

Ref: GA/AM/03715/L0014am

16th March 2020

Greater Norwich Local Plan Team
PO Box 3466
Norwich
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By email: gnlp@norfolk.gov.uk

Dear Sir / Madam,

**Greater Norwich Local Plan – Regulation 18 Draft Plan Consultation
On behalf of Westmere Homes Ltd
In respect of Land at North East Aylsham (Site GNLP0336)**

We write to you on behalf of our client Westmere Homes Limited and specifically we wish to make representations to the Greater Norwich Local Plan (GNLP) Regulation 19 Submission Draft Plan Consultation. Specifically, we wish to comment on the housing strategy for Aylsham with regard to our client's land at North East Aylsham (Site GNLP0336).

To date our client has been fully involved in promoting their land towards the GNLP having responded to each of the previous rounds of consultation to date since 2016. The case has consistently been made that Aylsham as a town should be accommodating approximately 1,000 new homes over the plan period – it is sustainable, the service centre of a large hinterland and contains sufficient sites (our client's land included) to deliver not only this level of housing but the supporting infrastructure to go with.

In short, Aylsham should reasonably be expected to deliver between 750 and 1,000 new dwellings over the plan period.

Despite this the draft GNLP only seeks to allocate approximately 550 new dwellings at the town, just over half of its realistic capacity. In doing so our client is extremely aggrieved that their land has been entirely overlooked with extremely limited justification for doing so. This is in spite of consistent officer encouragement to deliver a continual stream of evidence to confirm its deliverability.

What has now transpired is that the central reason for opting against the allocation of the land is in fact a highly spurious one, that it is not well related to the town centre. This relationship would have been clear to officers from the start of the process – even then it did not deter them from identifying it as a 'reasonable alternative' at the town.

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We have strong concerns that officers have failed to give due consideration to the full suite of evidence offered in respect of the delivery of our client's site – both throughout the process and certainly in respect of our client's latest submission towards the Regulation 18 draft plan. There are omissions and discrepancies in the evidence base of the plan, including the Sustainability Assessment, that have led officers to arrive at decisions in respect of allocations at Aylsham not necessarily informed by the information made available to them.

Indeed, the most recent proposal by our client, set out in our submission of March 2020, included a variation on the original offer at the site comprising a reduced scale development of 150 rather than 300 dwellings, one that would continue to viably provide the exact same range of community benefits as the larger proposal. There is, however, no reference to or consideration of this alternative proposal in any of the evidence base documents supporting the plan. Conversely, it is clear from both the Site Assessment Paper and Sustainability Assessment that the iterative process encompassed by these documents has managed to take on board amendments to an alternative site at the town, that at Norwich Road (Site GNLP0596), which have now resulted in its upgrade from a 'reasonable alternative' to a preferred allocation.

We consider that this inconsistency in the consideration of each site has clearly prejudiced the chances of our client in achieving an allocation. This procedural failure not only affects the soundness of the plan but also leaves it liable to legal challenge.

This omission is then compounded by various discrepancies we have been able to identify in the conclusions of both the Site Assessment Paper and Sustainability Assessment in respect of both our client's site and other sites in Aylsham. The scoring on a number of issues is characterised by inconsistency in the approach of officers and in some instances extremely questionable conclusions bearing in mind the limited constraints and numerous opportunities at our client's land.

In which case there are obvious flaws in the site assessment process used to arrive at the final allocations for Aylsham. It is inconsistent and incomplete. The overlap of this process with the analysis of sites by the Sustainability Assessment then results in a document which is flawed as it fails to consider all reasonable alternatives available to the Council. On this basis the plan is not only unsound but fails to be legally compliant.

Promotion of Site 0336 Land at North East Aylsham

Promotion of the land to date

The promotion of our client's land at North East Aylsham towards the GNLP has been undertaken consistently since the initial Call for Sites exercise in July 2016. Over the course of the intervening 5 years our client has liaised regularly with officers (at both Broadland, Greater Norwich and County Council level), technical consultees, local stakeholders and Aylsham Town Council to identify a scheme that best meets the needs of the plan and the town. Over this period of time the form and composition of the proposal has been amended in line with feedback received and additional survey work has been undertaken and technical information provided to officers to demonstrate how any identified constraints would be overcome.

