

**Representation on:** Matters 2 + 3 (all Parts)  
**Representor ref.:** 11743  
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Greater Norwich Development Partnership (GNDP)  
c/o Programme Officer  
1 Lower Farm Cottages  
Puttock End, Belchamp Water, Sudbury, Suffolk  
CO10 7BA

7<sup>th</sup> October, 2010

Dear GNDP

Examination of JCS – Broadland, Norwich and South Norfolk Council

I only made one comment, late in the day, at the “Changes” stage, as follows:

Representation ID: 11743

Document: Statement of Focussed Changes (Joint Core Strategy)  
Section: FC1 Housing Delivery and supporting text  
Support/Object: Object

It will not be possible any longer to provide any housing that will be "affordable" at any price, due to A) the local, national and global economy being in crisis for the foreseeable future and B) the carbon dioxide and other pollution targets already set by the UK Government and the EU.

Housing is no longer affordable whether you are the Builder, the Investor, the Buyer, or the Vendor of an overpriced house. It is especially no longer affordable to the environment - the cost to clean air, plentiful water, wild flora and fauna, is far too great.

CHANGE TO PLAN

Withdraw entire Document, with apologies, stating that it has been realised that in order to comply with EU and UK law on carbon emissions alone, let alone the Wildlife and Habitat Statutes and Conventions of the EC and the UK, no further LARGE SCALE construction or infrastructure activity can be undertaken for the foreseeable future - or until such time as population and resources in Great Britain return to a sustainable level.

Soundness Tests:

- i. Justified - NO
- iii. Consistent with national policy - NO

*Preliminary Remarks*

This is an over-arching comment which questions the soundness of the Joint Core Strategy (and the Local Development Framework) in the context of the International Law on the Environment on which our EU and UK statutes are based when it comes to matters of Sustainable Development, Climate Change, Emissions Reduction, Habitat Preservation, etc. So I hope my comment can be considered retro-actively as a comment on the basic text of the JCS (and the LDF), not just the Focussed Changes. As a Statute and UN Convention / UN Charter -driven comment, it is relevant to all the Matters, naturally, but I have selected Matters 2 and 3 (all Parts). The Inspectors assessing whether the development document under examination is sound under s.20 of the Planning and Compulsory Purchase Act 2004, have been given nine criteria or tests of soundness (in PPS12, not a legal document or a law by the way). So strictly

speaking, my comment only squeezes in on the last test “ix. the plan is reasonably flexible to enable it do deal with changing circumstances.” However this last test is a crucial one, and I note that on 23<sup>rd</sup> September 2010, the Policy Group of the GNDP very properly stated that “The Policy Group will recommend to their individual councils they should proceed with the JCS *They also agreed to review the Strategy in a timely way to ensure that it continues to be compatible with the wider political and financial context.*” (My emphasis.)

I now therefore proceed with my Statement, which is intended to give chapter and verse for the rather sweeping Representation made on-line; obviously the Statement is the same for both Matter 2 and Matter 3, in the circumstances.

**1. LDFs are not Law:** The Local Development Frameworks on which Joint Core Strategies are based nationwide are not Law. To quote the opening words of PPS12 (the Government guidance on LDFs: “1.1 This Planning policy statement sets out the Government’s policy on the preparation of local development documents which will comprise the local development framework. The Local Development Framework *is not a statutory term*, however it sets out, in the form of a ‘portfolio’, the local development documents which collectively delivers the spatial planning strategy for the local planning authority’s area.” (My emphasis.)

**2. LDFs have not interpreted Sustainability correctly in Law:** The fact that LDFs (and JCSs therefore) are not any form of law (Statute, Equity or Common Law) emboldens me to state as a matter of fact, not opinion, that the GNDP JCS under examination is hideously illegal in the wider political context, even if it complies exactly with the previous Government’s planning policy and guidelines. This is evident from the first lines of the Foreword: “Over the next two decades the population of Broadland, Norwich and South Norfolk will grow, just as it will in every part of the country. This strategy has been drawn up to prepare for this, enabling us to make sure that growth is carefully managed. It sets out details of how we will ensure that future demands for homes and jobs are met in ways that are sustainable and do not detract from the unique character of the area.”

