Greater Norwich Development Partnership

An update for Members on the Legal Challenge concerning the adoption of the Joint Core Strategy, December 2011

This is an update on the Legal Challenge to the adoption of the Joint Core Strategy. The case was heard at the High Court, by Mr Justice Ouseley, on 6th and 7th December 2011.

Richard Harwood, Barrister for the claimant Stephen Heard, detailed the three grounds of the claim and advised that Ground 3, concerning conformity of the JCS with the Regional Strategy, would not be pursued.

The hearing therefore focussed on the remaining grounds of the claim:

- Ground 1: The adequacy of the Sustainability Appraisal in meeting European and National legal requirements, particularly in relation to the choice of the spatial locations for the growth and to potential alternatives to policies in the JCS
- Ground 2: The major road link to Norwich needed to service the growth in the Broadland area at the heart of the Broadland part of the JCS was not assessed at all as part of the process.

The judge challenged both parties fairly vigorously on both of the claims. There was detailed discussion on Ground 1 of the claim about the clarity of reporting in the Sustainability Appraisal Report, September 2009 and whether this met the requirements of Article 5[1] of the SEA Directive. William Upton, barrister for the GNDP, took the Judge through preparation of the various stages of the Sustainability Appraisal that supported the Joint Core Strategy consultation process from Issues and Options to the final Environmental Report.

Ground 2 of the claim, in respect of the NDR, was well understood by judge and our barrister was able to deal with the points raised.

Reporter Dan Grimmer was in attendance at the hearing and there has been coverage in the local press this week. It should be noted that these articles include a number of sound bites from the case, not all of which are from the judge.

Judgement is reserved and it is unlikely that we will receive the Judge's decision until the next legal term, which means early next year.

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