**Policy LA116 allocation (Hopkins site)**

Object

Legally Compliant N

Not Sound N

Duty To co-operate N

Sproughton Parish Council objects to the inclusion of site LA116 ‘Land off Loraine Way’ in the Section 19 Joint Local Plan.

We feel this site should be removed from the site allocations because it has gone through no process of Consultation or Examination outside the BMSDC JLP Team as other sites have been subjected too in the democratic Reg18 process of public consultation.

This site was not included in the 2017 and 2019 JLP Reg18 Public Consultations and has not been properly tested by BMSDC JLP against public opinion and local knowledge.

This site, which is locally recognised as the Hopkins Home site, has during the progress of the JLP been submitted twice for planning application and refused by the democratically elected Councillors on the planning committee on Heritage Grounds on both occasions.

It has been subject of significant public objection amounting to hundreds of submitted objections. But in the face of all this Hopkins are still pursuing this application at this point in time through an appeal which the District is defending.

And yet this site has been included in the Final Reg19 consultation without any prior disclosure or local consultation, not even with, as has been suggested, our local District Councillors for the Parish until the Reg19 final JLP was disclosed. This disclosure being almost immediately after the Districts own officer acting as case officer defending the Hopkins Home Appeal had submitted the District Council Case apparently unbeknown to him as well.

What to make of this we are unsure, but the circumstances reveal contradictions that at best reveal incompetence in the allocation of this site whilst circumventing massive public objection, strong objection from democratically elected councillors, the opinions of the democratically elected planning committee and issues around the practical deliverability that make the allocation of this site unsound.

Giving evidence to the Planning Inspector at the Appeal we were surprised when we heard evidence that Hopkins Homes had had no communication with BMSDC in relation to the inclusion of this site in the JLP allocations and it was a surprise to them.

This raises some questions.

If that is so how has BMSDC made a sound judgement on the deliverability and Viability of this site which in other cases we are aware of involves interaction with potential developers and landowners.

But assuming that is correct how is it that when the planning Consultant Alex Roberts produced his ‘Rebuttal to Proof of evidence of Steven Stroud’ report it provided the date that the HIA Part 1 Strategic Appraisal was presented to the council to consider the sites inclusion in the JLP, the date the draft version of the HIA Part 2 was submitted to council and the actual date the final version was submitted to council none of which we can find in any documents released with the Reg19 release of the JLP at that time.

Leading from this we are somewhat confused over whether LUC who conducted the HIA in its Stage 2 physical site assessment had access to the field if there was no contact with Hopkins Homes or anyone involved with them to gain access. If they requested permission to enter and survey the site this must have at least raised questions about ‘for what purpose’. If they didn’t, did they simply trespass or not examine the views from within the site itself?

We then have concerns about the itinerary of events that have led to the inclusion of this site in the JLP.

LUC were contracted in February 2020 to conduct a further HIA due to criticisms raised by Heritage England in how the previous HIA had been conducted. We have no idea why or exactly when this site was introduced to be considered under Part 1 of this HIA but it is feasible to assume it was before the Council Rejected the Hopkins Application in April 2020 which without the second refusal would make it logical.

Courtesy of Alex Roberts we know that this HIA Part 1 report was given to the council in May and at some point after this the site was chosen for inclusion in the Part 2 HIA.

The refusal of the application and level of objections were not secret, and it is hard to believe it was not common knowledge within the BMSDC Planning Office especially when one considers the case officer and the officer leading the JLP project are married.

So, we find it quite incredible that the opinions of the Planning Committee, the massive level of local objection, associated reports including those of the councils own Heritage Officer appear to have been ignored and undermined and the team constructing the JLP have embarked on a line that undermines the Planning Committee, their own Heritage Officer and avoids the almost certain level of public objection they would receive by undertaking a proper public consultation on the suitability of the site by only disclosing its inclusion at the final Reg 19 stage.

Further to this we have objections to the LUC Heritage Impact Assessment which is now associated with the Section 19 JLP again without being subjected to the type of public scrutiny of the section 18 consultations.

The wording used in the LUC Part 1 HIA strategic appraisal report in relation to this site are restrained ‘*possible direct impact and setting change’* ‘*potential visible setting chang*e’ where as other sites are given more robust terminology. From this the decision was made which sites to put forward to stage 2. We find it impossible to understand why this site was not dismissed at this stage without some consideration of the second refusal by the planning committee despite this clearly underplayed terminology. The site by this stage had been rejected twice on Heritage Impact issues and yet based on a desktop survey not involving a site visit no consideration was given by LUC, or indeed by the Council Officers making the choices for site allocations, to the careful consideration by the planning committee based on direct evidence, examination and information on this site that identified the Heritage Impact issues.