No. Populations cannot grow sustainably nowadays. This is a contradiction in terms for all developed countries, because they reached the pinnacle of sustainable development decades ago – international law only permits developing countries any leeway these days, and developing means developing up to a point – i.e. many countries which were “developing” 10 years ago are now “developed” (or even “overdeveloped”, a term not yet in use in international law). National law is supposed to derive from international law when it comes to climate change and other environmental matters, but many planning laws and directives (and therefore LDFs) do not comply, because they have become out of date. Indeed it is difficult for us as a species to keep up with the pace of change, through our laws or anything else.

Excuses aside, it is clearly now illegal to base policy at any level – local or national – on “Growth”, of population or anything else, unless you are a country like Burma or Papua New Guinea (or unless you have refused to sign the Climate Change Convention and/or its Kyoto Protocol). The race is now about how to reduce population, reduce housing and other construction, reduce road transport of any kind, increase “sinks” to absorb greenhouse emissions, increase wildlife habitat, and increase farmland (provided it is farmed sustainably). So the JCS is in the wrong race, to be honest. It needs to be torn up and written for participation in the right race.

**3. Review of the JCS “in a timely way” (Policy Group, based on PPS12 4.24.ix):** The “timely” time is now, whilst considering minor alterations – that is why I am ploughing on with my Representation. (Though I am happy to make it again when overall Policy is actually on the table.) Why now? – because we are all late in catching up with the breakneck pace of change on our planet, and with the slower but still relatively fast pace of the great laws enacted since the 1970s to try and halt the juggernaut of Progress before it hurtles over a cliff.

The time is also now, because the mismatch between the ideology of Environmentalism and the actual practice of both Public and Private Sectors (and the growing “Third Sector”) is making the general public both cynical and angry, and making them reluctant to take part in any “climate scam”. The mismatch appears deliberate, in that the words and warnings of the great environmentalists, and of the great lawyers who have put their observations into law, are only used by governments and industry in order that not only can profits continue but – outrageously – additional profit can actually be made out of attaching new labels to old forms of business and bureaucracy alike.

The time is also now because (omitting several earlier attempts) the demand for brakes on the juggernaut started in earnest 50 years ago. The timeline can be set out in a drastically curtailed way (with a lot of EU legislation skipped) as follows:

**1960s:** The three great heroes of world environmentalism (all British or of British stock) start to sound the alarm loudly, and more importantly, persistently and without let up, until the world and more specifically the United Nations, takes heed. The three people are Peter Scott, Gerald Durrell, and Rachel Carson and the quickest way of confirming this is to watch the programme shown on BBC 4 on Tuesday 5<sup>th</sup> October 2010 at 21.00 called “When Britain Went Wild” – the humorous title is misleading, this programme brings home just how deadly serious these matters are, and how it has taken until now for them to filter through to local government policies and actions.

**1982:** The United Nations ratifies the World Charter for Nature – this is appended and I rely on all of it as the proof behind my extra-ordinary comment that the current JCS is neither justified nor compliant with legislation (by the way, the same applies to every other JCS in the country I should think, and all I am doing is giving Norfolk the opportunity to be the first to become compliant or at least try to become compliant). Since 1982, the World Charter for Nature has been eclipsed by the Climate Change activity listed below, but it remains far the most important document of all, and one that would be very difficult to subvert in the way that Climate Change has been – that is why it has been buried instead.

**1992:** The United Nations ratifies the Framework Convention on Climate Change (UNFCCC). I am not providing it, as it is a famous document and every word must be familiar to all administrators and legislators in the signatory nations. I remind everyone that Article 3 para 1 says “... the developed country Parties should take the lead in combating climate change and the adverse effects thereof”. And that the Convention throughout continually refers to the importance of “Sinks” meaning “any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere”. The JCS is destroying Sinks, and creating “Sources” (“any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere”).

**1997:** The United Nations adopts the Kyoto Protocol to the UNFCCC. I am not providing it, as it is a famous document – and is about to be amended and strengthened this week in Tianjin. Please note that in Annex A, Nitrous Oxide is named as one of the six principal greenhouse gases and that amongst the sources of greenhouse gases is Transport (and “Other” and “Other sectors” of course). Although the concentration of nitrous oxide in the atmosphere is considerably lower than that of carbon dioxide, the global warming potential of nitrous oxide is over 300 times greater. Nitrogen compounds have a greater global warming potential, could lead to more exaggerated climate change problems, and cause havoc with health and the environment to boot ([www.thenakedscientists.com](http://www.thenakedscientists.com)). In order to comply with legally binding Greenhouse Gas reduction targets, the UK needs to reduce existing car use, and prevent altogether any increased dependency on private cars. It therefore seems unlikely that NEW houses with garages and parking spaces outside are even legal any longer, and any NEW streets around them need to be open to buses and dustcarts and taxis etc., but not to private cars.