Subsequent submissions, including ongoing updates to the technical evidence and supporting documentation, were made at the following stages:

- **March 2018: Regulation 18 Growth Options Consultation** – this submission first set out our client's vision for the site and, informed by initial discussions with representatives of Aylsham High School, Norfolk County Council (NCC) Children's Services, Aylsham Town Council and the local Scout Group, proposed the delivery of a new serviced primary school site and zone for community uses. This submission was supported by technical information in respect of drainage and highways as well as the positive conclusions of Broadland

District Council Officers in respect of site suitability and deliverability following a detailed pre-application enquiry in respect of the site.

- **December 2018: Regulation 18 New Sites Consultation** – whilst not seeking to revisit existing site submissions in respect of suitability, this consultation allowed our client the opportunity to strengthen the case for the allocation of their land in lieu of the two new sites put forward at Aylsham. Specifically, our client's representation at this stage provided additional information in respect of the intent to provide a new long sought-after site for the relocation of the 1st Aylsham Scout Group and a letter confirming the renewed support of the group confirming the suitability of the 0.5ha of land to be provided for its purposes.
- **January 2020: Regulation 18 Draft Plan** – at this stage a single allocation had been identified in Aylsham, Land South of Burgh Road (our consideration of this site can be found later in this letter) whilst both our client's land at that at Norwich Road had been identified as 'reasonable alternatives'. In subsequent discussions with officers, it transpired that this meant the suitability and deliverability of the site was recognised, albeit it did not comprise the preferred direction of growth and was essentially being held in reserve. On this basis, and to allow our client to explore and overcome the limited number of remaining constraints that resulted in officers stopping short of the allocation of the land, further engagement with NCC and the GNLP team was undertaken to discuss the best way to present the site to secure its allocation in the final version of the plan. The outcome of this process is described in greater detail below.

The current position

As a result of this extensive programme of promotion and engagement we are pleased to confirm that our client is now able to offer a strategic scale residential-led mixed use development at Aylsham of a form that would overcome all of the identified constraints and a composition that would significantly meet the housing and social needs of the town. These objectives could be achieved through the delivery of one of two schemes of either 150 or 300 dwellings.

From the outset our client has offered a serviced site for a primary school at no expense to the County Council for the delivery of a much-needed facility at the town and one which is well related to the existing Aylsham High School education hub (a proposal which followed communication with the school itself). This was received as a clear benefit by NCC Children's Services officers during the course of the pre-application enquiry in January 2018. Peculiarly, however, the ability to deliver such a facility continues to be questioned by the GNLP team, serving against our client's proposals. It is not clear why. This matter is investigated further later in this response.

Additionally, and through liaison with both the Town Council and local Scout Group the site seeks to overcome an identified deficit in community facilities through the provision of allotment land and a location for a new scout hut and recreation area. Indeed, on the latter matter we have worked closely with the leader of the 1st Aylsham Scout Group over the past two years to ensure a site can be provided that met its needs, both in terms of size and location. This culminated in the submission of a clear letter of support from the Scout Group in respect of the site during the March 2020 consultation.

One of the additional community benefits that would be secured through the allocation of the site would be the delivery of a significant country park along the course of the River Bure on the northernmost parcel of the site. This would encompass the creation of a network of new and improved footpath links, both along the river and also north from the site towards Dunkirk Industrial Estate. It would allow for additional habitat creation and enhanced public access to the open countryside to the east. Once again, this significant public benefit would be secured at no cost to the council and could be delivered as part of either the 300 or 150 dwellings schemes.

Perhaps the key issue in respect of our client's land, and one which has been explored in the greatest detail over the course of this promotion, was the vehicular access solution. A range of options have been proposed

throughout the course of engagement with officers to overcome the initial concerns raised by Norfolk County Council Highways in respect of potential impact on the strategic highways network. Following our meeting with NCC on 5th March 2020 a final access option was explored and submitted for consideration building on the positive indication given by officers that access through the existing Bure Meadows scheme to the south would likely be acceptable. This was identified as NCC's strong preference in lieu of a new roundabout onto the A140. We are pleased to confirm that the Bure Meadows access now represents the confirmed solution at the site.

We also consider that the availability and deliverability of the site – in single ownership and under the control of an active housebuilder – has not been afforded sufficient weight in light of the NPPF's emphasis on delivery. Our client's land is immediately available, and first delivery would be expected within the earliest years of the plan period, at which point the full range of community benefits including the school site would also be secured.

