

Joint Core Strategy for Broadland, Norwich and South Norfolk, Broadland Part of Norwich Policy Area Examination

Matter 01: Legal Requirements

Written Statement on behalf of Landstock Estates Ltd
Landowners Group Ltd and United Business and Leisure Ltd

1. Whether the part JCS complies with the legal requirements in the production of the Sustainability Appraisal?

Q1.2. In the light of the councils' response in SDJCS 7 and 8, would representors say whether all the reasonable alternatives been identified with the reasons for the selection? Is there any other evidence that representors, in the light of the councils' responses, want to place before me to help me decide whether these are reasonable alternatives?

1.1 **No.** The SA has not assessed all the potential reasonable alternatives. In particular, the SA has not assessed a growth scenario that assumes the non-delivery of the Northern Distributor Road (NDR) but the provision of a smaller link road. The SA has not assessed a 'Plan B' scenario of the type set out in Appendix 3 of Barton Willmore's submitted representations to the Joint Core Strategy Proposed Submission Content Publication [August 2012]. The effect of this is that there is a strong possibility of a reduction in the quantum of delivery in the growth area over the plan period and in the annual rate.

1.2 The SA [SDJCS3 – 3.3], SDJCS 7 and SDJCS 8 has not had due regard to a 'Plan B' scenario. It has not assessed the potential to deliver only part of the 9,000 dwellings (released by a smaller link road) and the redistribution of the remaining housing requirement in other parts of the NPA. Whilst the SA has considered alternative locations in the NPA, it has not appropriately carried forward these alternatives options into the submitted Plan, as the SA concludes that 9,000 dwellings can be achieved in Broadland in the plan period and therefore no reasonable alternatives need to be assessed further [SDJCS 3.1 para 4.5.14]. The SA has not robustly tested a slower rate of delivery.

1.3 The SA has also incorrectly concluded as to the suitability of alternative locations and their potential to accommodate development. By way of example only, SDJCS 7 [pgs 19 – 21] identifies that additional dwellings in Wymondham should be limited to 2,200 dwellings due to the capacity of the existing High School (SDJCS 8 p64 repeats this position). However, there is no robust evidence base to support this assumption (this point has been made in representations by Barton Willmore to South Norfolk Council in the Wymondham Area Action Plan 2nd Public Consultation (Regulation 18) Preferred Options Consultation (28 January – 22 March 2013)). Consequently, along with not testing all reasonable alternatives, the SA has also excluded the potential to redistribute housing growth within other parts of the NPA based on a flawed evidence base.

1.4 Whilst we recognise the scope of the Examination may only relate to part of the Broadland part of the JCS, the consequence of (a) not assessing a 'Plan B', and (b) incorrect

assumptions on the evidence base/SA, the GNDP has failed to consider suitable alternative strategies that may be required to be implemented in the event the NDR is not delivered.

1.5 The NDR is a showstopper to delivering the full housing requirement in the Plan period (i.e. Alternative 1).

Q1.3. In the light of the councils' response to SDJCS 7 and 8, would representors say that the selected reasonable alternative sites' assumptions are correct in terms of housing numbers likely to be delivered?

1.6 **No.** We do not consider the Broadland part of the NPA can deliver 9,000 dwellings within the plan period (refer to BW Hearing Statement relating to Matter 02 Q1.2). The plan is therefore not '**effective**' and does not accord with the NPPF [para 153] as the JCS (both the adopted parts and the parts subject to this examination) as it cannot respond flexibly to changing circumstances. In order to be flexible, alternative strategies (and locations outside of Broadland but within the NPA) need to be identified within the JCS.

1.7 We consider this approach is within the remit of this examination by either one or both of the following:

- i) a review and re-consultation of the SA to appropriately assess reasonable alternatives (the Cogent Land route), or
- ii) a main modification to introduce a new policy that refers to a reserve site policy to be prepared in other parts of the NPA.

1.8 Barton Willmore previously set out the need for an additional policy within our submissions at the original JCS examination Hearing Sessions (October 2010) to provide for a mechanism for flexibility. This approach has been successfully undertaken at other Core Strategy examinations (Horsham District Council) and is considered pragmatic, positive and proactive. A draft policy is set out below:

Policy 10a 'Managing the Release of Housing Land'

The release of land for housing will be managed in order to deliver the overall level and nature of development indicated in Policy 9 over the period to 2026 and to give the necessary priority to the reuse of previously developed land within built-up areas. The adequacy of housing land supply will be assessed through monitoring and will be addressed through the preparation of an Annual Monitoring Report.

