

EXAMINATION INTO KINGS LYNN AND WEST NORFOLK'S
LOCAL PLAN

REPRESENTOR	BILL WELCH
RESPONDENT REF	46
HEARING MATTER	ISSUE 14 CASTLE ACRE G22
WORD COUNT	2901

QUESTION

IS THERE EVIDENCE THAT ANY ELEMENTS OF THE PROPOSED DEVELOPMENT WEST OF MASSINGHAM ROAD[G22.1] 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?

Sir,

1. INTRODUCTION

Thank you for the opportunity to present our views about the designation of the Massingham Road site in Castle Acre [variously known as CACRE1,1131, and 508] as the Council's allocated site for housing development in the village. When I refer to 'we' I mean those of us at the north end of the village who have taken a close interest in this matter.

I refer to some documents at appendices [attached headed by index].

Throughout the process it has not always been easy to get information from the Council. It was therefore necessary to resort to the Freedom of Information Act [FOIA]. Even then timely answers were not always forthcoming. In this regard also note rather odd minute 8 of the LDF task group on 14th May 2014 [see appendix A, margin marked] which was obtained as a result of an FOIA enquiry.

As 'lay people' we have done our best to research this matter but it has not always been easy so to the extent that research may have fallen short we would ask for your indulgence.

2.SUMMARY

We believe that the Council's plan in relation to Castle Acre is unsound because, in its considerations, the Council has failed to justify it. That is because;

-in coming to its conclusions about the preferred site, the Council relied at various points on unevidenced assertions and statements which were not true .

- it failed in some cases to refer to important facts in documents and reports upon which important decisions were based.

-the assessments of the comparative merits of the Massingham Road site and the other main contender, the 'school site' as I will refer to it [otherwise known as site 1193] ,were questionable and insufficiently evidenced and that our attempts to engage with the relevant local authorities in the matter were less than successful .

-there were errors in its reports /documents which affected its consideration from an early stage and may well have established a "mindset" as to the preferred site .

-subsequently and critically ,there were errors in and omissions from its site allocations pre submission document which somehow eluded the District Council's officers and three member bodies including the Cabinet and the full Council, and which would have been highly misleading in the decision making process.

In the section which follows I will set out to evidence the above.

3.DISCUSSION

The Massingham Road site is of considerable importance to the village because that part of it previously referred to as CACRE 1 is in the village conservation area and also because it stands at the entrance to one of the main road accesses to the village. Of the three buildings on the site two of them are important unlisted buildings and the third , as we understand it, is a clay lump house which is quite rare in Norfolk. Redevelopment of this land and the land beyond into the field has the potential to have a significantly negative impact on first

impressions when arriving from the north and the west.

The original proposal from the District Council was to redevelop CACRE 1 with eleven houses. From discussion with residents at the north end of the village and particularly those close to the site nobody knew anything about the Council's plans for the site until 2013, despite the fact that the plans had apparently been in play since 2011. The Council claims that its consultation arrangements exceeded the statutory requirement but this hardly got things off to a good start.

Turning to the Council's preferred options paper from 2013 [extract at appendix B page 3 margin marked] I would like to draw particular attention to the following;

-the paper states [para 7.21.13]that sites 508, 511, and 1131 received more public support than other sites. I would suggest that if the Council intended to use this as support for its initial choice of site it should have carried out a proper consultation with householders. Even as it is I have seen no evidence for this assertion or indeed that when this alleged public support was expressed site 1193 was even on the agenda. Certainly we have not been able to find anybody around the Massingham Road site who regarded themselves as 'consulted'.

-the paper refers to the main comparative reasons for the selection of sites [appendix B page 2 margin marked] .In relation to the Massingham road it asserts;

- Development is likely to have a minimal impact on the village setting and landscape character.

- proximity to services.

- In relation to the school site it asserts;

- potential negative impact on the visual amenity of the countryside

- inadequate road network access

In fact, development on the Massingham road site [in its original form as CACRE 1 ,and more so the extended site subsequently proposed during 2014],would be highly visible from several points particularly approaching from the west on the West Acre/Castle Acre road [photo views at appendix C1 and 2]. Any development would also obscure the only good view of the fine old

listed barn which would clearly be detrimental to the setting of the conservation area and thus the village. Agricultural land would be lost [extended site].