Review of the Site Assessment Process

The Site Assessment process accompanying the production of the GNLP has been an iterative one with first consideration of the various development opportunities taking place immediately following the Call for Sites in 2016. It was split into three parts – the first comprising a review of sites leading up to the preparation of the initial draft plan subject of the previous Regulation 18 consultation, the second comprising a general consideration of the comments received following consultation on this plan and the third comprising a review of any new or updated sites.

In respect of Aylsham, it was initially proposed to identify a single key allocation of approximately 250 to 300 dwellings based on the proposed level of growth to be directed towards the town identified following the Growth Options consultation. As will be described below, and in identifying this site, the assessment process principally focused on three competing locations – our client's land (Site GNLP0336), Land at Norwich Road (Site GNLP0596) and a composite opportunity comprising three sites South of Burgh Road (Sites GNLP0311, 0595 and 2060).

Part 1 Assessment

The first part of the assessment (undertaken prior to the 'draft' plan) comprised a seven stage assessment, which can be summarised as follows:

- **Stage 1:** This comprised a simple sift to identify the sites that were larger than 0.5ha. Each of the three principal sites were rolled on to the next stage.
- **Stage 2:** This stage involved the 'RAG' rating of each site against 14 criteria relating to a combination of matters covering deliverability and site suitability. It is assumed that this was conducted on a 'policy off' basis, that it without considering any site-specific mitigation. A red rating – essentially a critical constraint relating to sites that could not be overcome, such as lack of access – would rule any option out at this stage. Otherwise, any site returning a mixture of green and amber ratings would be investigated further including a more detailed review by technical consultees.
- **Stage 3:** This involved the consideration of any consultation responses returned during the course of the first two rounds of Regulation 18 consultation. No further sites were ruled out at this stage as a result.
- **Stages 4 and 5:** These stages should be considered together. They involve the consideration as to whether each site should comprise a 'Reasonable Alternative' for the purposes of further testing as part of the Sustainability Appraisal process. Principally this test appeared to relate solely to the physical relationship of the candidate sites with the town, resulting in the exclusion of only one opportunity which was divorced from the built-up area. All three of the main candidate sites were retained beyond this stage.
- **Stage 6:** This stage comprised the first detailed assessment of each site and comprised the involvement of statutory technical consultees to undertake their own review of both constraints and opportunities. This also appears to be the first stage of the process where the various site-specific benefits and mitigation offered by

individual site promoters was factored into the assessment. The resulting review included clear conclusions on whether a site would offer sufficient sustainability benefits to justify its allocation.

- **Stage 7:** At this point, and largely based on the analysis undertaken at Stage 6, the preferred site at the town along with any remaining reasonable alternatives were identified along with an initial indication of what form of development any allocation should deliver. The combination of Sites GNLP0311, 0595 and 2060 to the South of Burgh Road was identified as the preferred site at the town. Our clients land and Site GNLP0596 at Norwich Road were identified as 'Reasonable Alternative' sites but were not included for allocation at this stage.

It is after this stage, and on review of the conclusions of the Stage 7 assessment, where the first clear discrepancies in the review of sites arise.

Provision of a Primary School

At this point of the Site Assessment process two of the three preferred candidate sites proposed serviced land for a new primary school at the town, the initial preferred allocation at Burgh Road and our client's land. On reaching the conclusions in respect of each site the ability to deliver a new school appears as perhaps the single most important factor at Aylsham considering the identified deficiency in school places. On this basis the conclusions in respect of each site were as follows:

- **Sites GNLP0311, 0595 and 2060 Land at Burgh Road:** *"The site allocation will need to include a requirement for a new primary school in Aylsham required to meet growth needs."*
- **Site GNLP0336 Land North East of Aylsham (our client's land):** *"A new school site is needed in Aylsham which is promoted as part of this scheme, however more evidence is needed regarding delivery."*

It appears, then, that the offer of land for a new school on our client's land was given reduced weight due to concerns over deliverability of the facility. It is acknowledged that this is a point that has been raised consistently by officers at the various meetings held in respect of our client's land – resultantly continual reassurances and evidence have been presented to the GNLP team guaranteeing the provision of a serviced site of at least 2.1ha to meet the educational needs of the town.

Our client's commitment to provide the land included liaison with the management of Aylsham High School at the outset of the process to discuss ways that the delivery of the school site could complement the existing education offer at the town. It was further reiterated as part of the investigative pre-application process during which the practicalities of the delivery of a school at this location were discussed favourably, with NCC Children's Services returning an endorsement of the proposals.