**2008:** The UK Parliament passes the Climate Change Act 2008. I have not appended this, it is plainly a national UK enforcement (the first in all the world I believe) of the Kyoto Protocol. In an Impact Assessment of the Act in March 2009, it is stated that “There is an overwhelming body of scientific evidence highlighting the serious and urgent nature of climate change, largely due to emissions of greenhouse gases (GHGs) as a result of human activities such as the combustion of fossil fuels and *changing patterns of land use.*” (My emphasis.) It is also stated that “At the 2008 Hokkaido summit, the G8 endorsed the target of reducing global greenhouse gas emissions by 50% by 2050. .... At the October 2008 Council, EU Heads of Government also agreed the long-term objective of developed countries collectively reducing emissions by between 80% and 95% by 2050. .... At the December 2008 European Council meeting, agreement was reached on a package of legislation to achieve the unilateral 20% reduction in emissions by 2020.”

**2010:** The Committee on Climate Change (required by law under the UNFCCC to be established by each Party in their respective Nations), publishes the first national assessment of how well prepared the UK is for climate change. This is appended. Mitigation is no longer enough, a change is going to come and Adaptation to it is now included in the requirements. The assessment states that some progress has been made, “*but crucially, ... very little tangible action has taken place on the ground*” and it goes on to list 5 priority areas where we should now be “*moving on from talking about adaptation to taking action.*” (My emphasis.) Area 1, you will see, is Land Use Planning and examples are given such as not building new homes on flood plains and maximising use of green space in cities. These are only examples, and are not in fact anywhere sufficiently drastic, either for combating climate change as the Climate Change laws instruct, or for preserving habitat and the entire web of life as the World Charter for Nature instructs.

**2020:** The EU hopes to achieve a 20 per cent reduction in emissions.

**2050:** The EU hopes to achieve an 80 to 95 per cent reduction in emissions.

**4. The Governor on the steam engine has snapped:** when this happens the engine runs faster and faster until it rips itself apart, i.e. it does not self-regulate by slowing down at intervals. Something has got in the way of the implementation of the “Governor” laws which aimed to implement the warnings of Peter Scott, Gerald Durrell, and Rachel Carson, and that something is a combination of ignorance of the importance of (and history behind) environmental law, together with the natural

human appetite for growth. Unfortunately we have reached a stage where our natural appetite for growth has to be curbed by law – and it has been. But the laws are not being obeyed. It is not clear, by the time they filter down to local authority level, just how stark and stringent they are. Guidelines to the law, even if they come from government, do not really bite the bullet, or grasp the nettle if you prefer. They ought to state firmly that no action will work unless human activity itself is drastically reduced, as if we were fixing the broken “Governor” on a steam engine.

### **Conclusion and Recommendation**

In short we have reached a point where total inaction on the construction front may well be the best course for a few years, and the most lawful one as well. The JCS ought to be rewritten to reflect this legal and physical reality (retaining the planning process for renovations and repairs and extensions only, because even self-building your own home is open to fraud and deceit). If that rewriting did happen it would certainly be a historic document and another first for the United Kingdom. I do recommend that any rewriting is set out as a section by section response to each numbered section of the World Charter For Nature 1982, showing how:

Part I General Principles,

Part II Functions, and

Part III Implementation,

can be put into practice in the county of Norfolk at local authority level.

The last section of the Charter For Nature says: “24. *Each person has a duty to act in accordance with the provisions of the present Charter; acting individually, in association with others or through participation in the political process, each person shall strive to ensure that the objectives and requirements of the present Charter are met.*” The Charter is telling us, don’t mind if your organisation or firm isn’t on board, you have the right under international law to make your own judgment on this one. All over the world it is the poor, the disabled, the very young and the very old who are the most dispossessed by overdevelopment. The UN lawyers knew this is how it would be, that is why they gave individuals instructions to act if their administrators failed to do so. But it also gave administrators instructions to act if their bosses (public or private) fail to do so. Because administrators are “persons”, believe it or not.

Edith Crowther

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#### APPENDED DOCUMENTS:

- U.N. General Assembly A/RES/37/7 - World Charter for Nature (3 pages)
- Committee on Climate Change – September 2010  
ASC Report “How well prepared is the UK for climate change?”  
(Press Release, not full Report) (3 pages)

