

North Norfolk Local Plan Examination Hearing Statement – Matter 5

Boyer

Report Control

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1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared by Boyer on behalf of Richborough in response to the Inspectors' Matters, Issues and Questions in relation to Matter 5 (Places & Housing Sites) of the North Norfolk Local Plan Examination.
- 1.2 Boyer have been appointed by Richborough to act on their behalf in respect of promoting land interests at Land End of Mundesley / Land at Paston Gateway (HELAA ref: NW16/1) for residential development.
- 1.3 Boyer have previously made representations to the Regulation 19 Local Plan consultation (March 2022) and our Hearing Statement should be read in conjunction with those representations.

2. QUESTION 5.6 - NORTH WALSHAM

5.6 North Walsham – Standard Questions

(d) Have the impacts and effects of development been properly taken into account?

- 2.1 We do not consider that the Council have fully taken into account the impacts and effects of the proposed SUE.
- 2.2 This is evident from the multiple objections to the proposed North Walsham SUE NW62/A. This is on the basis of deliverability of necessary infrastructure, including community facilities, schools, a local centre and health services.
- 2.3 Furthermore, the impacts of traffic generation and accessibility from Norwich via the constrained routes through Coltishall and Wroxham do not appear to have been properly taken into account.

(h) What is the landownership position and is the site currently being promoted by a developer?

- 2.4 The site promoter states within their Reg 19 reps that: 'The majority of the Site (87%) is under an Option Agreement to the Consortium, all of whom have an excellent track record of delivering large-scale housing development in the local area.'
- 2.5 Whilst, the Consortium may have signed up the majority of the site via an Option Agreement, it is evident that not all of the site that is included within the proposed allocation is under the control of the Consortium. This raises the issue that the remaining 13% of the allocation as proposed, may have landowners that are unwilling to put their land forward for development or who may not wish to agree to the Consortium's terms, particularly given the evident viability issues with the site.
- 2.6 This could have implications for the deliverability of the site as a whole i.e. if the land that is not part of the Consortium is where an access or other key piece of infrastructure is required to go, it could prejudice the development as a whole as shown within the allocation or have implications for the quantum of housing that could be delivered from the site. If such land is not available, then it is by extension not deliverable.
- 2.7 To make the plan sound, our suggestion would be for the Council to clearly establish with the Consortium (as it is not evident that this has been done already), which land is covered under the Option Agreement and which land has not been signed up and the reasons for this.
- 2.8 If there are no good reasons or evidence of positive landowner intent from the remaining 13%, then our suggestion is that the land that is not under the control of the Consortium should be removed from the proposed allocation, as it is highly unlikely to be deliverable.

(i) Are the site-specific requirements for development of the site justified, consistent with national policy and would they be effective?

- 2.9 We consider that the site-specific requirements for the development detailed within Policy NW62/A are justified as being required to mitigate the impact of the development, the requirements of the NPPF to provide infrastructure, services and facilities.
- 2.10 In order to strengthen the policy further and make it effective in regard to the delivery of the western link road, point 11 could be re-worded to be linked to a phasing plan as commented on in our answer below, rather than a more vague wording in the policy of: 'it should be delivered in full, at the earliest opportunity'. What does 'earliest opportunity' mean? Is this prior to the delivery of housing or after a certain amount of housing has been delivered?

(j) Given the components of the proposal and the site requirements, would development of the site be viable?

- 2.11 It is evident from the Plan Interim Viability Assessment from 2018 (EX111.1) that the proposed site is likely to be unviable due to the abnormal infrastructure costs.
- 2.12 Further comments are detailed below in relation to this point in our answer to question 5.6.9.

(k) Overall, is the site deliverable within the plan period and is the expected timescales for the development of the site set out in the Council's updated housing trajectory realistic? Has the landowner/developer confirmed this?

- 2.13 We do not consider that the site is deliverable within the plan period. The timescales for the delivery of development from the site and the level of units expected to come forward from the proposed SUE are not considered to be realistic or based on appropriate evidence. As we raised previously within our Reg 19 reps we have concerns about significant number of units from the North Walsham SUE falling off the end of the plan period.
- 2.14 As commented upon in our hearing statement for Matter 7, we consider that the overall housing trajectory that is provided within the Five-Year Supply of Housing Land 2023-2028 September 2023 (EX007) is not justified.
- 2.15 Within Lichfields Start to Finish Report (February 2020) it was found that on average, the larger the site, the longer the process takes from when the first application is validated to the completion of the first dwelling. The largest allocation within North Norfolk's housing trajectory is the 1,800 dwelling SUE at North Walsham which the Council predicts will provide the first 30 dwellings in 2026/2027.
- 2.16 Within the Start to Finish Report, it was found that sites of this size take on average 7 years to deliver the first dwelling. This emerging Local Plan will not likely be adopted until 2024 or 2025 and so, using the timescales set out by Lichfields, the first dwellings would not be delivered until 2031/32.