Evidence was then offered as part of the following Regulation 18 Consultation in March 2018 demonstrating that the provision of the school site would be proportionate when judged against the CIL Regulation 122 tests, with funding for delivery expected to be secured through a combination of planning gain and existing capital expenditure programmes. It continued to be offered by our client as one of the key benefits of the scheme, one which could be secured and required of the proposals as part of an appropriately worded allocation policy.

Most recently the feasibility of the proposal as a whole (both the 150 and 300 dwelling schemes) was demonstrated unequivocally in a Viability Report prepared by Strutt and Parker and issued to officers as an appendix to a Statement of Common Ground in October 2020. A copy of this Viability Report can be found once again at **Enclosure 1** of this submission.

It is not clear what additional evidence would have been required by officers to convince them that the school site would be deliverable as part of our client's proposals. Our client has gone above and beyond the provision of the normal statement of intent to provide the land that in our experience usually satisfies both officers and local

plan inspectors alike. Conversely, it is also not clear what alternative evidence has been offered in respect of the proposed allocation at Burgh Road to demonstrate that a school is any more deliverable at this site. On this basis we do not consider that our client's land was subject of objective assessment in respect of this matter.

Highways Access

At the point where the preferred site was identified it appeared that there was still a requirement for both refinement of, and clarity on, the access strategy to be provided at each of the three sites. The conclusions in respect of the access arrangements at the preferred site at Burgh Road, our client's land and the final site at Norwich Road are set out below:

- **Sites GNLP0311, 0595 and 2060 Land at Burgh Road:** *"...this combination of sites is preferred for allocation as it is favoured in highway terms as long as two points of access are provided."*
- **Site GNLP0336 Land North East of Aylsham (our client's land):** *"This site is considered to be a reasonable alternative if additional growth is needed in the towns, subject to a satisfactory access strategy via existing allocation AYL2."*
- **Site GNLP0596 Land at Norwich Road:** *"For highways reasons, requirements would include a maximum of 100 dwellings with access from Norwich Road and a 2-metre-wide footpath across the site frontage. 250 dwellings would require two points of access, but this would require further investigation as it would not be possible from either Copeman Road or Buxton Road. This site is therefore of secondary preference for allocation in the town."*

In short, no agreed access solution had been demonstrated in respect of any of the three main candidate sites – all three required their respective promoters to undertake further work and produce technical evidence that satisfactory access could be provided. On this basis there was nothing to separate any of the three sites – indeed, the comments in respect of the land at the Norwich Road painted a picture problematic enough to reasonably eliminate it from the process at this stage if officers were minded to do so.

Regardless, much with the conclusions in respect of delivery of the school officers appear to have essentially taken a leap of faith in identifying competing sites over our client's land without site of further evidence. Neither the Burgh Road or Norwich Road sites had submitted an access strategy that had sign off by NCC Highways – on all three sites the matter would require further work. Notwithstanding, by this point our client had offered a range of access solutions at their site at North East Aylsham and, as of the start of the Regulation 18 Draft Plan consultation had re-entered into fresh discussion with NCC Highways to reach a mutually agreeable solution on the basis of the Site Assessment recommendation, through AYL2. This arrangement would in turn be demonstrated as deliverable and suitable during in our client's response to the draft plan.

Part 2 Assessment

This stage of the Site Assessment process comprised a general review of the responses received to the Regulation 18 Draft Plan consultation. This section of the Site Assessment paper summarises the comments received whilst then providing an officer response and the way in which it would affect the direction of the GNLP.

As with the first part of the process this stage did not reveal any significant issues in respect of our client's land – no objections were received. Conversely a range of objections were received from Aylsham Town, members of the public and various technical consultees in respect of both the preferred allocation at Burgh Road and the other 'reasonable alternative' at Norwich Road. In fact, positively in respect of our client's land the public comments identified that *"the concept of this site to include more for the community in terms of leisure, retail and neighbourhood centre is positive"* whilst in objecting to a rival site welcoming the idea of the country park.

Referencing the earlier issues identified in respect of the deliverability of the scheme, officers also provided their own comments at this stage, confirming that *"the documents provided for GNLP0336 give assurance for the deliverability of development"*. In totality this stage of the Site Assessment process should actually have led to the significant strengthening of the prospects of our client's land as it clarified matters in respect of viability and achievability whilst revealing no strong public objection to the proposals.

Conversely, both the Burgh Road and Norwich Road sites received a more intense level of criticism. In total the former received 11 objections with the latter receiving 6. Both returned concerns about highways impact, landscape impact and ecology. Despite this the response of officers was to retain the Burgh Road site as an allocation and, perversely in the face of the identification of fresh issues, go on to propose the Norwich Road site for allocation.