On the other hand the school site is tucked away in the corner of the village which is not close to an entrance to the village, save for a footpath and neither is it close to the conservation area or listed buildings. No agricultural land would be lost; the site is currently a 'wasteland'.

It also refers to an advantage of the Massingham Road site as 'proximity to services' when it is in fact, taken overall, it is further away from services than the school site. [Appendix D]

The reference to 'inadequate road network 'in relation to the school site is incorrect. There is a good road to the edge of the site [appendix E]. On the other hand there is no reference to the highway situation near the Massingham Road site which includes a junction out of St James' green close to the site where heavy vehicles turn across the road..

It might be argued that all this is too far back in the process to have a bearing on the matter now. However one of the planks of our argument is that a "mindset"

was established at this point. Indeed it is the Council itself that referred to these incorrect assertions as the 'main comparative reasons for selection'.

The Council's reasons for the choice of the Massingham Road site as the preferred option were not only unevidenced but were simply wrong and thus unjustified. Had the Council used correct and evidenced criteria then its initial decision about the preferred site may well have been different and things may well have taken a different turn.

In view of this we produced an assessment of the relative merits of the sites Massingham Road site ,and the school site [appendix G] which we sent to the District Council and the Parish Council. We attended a meeting of the Parish Council which seemed reluctant to discuss it and we never received any response from the District Council despite an acknowledgement to the effect that we would receive a response within ten days.

At a Parish Council meeting in May 2014 the meeting expressed concern about residents close to the school site not being consulted about its possible inclusion as a preferred option but no similar concern was ever expressed about the

designation of the Massingham Road site or the subsequent extension to it. At the same meeting a list of objections against the school site was referred to which were unevidenced or simply incorrect. In view of an impending visit to the site by District and Parish Councillors we wrote to Mr. Gomm [appendix H] setting out our comments on the points raised and asking that our letter be brought to the notice of relevant District Councillors. We received no response but we understand that shortly afterwards the school site was removed from the reckoning.

Overall there seemed to be a rather 'ad hoc' approach to consultation and an apparent aversion to the school site which was never satisfactorily explained.

I now turn to the site allocations pre submission document in relation to the Massingham Road site and in that connection a response from Mr. Gomm .[Appendix K]. The document refers to Castle Acre at G. 22. It is very confusing but, for the avoidance of doubt the reference to 'the site' [G.22.7 in the document] refers to the whole of the proposed site, being the original CACRE 1 ,which includes Alberma House and the Rose Cottages and the proposed extension into the field which occurred during 2014. This is evidenced by Mr. Gomm's E Mail which states " -In relation to para G22.7.....part of the site is in agricultural use and is not developed and part of the site is developed

and contains three buildings”.

The site allocations pre submission document would presumably have been cleared by the officers and probably the Council’s Chief Officer Board. It was considered by the Council’s Environment Panel on 29th October 2014, by the Cabinet on 4th November and by Full Council on 27th November .

However despite multiple considerations of the document it contained a number of errors ,some of which are illustrated in Mr. Gomm’s response. By implication he refers to the errors as minor.

I will refer to the errors that we have identified with our comments;

-that Castle Acre is situated to the south of Swaffham when it is in fact to the north.

-that the landscape of the site is not in agricultural production when in fact that part of the site which extends into the field has, to my knowledge been in continuous production for over 50 years and remains so to this day.[The school site on the other hand is overgrown ‘wasteland’.]

- that the site is bounded by hedgerows when in fact ,unless you include hedgerows which are hundreds of yards away, it isn't.

- a statement to the effect that the landscape of the site is undeveloped when in fact part of it is.

-that other than the boundary hedges there are no features of importance on the site when in fact there are a detached house and a pair of semi detached cottages. The latter, the Rose cottages are a prominent feature of the site and are 'important unlisted buildings' evidenced by the map of the conservation area sent to me by Mr. Gomm himself. [attached to appendix K]. In relation to the potential demolition of the Rose Cottages to make way for redevelopment English Heritage has stated [appendix L,page 19 ,margin marked];

'we continue to maintain in line with our own appraisal, that the site makes a positive contribution to the character and appearance of the conservation area. The demolition would there result in harm to the significance of the conservation area'.

This is not referred to in the site allocations pre submission document document.

The failure to draw this to Councillors attention by suggesting that there are

actually no buildings on the site appears to be a fundamental omission particularly when demolition could reasonably be regarded as being in direct conflict with the Council's statutory responsibility 'to have particular regard to the desirability of preserving and enhancing the character of the conservation area' and contrary to the advice of English Heritage.