- 2.17 As we set out previously within our Reg 19 reps, it would take approximately 24.5 years to deliver all the proposed dwellings from the North Walsham SUE. This would result in the SUE not being completed until 2048, 12 years beyond the current proposed Plan period. If the SUE began to deliver dwellings in 2031/32, the revised projections of completed dwellings to the end of the plan period are as follows:
- 2031/32 – 30 dpa
 - 2032/33 – 60 dpa
 - 2033/34 – 100 dpa
 - 2034/35 – 160 dpa
 - 2035/36 – 100 dpa
- 2.18 Under the Council's trajectory 450 dwellings would be completed within the plan period from the SUE, leaving 1,350 dwellings to be completed after the plan period.
- 2.19 However, as suggested by the Lichfields Start to Finish Report sites of this size will deliver an average of 102 dwellings per annum. This will lead to there being 510 completions from 2031/32 until the end of the plan period in 2036, with 1,290 dwellings to be completed after the plan period.
- 2.20 If the plan period was extended to 2040, this would potentially deliver 918 dwellings from the SUE within the plan period and 882 dwellings after the plan period.
- 2.21 No evidence has been provided by the Council or Consortium to suggest that the anticipated rates of delivery from the SUE would be different to the timeframes as detailed within the Lichfields Start to Finish Report.

5.6.2 Are the housing allocations for North Walsham the most appropriate when considered against reasonable alternatives in the light of site constraints, infrastructure requirements and potential impacts?

- 2.22 We do not consider that the proposed SUE is the most appropriate allocation when assessed against reasonable alternatives in light of the significant potential challenges to viability, extent of infrastructure required and length of time required for implementation and completion of the SUE as a whole.
- 2.23 We consider that there are more suitable alternative sites, such as our client's land at Land End of Mundesley / Land at Paston Gateway (HELAA ref: NW16/1) that would be more suitable to be allocated. Our client's site would be able to come forward and deliver much earlier within the plan period given there are no constraints and developer intent.
- 2.24 Whilst we accept the Examination does not wish to consider omission sites, it is important to note that we do not agree with the Council's RAG assessment within the HELAA and the Sustainability Appraisal over how our client's site has been assessed. For example, page 113 of the Sustainability Assessment main report, which considers alternative North Walsham sites, gives an overall negative commentary for our client's site NW16/1 stating that: *'The site is reasonably remote from the town centre and services.'*

- 2.25 However, the detailed RAG assessment on page 447 of Appendix E states that the site scores positively under the economic heading due to it being on the *'edge of the settlement, good access to employment, services / facilities, transport links, access to educational facilities. High speed broadband in vicinity. Town centre easily accessible from the site.'*
- 2.26 The assessment is further conflicted where it states: *'Highways access and the local network are considered to be unsuitable.'* However, the Council is aware that our client has formed an agreement with Norfolk County Council to provide a new roundabout to access the site from the B1145 and was shown in our Vision Document that has been submitted and presented to the Council. Our client and the Highway Authority do not share the view that the B1145 would be an 'unsuitable' local network.
- 2.27 It is evident that there appears to be a degree of disconnect between the Council's commentary from the RAG assessment and subsequent overall assessment of what is a reasonable alternative that could be more appropriate for allocation. To ensure the plan is justified, it is suggested that the Council revisit the reasonable alternative sites put forward in North Walsham and the approach taken to the RAG assessment against the Sustainable Appraisal methodology for site selection.

5.6.6 What is the vision for the western link road? Would it function as a town by-pass taking heavy goods vehicles away from the town centre? Given expected traffic flows, would suitable environment and connectivity between the housing on each side and the town centre be achieved? Would it include a northern extension over the railway to connect to Cornish Way, or a southern extension to the A149 south. Are these essential to the effectiveness of the road, and if so, would they be a requirement of developing the allocation? If not, how might they be funded?

- 2.28 Whilst our primary concerns relate to the deliverability and viability of the western link road as part of the SUE, there is a logical argument that to serve its intended purpose, it should be extended from the A149 to the south, the A149 to the north and to the Cornish Way industrial estate bypassing the town centre and B1145/A149 junction.
- 2.29 The present proposal within the proposed policy wording for NW62 and the Development Brief of terminating the bypass/link road at the B1150 Norwich Road will not fulfil the ability to bypass the town centre and in reality, will do little to alleviate HGV and other traffic using the A149 and the congested junctions through the town when travelling between Cromer and Great Yarmouth.
- 2.30 The North Walsham Western Link Road Feasibility Study Report (EXD19) sets out at para 7.5.2 on page 70 that:

'Option 4 is the most expensive option given its length, however, it would provide a continuous link covering all development areas from the A149 south to Cornish Way and is likely to realise the most benefits for the whole Town, existing and proposed.'