Equally as perversely a new reason appears at this stage of the Site Assessment process as to why our client's land would be unsuitable for allocation – that is the distance of the site from local facilities and the town centre. It is not, however, clear how this view is reached, particularly considering the walking plan submitted to officers as part of our client's representation in March 2018 which showed the excellent relationship of the site to a full range of shops, services and facilities at the town (included again at **Enclosure 2**).

Assuming the nearest point of each site to the town centre offers possible pedestrian access, it would be appropriate to measure from here for walking distances to most services. On this basis our client's land lies approximately 950m from the town centre via routes offering a pavement or footpath. Conversely the site at Norwich Road lies over 1.2km from the edge of the main shopping area via Norwich Road itself (on the basis that Buxton Road is unlit and does not offer a continuous footway from the site to the town centre).

Once again, we can only conclude that judgements have been made in respect of our client's land without any reference to the evidence available or indeed with scant regard for the case put forward by our client throughout the consultation process. On this basis it can only be concluded that these continued discrepancies in the Site Assessment process have once again prejudiced the chances of our client's land coming forward for development.

Part 3 Assessment

It is at the Part 3 stage where perhaps the clearest omission from the site assessment process in respect of our client's site arises. The purpose of the Part 3 assessment was to review any additional sites received at Regulation 18 Draft Plan stage as well as any proposed amendments to existing sites.

One additional site was received (Site GNLP4035), close to the village of Burgh but within the hinterland of Aylsham. It was however considered to be detached from the town and was discounted.

The Site Assessment paper also records the submission of an amended proposal in respect of Land at Norwich Road, along with our client's land at this stage considered to be a 'reasonable alternative' which was given the updated reference of GNLP0596R recognising that it was a variation of the original proposal. The updated proposal appears to do little more than include an additional 0.83ha parcel of land without including any additional definitive evidence on how the constraints identified at the previous stage of the assessment process – principally access – have been overcome. Additionally, further unreconciled constraints are identified in respect of heritage impact, landscape impact and surface water flooding.

What the paper startlingly fails to do at this stage of the process is consider the variation of our client's proposal put forward as part of the representations towards the Draft Plan for a reduced scheme of 150 dwellings but including all of the same benefits offered by the enlarged 300 dwellings proposal (school, community land, country park). This was set out plainly as an alternative available to officers in our client's submission – indeed, following our meeting with the GNLP team on 2nd March 2020 it was a variation that was actively encouraged by those

present. This represents a clear alternative to our client's initial proposal and one that must be subject of the same rigour as the revised Norwich Road scheme – both in respect of the Site Assessment paper and as what would clearly be a reasonable alternative for the purposes of the Sustainability Appraisal.

The omission of any analysis of this revision in light of the full exploration of the Norwich Road scheme both demonstrates clear prejudice to our client's chances of allocation as well as presenting a fatal flaw in respect of the Sustainability Appraisal process. This omission alone should render the plan both unsound, by way of a failure to reference key evidence available to officers (it would not be justified) as well as failing the tests of legal compliance in respect of the sustainability appraisal process.

Review of the Sustainability Appraisal

Our clear concerns in respect of how the flawed site assessment process has impacted on the robustness of the accompanying sustainability appraisal process are set out clearly above. The omission of our client's 150 dwelling proposal from both documents is a grave concern and an exclusion that we consider renders the plan both unsound and lacking legal compliance in its production.

However, there are then further anomalies and errors within the Sustainability Appraisal document itself relating to the assessment of the reasonable alternative sites at Aylsham and our client's land in particular. These are evident on reference to Tables E.2.1 and E.3.15 of Appendix E of the version of the Sustainability Appraisal published in January 2021.

The approach to the assessment of sites adopts the tried and tested major positive (++) through to major negative (--) matrix, essentially identifying a detailed RAG rating for each site across 15 sustainability objectives. The first table (E.2.1) considers each site on its merits, prior to the 'policy on' scenario which would deliver various forms of site-specific mitigation. The second table (E.3.15) then considers each site after mitigation, presumably taking into account the evidence offered by each site promoter on a site-by-site basis.

We have some concerns in respect of the findings of the pre-mitigation Table E.2.1. It purports to provide a review based on consistent constraints mapping of Aylsham, likely derived from Broadland Council's GIS database. However, the way in which the baseline position of each site has been reached drawing on this information is in some instances curious. Nevertheless, this table is not considered to be determinative of the likely success of each site as an allocation as it then allows for site specific proposals to overcome any negative scoring.

