.7) that: *'The Parish Council have commented on each of the sites and support site 801 as the preferred location for growth as it would be least intrusive in village. Additionally, the Parish Council supported small scale development on sites 975 and 976 in keeping with the surrounding area'*. This consultation response of the Parish Council did not therefore preclude the opportunity for site 975 to be identified as the preferred option and in no way provided any absolute support for site 801, indeed the Parish Council response specifically supports an appropriate scale of development on site 975.

In this regard having reference to these respective matters it is considered by our client that the approach taken by the LPA in proposing the allocation of a part of site 801, now referenced as G48.1 is not based on proportionate evidence such that the preferred option can be justified when considered against the alternative site 975.

With regard to whether the proposed allocation G48.1 is considered to be sustainable development, the Preferred Options consultation document states at Paragraph 7.47.8 that: *'The site is the Council's preferred option for housing, whilst not scoring highest in terms of sustainability in terms of proximity to services; the site is located close to a bus stop and within a relatively short distance of the local school'* This contrasts with the appraisal of site

975 which more positively confirms that the site is located in '*a relatively central location to the village*'.. and '*this is reflected in a positive score with relation to 'access to services'*'.. .

It is acknowledged with reference to the NPPF and the three dimensions to sustainable development that the concept of sustainable development is more than the relative relationship of a proposed development site to existing services and facilities. It is however evident that in consideration of relevant factors relating to the economic, social and environmental dimensions of sustainable development as noted by reference to the Site Sustainability Factor scoring as set out in the sustainability appraisal that each of the two sites perform on an equal basis.

However the relative location of each site in relation to the existing built up area of the settlement and its relationship to services suggests that site 975 is realistically a more sustainable location for development within the settlement of Hilgay than the proposed allocation G48.1.

In conclusion it is confirmed that the SADMP is not sound in that it proposes a housing allocation (site G48.1) - Land south of Foresters Avenue, Hilgay which is not 'justified'.

The proposed allocation of site G48.1 is not based on proportionate evidence having due reference to other alternative sites considered at Hilgay and in particular site 975 – Land at East End, Hilgay

The SADMP can be made sound by the deletion of proposed housing allocation G48.1 and its replacement with the allocation for housing of site 975 as providing a more sustainable form of development with due reference to the relevant evidence base.