- 2.31 Given the Council's own Feasibility Study sets out that the delivery of the western link road all the way from the A149 in the south to Cornish Way in the north would realise the most benefits for the town, it is surprising that the Council have not looked to include this as a requirement of the policy, or to assess the viability of delivering the link road in full, to mitigate the impact of the new development on the town and to deliver wider socio-economic benefits.

5.6.7 What would be the impact of traffic generation on the wider area, for example through the village of Coltishall, what improvements or traffic management might be required if needed to mitigate the effects of the scheme, are these costed and deliverable and has any effect on viability been taken into account?

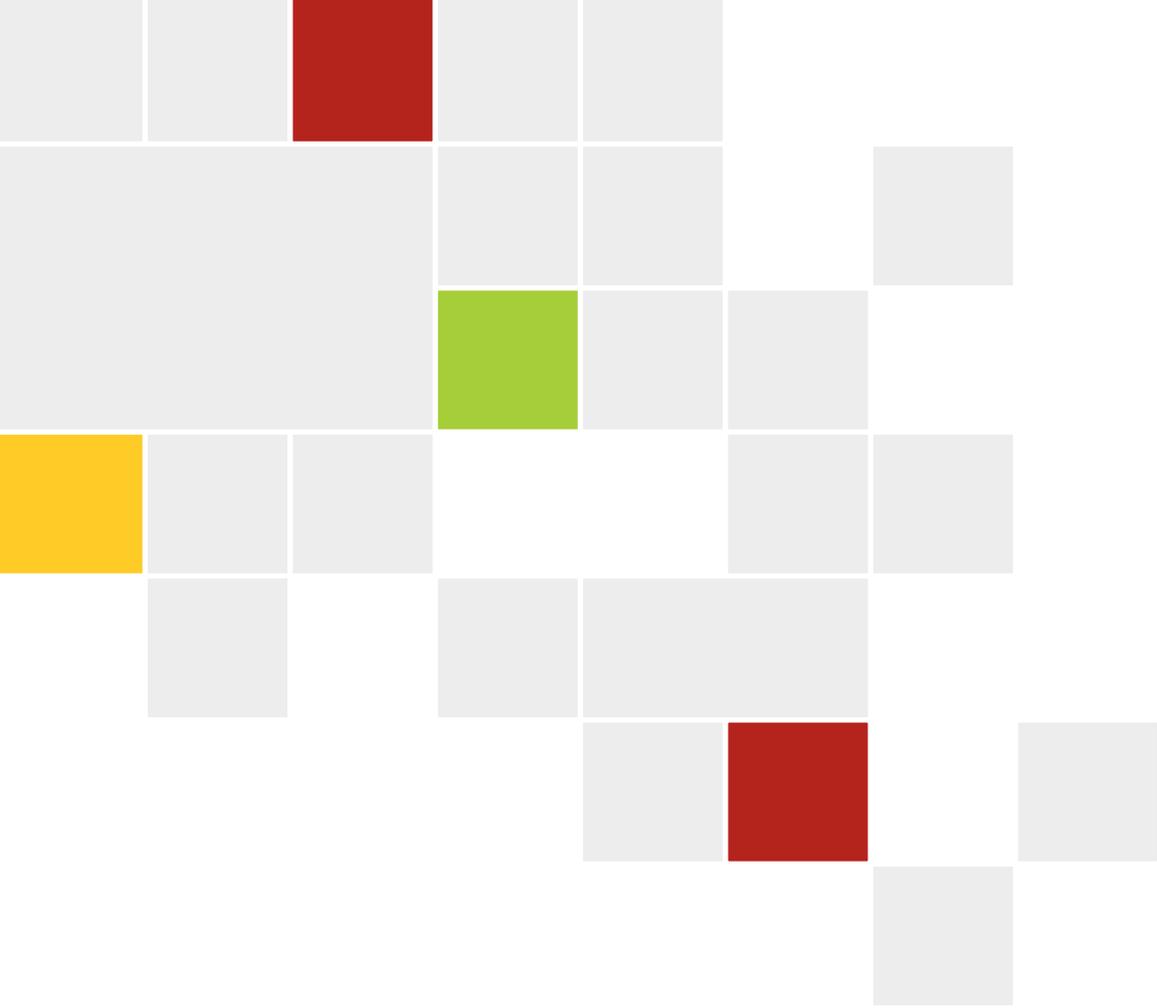
- 2.32 To reiterate our concerns over the deliverability of the proposed SUE, it is not clear what wider improvements or traffic management may be required to be delivered to the B1150 in Coltishall to ascertain whether it would be feasible to mitigate the wider transport impacts of the SUE.
- 2.33 The summary on page 5 of the North Walsham Link Road Feasibility Study Addendum – Sept 2021 (EXD21) sets out that further work is required to be undertaken, including a *'more detailed analysis to be carried out to mitigate the limitations highlighted in the technical note and to obtain a clearer, more robust understanding of the impacts on Coltishall'*.
- 2.34 We consider that the Council should have carried out further technical work to accord with the recommendations of this study before submitted the plan for Examination. Without this further technical work, it is not evident how the proposed allocation of the SUE can be justified as the options for mitigation (if feasible) have not been considered and nor have the potential viability implications.