Where we have far clearer concerns is the way in which the package of mitigation offered by our client has been overlooked or misconstrued in considering the 'policy on' scenario where mitigation is considered. The conclusions of Table E.3.15 are in many instances at best confusing and more concerningly inconsistent when the way in which the mitigation offered by competing sites has been considered.

Perhaps the clearest error of the matrices is in terms of the impact of our client's site on SA Objective 10 'Education'. As a start point, we fail to understand why it was assigned a major negative rating pre-mitigation. It is the closest site by some way to Aylsham High School and only lies around 500m further from a primary school (by way of actual walking distance) than the Norwich Road site which was assigned a major positive rating. Turning to the post-mitigation scoring the results are even more startling. Along with the proximity to the High School our client's site actually offers land for a new primary school. Regardless, it returns a minor negative score. There is absolutely no rationale for this conclusion whatsoever.

In respect of SA Objective 10 'Climate Change' our client's site is similarly harshly dealt with, returning a major negative rating after mitigation. It can only be concluded that this is due to the north eastern fringe of the site being prone to flooding. However, our client's submissions towards the GNLP included a comprehensive Flood

Risk Assessment and Drainage Strategy along with a masterplan which demonstrated that the area prone to flooding would not be subject of development. It is unclear what additional information or guarantees would be required to return a more positive score – presumably that which was submitted in respect of Sites GNLP0287 and GNLP0311 which reduced the major negative score at the site to minor negative. Once again we are concerned that errors in the scoring procedure have resulted in clear prejudice to our client's site.

SA Objective 6 considers the impact of each site on 'Population and Communities'. It is understood from paragraph 4.17 of the January 2021 report that this criterion relates to access to services and amenities. All sites at the town, prior to mitigation, received a minor negative rating, likely due to their location on the periphery of Aylsham. However, Table E.3.15 then shows all of the sites at the town upgraded to a minor positive rating except that of our client. This is despite our client's land being the only proposal to offer additional community facilities (above and beyond the new school) in respect of allotment land and a guaranteed site for the provision of a new facility for the 1st Aylsham Scout Group. Resultantly, there seems a clear perversity in the way in which the 'minor negative' conclusion has been reached.

Proposed Growth at Aylsham (*vis a vis* Policy 7.2: Main Towns)

On reflection of the spatial strategy for the plan as a whole, and irrespective of the additional allocations included in the Regulation 19 plan, we continue to have concerns in respect of the comparatively low level of growth that is to be directed towards the Main Towns, a tier of the settlement hierarchy that historically yields sites that benefit from ease of delivery whilst lying in demonstrably sustainable locations. It must be remembered that the five main towns form the second highest tier in the settlement hierarchy and represent the most sustainable locations for new homes away from the Norwich urban area yet Table 7 of the Regulation 19 draft of the GNLP shows they will only assume 14% of the total housing growth over the plan period. It is a concern that the current strategy appears to somewhat arbitrarily constrain growth at these settlements and fails to take full advantage of the combination of deliverable sites, high levels of service provision and strong infrastructure connections present at each town.

Officers will note that our responses towards the earlier stages of the GNLP concluded that the Main Towns should realistically be expected to accommodate a far greater level of growth than currently, approximately 2,750 new dwellings across the tier. Currently it is only proposed to allocate sites to deliver 1,655 additional homes on top of existing commitments. In respect of Aylsham specifically our response to the Growth Options Consultation in March 2018 concluded that, due to the high levels of sustainability and accessibility the town offers allied with the availability of suitable and deliverable housing sites, it would not be unreasonable to direct approximately 750-1,000 new homes towards the town. Our views in this respect remain unaltered. The addition of the Norwich Road site as a further allocation (no matter how flawed the process) represents a positive response to our challenge – however, there would remain a deficit of between 200 and 450 new homes set against our recommended range.

In respect of its sustainability credentials and ability to grow Aylsham enjoys a good range of shops and services as well as strong transport links to Norwich. It serves a far wider hinterland than any of the other Main Towns as the only settlement on this tier to fall within Broadland and the rural north of the plan area.