This site should have been rejected at this stage based on the available evidence to the council or anyone else interested in this site that showed that the heritage impact was more than ‘*potential*’ or just ‘*possible’*

We are also concerned that the council having put this site forward for Stage 2 of the HIA that in the HIA Stage 2 Asset Scoping Report the relevance of the field itself, the Main Roman Road and the ancient hedgerow associated with that, and that Listed buildings in Bramford including the Grade 1 Church have been overlooked. We are also concerned that the relevance of Farm buildings to the north have also been scoped out because of the intervening vegetation which is primarily the ancient hedgerows which have for a few decades, a mere blink in their centuries of existence, have been ignored and allowed to become overgrown by the landowner who will benefit financially from this sites development and the hedgerows demise.

Then if that is insufficient grounds for this HIA to be reconsidered in respect of this site we come to the individual site assessments. We are still unclear of the access to the site gained and therefore its accuracy due the confusion and apparent contradictions about the developer having any knowledge of this site allocation. Combined with the overlooked and scoped out assets not taken into account there is certainly good reason to question its accuracy.

However taking all of that into consideration we then find that the site actually still has the highest cumulative High and High/medium adverse impact scores of any site considered in the Part 2 assessment. The LA051 Bottesdale and Rickinghall site which was the next highest scoring was dropped from the allocations why not LA116? What is more any site approaching these levels of High High/Medium adverse impact were recommended to provide much longer open/visual spaces /separations than that recommended for this site. To have applied levels of separation equal to those applied to similar adverse impact levels would have excluded all of this site.

This HIA Stage 2 makes recommendations to minimise adverse impact we disagree with as it would have other adverse impacts. But even so this is to set all the development on the West side of the site alongside Lorain Way and the JLP then interprets this textually into a fairly accurate resume of the Hopkins Homes approval which only achieves this number of homes by coming further into the centre of the field, as far as the Flood Plain and Gas main will allow, and by Building along the Sothern end of the site close to the Heritage Assets all against the HIA recommendation. For the JLP projection of 50 homes to agree with the HIA recommendations development would need to be in a ribbon development stretching to the boarder of Bramford alongside Lorain Way which would have to be out of character with the heritage and potentially impossible as the north of the site is both within flood zones, under Electric Pylons and over a gas main.

Basically for development on this site to conform to the recommendations of LUC’s HIA part 2 assessment for the JLP and at the same time be contained within the area that can be developed due to practical limitations only about a half of the area needed for 50 homes would be available unless they were flats and built out of character and in conflict with the heritage aspect.

We also note this site is not included in the Pre-Submission (Regulation 19) Habitats Regulations Assessment associated with the JLP which as an allocation of 50 homes it should which may be a consequence of the way this site appears to have been shoehorned into the JLP assessment at short notice, and again avoiding proper consultation and scrutiny. It has not been possible to check if this site allocation has been left out of any other assessment that it was required to be a part of but if it has been ignored from the Habitats Regulations Assessment this site has failed to conform with the allocation process and if proper assessment of practical viability has not been considered against the land restrictions, HIA and in consultation with the land owner/developer there is every reason to suspect other failures in the assessment process will emerge. The allocation is therefore unsound.

So this allocation appears to be rushed and inadequately thought out both in the HIA and the sites allocation. This has happened covertly whilst undermining the Planning Committee and in a manner that has circumvented public scrutiny of its suitability at Reg18 consultation which is clearly very strong by the evidence of the objections to the Hopkins Homes application.

Summary

Sproughton Parish Council objects to the covert allocation of this site at Reg19 circumventing public consultation or scrutiny. Based on a flawed heritage assessment, overlooked in the Habitat assessment, ignoring its practical land restrictions, proximity to MSDC, massive public objection and the reasons for twice being rejected by Planning Committee. The requirements are contradictory, unacceptable and undeliverable and the method by which it has come forward is surely undemocratic.

Changes

The allocation of site LA116 should be removed from this JLP as it has significant heritage, historical, community, infrastructure, coalescence and public concern issues which have either not been accurately or adequately considered or examined by this JLP or simply circumvented and ignored. This site has already been a matter of dedicated examination by the Planning Committee who have rejected it twice.