5.6.9 How would the development of the site be phased, and would the traffic effects within the town be acceptable during each phase? How does the cost of the western link road affect the viability and deliverability of development?

- 2.35 As we set out in our Reg 19 reps, the Council removed the requirement for a phasing strategy for the proposed SUE from the Reg 19 submission version of the Local Plan. The reasons for this are unclear.
- 2.36 It is surprising that a development of this proposed scale is not proposed to be subject to any control by the Council over the phasing of housing alongside new infrastructure, particularly within the early phases of the development.
- 2.37 Given it is common for delays in infrastructure coming forward to impact on build out rates, there is a risk that unless a clear phasing strategy is in place, there is a risk that more units will fall off the back end of the plan period. This issue is even more prevalent when there are potentially two or more housebuilders that are part of the Consortium.
- 2.38 We suggest that in order to make Policy NW62/A sound, the requirement for a phasing strategy to be submitted and approved as part of the Development Brief is made clear.

- 2.39 In respect of traffic effects within the town, in our view, it is simply unclear to assess whether those effects are acceptable or not as no details of phasing have been considered or published.
- 2.40 Within the Consortium's Development Brief Consultation Document (EX010) only one brief reference is made to phasing on page 96. This simply states that the delivery of all elements of the SUE will be logically phased with exact numbers and delivery years to be agreed. It would be expected that as the Consortium and Council expects delivery from the site to commence in 2026 (in only three years' time), that some further thought would have been given and set out over phasing and how the infrastructure will be brought forward alongside the proposed housing.
- 2.41 The above point, is also evident from page 97 of the Development Brief Consultation Document (EX010) where it states that the Consortium expects to deliver the allocation over a number of discrete outline applications, based on landownership and control. Without a clear phasing strategy put forward as part of the Development Brief or one single outline planning application, we consider that the necessary infrastructure, including the western link road are unlikely to be successfully delivered, which would result in an unsound allocation and plan.
- 2.42 We remain and have significant concerns over the overall viability of the proposed North Walsham SUE and the cost of the western link road in particular. Paragraph 34 of the NPPF requires that plans should set out the contributions expected from development, and such policies should not undermine the deliverability of the plan. The NPPG makes clear at para 039 that a viability assessment should be prepared to ensure that policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable.
- 2.43 It is surprising given the reliance the Council has on the SUE to meet its overall housing requirement that it did not instruct its consultants NCS as part of the North Norfolk Plan Wide Viability Assessment – Sept 22 (EX111) to specifically assess the viability of the proposed North Walsham SUE under Policy NW62/A, including the impact of the cost of the western link road and other infrastructure on the viability of the site.
- 2.44 Within NCS's model on page 13 of the Viability Assessment – Sept 22, no regard is had to the unique abnormal cost of the western link road or other infrastructure / S106 requirements that is only to be delivered from the SUE under Policy NW62/A. As the viability assessment itself recognises the SUE at north Walsham is dependent on the landowner accepting below benchmark land values. This shows that the deliverability of the site is more finely balanced than other sites and may be particularly sensitive to other increases in abnormal infrastructure costs.
- 2.45 The Council's approach here is considered to be unsound as further work is required to justify the inclusion of the proposed SUE from a viability perspective.

- 2.46 All the Examination has to rely on is the Interim Viability Assessment from 2018 (EXI11.1), which is now considerably dated at 5 years old. This sets out that there are significant issues with the viability of the proposed SUE due to the significant cost of abnormals such as infrastructure and presumably the western link road.
- 2.47 To make the plan sound we consider that further viability work is required to be undertaken by the Council specifically in regard to Policy NW62/A to assess the deliverability of infrastructure proposed in the policy. Otherwise, there is considerable risk that the link road and other infrastructure detailed within the policy becomes little more than a 'wish list' for the Council.



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