It has also been drawn to our attention that Alberma House , the detached house on the site, is a clay lump house which is apparently something of a rarity in Norfolk. We have been unable to evidence this but we have put it to the Council which has not disputed the point.

-Finally , it does not make it clear that part of the site is actually in the Castle Acre conservation area. On the contrary the document states clearly that, "The eastern site boundary immediately abuts Castle Acre Conservation area" when in fact the Rose Cottages / Alberma house part of the site is actually part of the conservation area.

I would suggest that some of these errors result from confusion between the original CACRE1 site and the wider site that goes into the field .Nevertheless the result is a document which was not fit as the basis for a significant decision.

Mr. Gomm implies that the errors that he acknowledges in the final report as minor and that the Director of Planning and Portfolio holder are authorised to make minor amendments. However a failure to make it clear that part the site is in the conservation area, an implication that it isn't , a failure to mention that there are three buildings in it ,two of which are 'important unlisted' the demolition of which is being contested by English heritage, and a potential conflict with the Council's statutory responsibility goes way beyond 'minor'.

The fact that the statement found its way past three member bodies including Cabinet and Council without the errors being spotted suggests that most Members did not know or sufficiently understand the site and were entirely reliant on the contents of the report to inform their decision. It also rather suggests that anybody who should have been familiar with the site didn't actually read the report or did not, in fact, understand the true nature of the site.

It also calls into serious question the extent to which the matter as a whole was properly researched and considered .What we have referred to here are the errors and omissions which are readily apparent to anybody who has an understanding of the site. It is beyond our reasonable capacity to delve into all the material which informed the various documents and reports but having regard to the above the reliability of the whole exercise must be open to

question.

There is also an issue of public confidence. I do not think members of the public, and that is all I am, can have any confidence in decisions based on a report that is so fundamentally flawed.

It will perhaps come as no surprise that we have discussed this matter with the Local Government Ombudsman. Various aspects of the Ombudsman's 'Axioms of good administration' [the principles against which the ombudsman may assess a claim of maladministration] have been drawn to our attention and it is apparent that the Council has fallen short in this respect. However it has been put to us that because there is another avenue for pursuing the matter, being this hearing, we should raise it here first.

There are various provisions of the Ombudsman's guidance to which we could refer but as I suspect that you are very familiar with these and therefore, for the sake of economy, I will refer to just one and that is axiom 24 [appendix M]

This states;

' a committee report should provide all the material the members need to make

an informed decision. The report should be in clear terms and should cover as necessary:

.....sufficient and accurate information to enable members to understand the issue.....

Where reports have been criticised in investigations by the ombudsman this has commonly been because there were significant omissions or inaccurate or misleading statements.'

We do not believe that the Council has met the required standard which on its own leaves it open to a claim of maladministration.

4.CONCLUSION.

In the summary at the beginning of this paper I said I would evidence the following;

-That on its way to coming to its conclusions about the preferred site Council relied at various points on unevidenced assertions and statements which were not true. I think I have evidenced that.

-That it failed in some cases to refer to important facts in documents and reports upon which important decisions were based. I think I have evidenced that.

-That the assessments of the comparative merits of the Massingham road site and the other main contender, the school site, were questionable and insufficiently evidenced and that our attempts to engage with the relevant local authorities were unsuccessful despite our best efforts. I believe we have evidenced that within the information we have to hand.

- That there were errors in the Council's reports and documents which affected its consideration from an early stage and may well have established a "mindset" as to the preferred site. I believe we have evidenced the errors.

Subsequently and critically, there were errors in and omissions from its site allocations submissions document which somehow eluded the District Council's Officers and three member bodies including the Cabinet and Full Council and which would have been highly misleading in the decision making process. I believe that I have substantially evidenced that.

Finally it is our view;

-that the Council's decision as to the chosen site in Castle Acre was poorly informed as a result of errors , omissions and unevidenced assertions and statements and that the 'school site' did not receive due consideration.

-That the way the matter was considered would not pass the Local Government Ombudsman's 'Axioms of good administration' test and leaves the Council open to a claim of maladministration.

-that as a result the Council's decision with regard to the Massingham Road site is unsound because it has not been justified.

-that it is therefore open to you to recommend an alternative site for development.

Thank you for your consideration in this matter.