Importantly, in respect of infrastructure constraints, it is noted that Anglian Water now has plans to increase capacity at the Aylsham water recycling centre, an infrastructure constraint that has held back the town's ability to grow in recent times. The initial January 2018 consultation document identified the capacity of the local water treatment capacity as the only real brake limiting the growth of the town. This brake has now been removed. It is therefore our view that there is no good reason to arbitrarily limit the growth of Aylsham if sustainable and deliverable sites at the town can be identified.

On this basis we are pleased to reiterate, and indeed reinforce, the availability of our client Westmere Homes' land at North East Aylsham (site reference GNLP0336). This represents the unallocated remainder of the three sites from the list of 'reasonable alternatives' that officers considered to comprise suitable locations for the delivery of growth at the town. In fact, it is our clear view that our client's site continues to represent by far the most suitable site for the delivery of meaningful growth at Aylsham. Depending on the additional level of growth that could reasonably be accommodated at Aylsham there is of course two options available to officers, or ultimately the Inspector, put forward by our client – the 300 and 150 dwelling proposals.

Regardless, on the basis of our analysis set out above we consider that there is a compelling case for an additional site to come forward at the town with a view to delivering a figure closer to the 1,000 dwelling ceiling that we have identified as providing a reasonable level of growth at Aylsham. The allocation of our client's land, either in part or in full, would then not only account for this shortfall in delivery but would also go some way towards rectifying concerns around both the fairness and ultimately the soundness of the site assessment process as well as the legal compliance of the accompanying Sustainability Appraisal.

Conclusions on Soundness and Legal Compliance

Soundness

Based on our review of the GNLP, and the process leading up to the allocation of sites at Aylsham specifically, we have clear concerns in its robustness and rationality that leads us to conclude that the plan is firstly unsound.

On reference to the tests described at paragraph 35 of the NPPF this would be on the following basis:

- **Not justified:** The evidence base of the plan fails to take into account the reasonable alternatives in respect of the sites available for allocation at Aylsham. It omits consideration of our client's revised proposals for a 150 dwelling scheme and appears to consistently overlook key pieces of evidence offered by our client demonstrating the sustainability merits of the site. This is evident in the inconsistent and often irrational conclusions of both the Site Assessment and Sustainability Assessment matrices. Accordingly, it similarly fails this test as it clearly has not been properly informed by proportionate site-specific evidence, with clear indications that the information provided by our client in respect of the site has been neglected;
- **Not effective:** There still remain outstanding concerns in respect of the deliverability of the two preferred sites at Aylsham. The Site Assessment paper identified matters still to be mitigated in relation to each (access, flooding, heritage and landscape impact amongst them) that have all been overcome by our client's proposals. The failure to allocate the one site at Aylsham that has to date satisfactorily demonstrated that there are no constraints hindering its delivery results in an ill-informed strategy that is at risk of being ineffective by virtue of issues relating to delivery; and
- **Not consistent with national policy:** Lastly, and as identified in our client's response to the previous Regulation 18 Draft Plan consultation, the current strategy fails to allocate the single most sustainable site at the town and the one which brings with it the most public benefit. Our client's land would allow shared bus and car trips to a single education hub through the delivery of a new primary school adjacent to the Aylsham High School site and would provide the greatest level of public benefit through the inclusion of allotments, a new site for the Scout group and an extensive public park. Accordingly, the current strategy for Aylsham fails to secure the clear range of sustainability benefits offered by our client's site, missing an opportunity to deliver a "*positive vision for the future*" for the town as required by paragraph 15 of the NPPF.

For the reasons set out above the lack of a fully informed and objective approach towards the allocation of sites at Aylsham, resulting in an unjustified growth strategy at the town, would be sufficient to render the entire GNLP as unsound.

Legal Compliance

In addition, there are clear concerns around the legal compliance of the plan in respect of its adherence to the regulations guiding the production of the accompanying sustainability appraisal. Although the sustainability appraisal process is afforded a level of flexibility there are certain core legal requirements under the 'Environmental Assessment of Plans and Programmes Regulations 2004' (which were prepared in order to transpose into national law the EU Strategic Environmental Assessment (SEA) Directive). The regulations set out prescribed processes that must be followed. In particular the Regulations require that a report is published for consultation alongside the draft plan that "*identifies, describes and evaluates*" the likely significant effects of implementing "*the plan, and reasonable alternatives*". The resultant report must then be taken into account, alongside consultation responses when finalising the plan.