Depending on the results of monitoring it may be necessary to adjust the pace of delivery of housing by bringing forward, or holding back, new development.

Through a separate AAP/DPD, additional land will be identified in the Main Towns to be held in reserve, and any release to be managed in accordance with specified criteria.

1.9 Explanatory text to this policy could read as follows:

"The primary objective is to secure a sustainable pattern of development. Accordingly, the emphasis will be upon maximising the contribution to the NPA's objectively assessed housing needs. However, in order to ensure that sufficient land is identified to meet the annualised housing requirements in the short term and to accommodate any shortfall in the forecast rates of supply over the plan period, further land may be identified under Policy 10a and held in reserve. Mechanisms will be set out for monitoring and managing the release of land, including identifying the circumstances under which such reserve land would be released."

Q1.4. In the light of the councils' response in SDJCS 7 and 8, have the significant environmental effects of the reasonable alternatives been correctly assessed?

1.10 **No.** As set out above, the SA has been based upon flawed evidence base and assumptions – particularly relating to the capacity of Wymondham High school. As a result, potential alternative strategies have been 'dismissed' prior to their serious consideration as a reasonable alternative strategy. The environmental effects of the reasonable alternatives have therefore not been correctly assessed.

1.11 The 'Alternative 3' option was rejected due to concerns about 'market choice' and the conflict with the existing JCS allocations in other growth locations. In addition, the character of settlements was considered to be affected [SDJCS 3.2 P79]. This is an incorrect conclusion as the same 'market choice' argument can be made in the NEG. In addition, it is the NPA as a whole that has a requirement to meet the housing need and growth locations are required to meet this need. The impact of development can be positive in this respect and therefore whilst the character of a settlement may change, this can be in a positive way (i.e. sustainable development).

Q1.6. Is it correct that the selection of the submitted JCS proposals Alternative 1 has been assessed in the SA report as being partly dependent on the delivery of the Northern Distributor Road (pages 62, 63 and 80 of SDJCS 3.2)? Is this realistic (see 3.4.11 last bullet and 4.11.23)?

1.12 **Yes but this is not realistic.** Alternative 1 is fully reliant on the delivery of the NDR. It appears that there is an opportunity to deliver 1,600 dwellings prior to the delivery of improvements to the Postwick Junction. Additionally, the JCS advises that a further 1,600 dwellings can be delivered following improvements to the Postwick Junction and prior the NDR [p95 of the submitted JCS]. However, it is unclear whether or not part of this capacity has already been taken up by existing commitments (refer to Barton Willmore Hearing Statement Matter 02 Q1.3 and Appendix 2). The GNDP has not yet confirmed what the maximum capacity of dwellings is if Postwick Hub and the NDR is not delivered. Alternative 1 is for the delivery of 7,000 dwellings in NEG. Without the NDR, Alternative 1 will not be achieved and this should be tested as part of the SEA/SA process.

1.13 Notwithstanding this position, the delay to the delivery of the NDR (assuming it comes forward in the first place), already has had a fundamental impact on the ability for NEG to deliver 7,000 dwellings within the plan period and consequently, on the annualised rate and 5 year supply. Therefore, it is not realistic to conclude that the housing requirement will be met in the plan period (refer to Barton Willmore Hearing Statement Matter 02 Q1.2). The strategy therefore fails to meet the objectively assessed housing needs as required by the NPPF and is 'unsound' in this respect. An alternative strategy must be brought forward that can deliver the overall housing requirement in the NPA in the plan period i.e. a hybrid of Alternative 1 and Alternative 3. However, further consultation on this option is necessary (as set out in para 1.7 above).

PLEASE NOTE: Following the Inspector's direction at the Pre-Hearing Meeting on 16th April 2013 (para. 19 of the Meeting Notes¹) separate legal submissions will be submitted by Mr John Pugh-Smith of Counsel

¹ 19. The Inspector asked if the parties could bear in mind and later address him on (if it became necessary) his concerns about housing solutions which went outside the Plan area (as expressed in his letter to Barton Wilmore of 25 March on the Examination web site); and also paragraphs 103 (4) & (5) and 106 (1) & (2) in the Cogent court case where the Judge commented that the Core Strategy should be of a broad strategic nature which did not pre-empt later plans – did that apply in this case, given the 2012 Local Planning Regulations?