As has been identified in this submission, through its omission as a candidate site considered as part of the site assessment process (similar to the variation on Site GNLP0596) the eventual Sustainability Appraisal resultantly failed to acknowledge one such reasonable alternative put forward by our client, that of a reduced scale scheme of 150 dwellings on the southern portion of their land at North East Aylsham. This omission is particularly surprising considering the encouragement provided by officers during a meeting between our client and the GNLP team in March 2020. In addition, there are flaws in the way in which the conclusions of the Sustainability Appraisal have been reached, clearly providing prejudicial against the chances of our client's land for allocation. In all the final Sustainability Appraisal report is the result of a flawed and inconsistent process.

It can only be concluded that one of the key mandatory requirements of the Regulations has not been adhered to – that is to consider all reasonable alternatives in the preparation of the plan. Resultantly the document cannot be concluded as being legally compliant.

Suggested Actions and Amendments

We consider that a single amendment should be made to the plan to ensure that it can be made sound and that any concerns in respect of unfairness or omissions from the sustainability appraisal can be overcome – that is the allocation of our client's land at North East Aylsham.

On assessment of the capacity of Aylsham to sustainably accommodate additional growth and based on the public benefits offered by our client's site we are clear that most benefit can be secured through the allocation of the entire site for 300 houses alongside land for an additional new primary school, a new facility for the local scout group and an extensive country park on the northern parcel adjacent to the River Bure. This would complement growth elsewhere at the town and ensure that the potential for Aylsham to deliver significant sustainable growth to serve the rural north of the plan area is realised.

Alternatively, the opportunity to deliver a smaller scale development of 150 dwellings remains available to officers. Irrespective of which option is adopted there is a clear necessity for the Site Assessment and Sustainability Appraisal documents to recognise and consider this reduced proposal to ensure a consistent, fair and legally compliant process can be demonstrated.

In light of the concerns identified within this response it is imperative that officers also review the findings of both the site assessment and sustainability matrices and update them to reflect the evidence made available by our client. We are confident that, upon doing this, the case for the allocation of our client's land either as an alternative or preferably as an addition to the current preferred sites at Aylsham will become clear.

Conclusions

Our response on behalf of our client, Westmere Homes, builds upon the significant level of response from our client towards the emerging GNLP to date, a library of information that has consistently sought to demonstrate the suitability, viability and overall deliverability of their land at North East Aylsham for a residential-led development of significance to the town. Our client's approach to the local plan process has been robust and involved, characterised by consistent engagement with officers and stakeholder throughout the entirety of the process to ensure that any issues relating to the site are identified early and a practical and sustainable solution can be identified.

Our client's interaction with the GNLP team has been constant. It is this fact that makes it all the more startling that key elements of their proposal have been overlooked during the site assessment process, sections of the submitted evidence disregarded and the alternative proposal for a 150 dwelling scheme has been effectively ignored. These discrepancies have ultimately not only prejudiced the opportunity of our client securing an allocation but have resulted in a plan which we can only conclude is both unsound and lacking legal compliance.

Aylsham is an appropriate location for significant growth. As the only Main Town in the rural north of the plan area and the only settlement on this tier of the hierarchy in Broadland it is imperative that it accommodates sufficient growth to support not only the future residents of the town itself but also its significant hinterland. In which case this proposition also leads my client to restate their position reiterated throughout the plan process, that Aylsham should host even more additional growth than the 550 new homes planned. Indeed, based on the availability of suitable sites around the town, our client's land included, the town is capable of accommodating upwards of 750 new dwellings.

Based on these conclusions it is critical to both the fairness and transparency of the plan process along with its effectiveness in delivering the growth required across the entirety of the plan area that our client's proposal is reconsidered and an additional allocation is made at North East Aylsham for at least 150 further dwellings – most appropriately all 300 proposed as part of our client's 'whole site' scheme. This would ensure that the GNLP positively embraces the opportunity to secure an entirely sustainable additional residential development and the range of community benefits it would bring to the town.

At the very least there is a requirement for the evidence base of the plan to be reviewed and updated, including the Site Assessment paper and the accompanying Sustainability Appraisal. This exercise alone, undertaken correctly, would inevitably result in the identification of our client's land as a preferred allocation at Aylsham.

We trust that the comments set out above will be considered in full prior to the submission of the plan for examination. We would of course be happy to meet virtually to discuss these concerns in greater depth at this stage with a view to discussing how they may be overcome prior to the plan's submission for examination. Otherwise, we wish to participate in the relevant hearing sessions at the forthcoming Examination in Public. We urge the Council to acknowledge our clear concerns and take the recommended action set out above.

Yours sincerely

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