

1 February 2013

Mr Steve Carnaby
The Planning Inspectorate,
3/25 Hawk Wing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol BS1 6PN

Dear Steve,

**Town and Country Planning (Local Planning) (England) Regulations 2012:
Regulation 22**

Submission of documents and information to the Secretary of State

I am writing to you on behalf of Broadland District Council, Norwich City Council and South Norfolk Council to formally submit 'The Joint Core Strategy for Broadland, Norwich and South Norfolk: Submission Content addressing the Judgment of Mr Justice Ouseley in *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council*' for examination by the Secretary of State. I ask that this letter be passed to the appointed Inspector to introduce the Inspector to the Submission context and documentation.

This submission relates to the parts of the Joint Core Strategy that were remitted following the decision of the High Court by Mr Justice Ouseley on 24 February 2012, in the case of *Heard v Broadland District Council, South Norfolk Council and Norwich City Council* [2012] EWHC 344 (Admin).

It is important to understand that this submission is not a review of the whole Joint Core Strategy (JCS); the parts of the JCS which were remitted by the High Court were set out in detail in the Court Order. Those parts of the JCS not subject to the remittal remain adopted by the local planning authorities, and do not form part of this submission for examination.

The JCS has been prepared by three local planning authorities: Broadland District Council, Norwich City Council and South Norfolk Council. These three councils, together with Norfolk County Council, have continued to work together as the Greater Norwich Development Partnership (GNDP). The Councils have undertaken further work to reconsider the remitted parts of the JCS.

To aid the understanding of the submission, this note is written as a guide to the scope and content of the submission, the key issues and as to where the detailed information can be found in the evidence base.

Jobs, homes, prosperity for local people

The submission documents and evidence base

There are a large number of documents that are relevant to this submission. I have listed these in tabular form, as Tables A to D, accompanying this letter. These include the submission documents, the evidence base and other supporting and background documents.

The documents listed in Table A are the required submission documents, along with copies of the Greater Norwich Development Partnership Board Reports and Minutes. I have provided a hard copy of all the documents listed in Table A and I suggest that these are essential reading. These documents are also available on the CD and through the GNDP website: <http://www.gndp.org.uk/our-work/joint-core-strategy/evidence-base/>

The GNDP Board reports and minutes are included in this section as they provide a useful overview and explanation of the outcome of the Legal Challenge, the new work that has been done to identify the most appropriate alternatives and a summary of the issues that were raised in the representations received in accordance with Regulation 20.

The documents listed in Table B are all new and updated evidence that have been produced since the adoption of the JCS in March 2011. The documents in Table B are the next priority in the suggested reading order. They include the Inspectors' Report on the JCS examination (doc AD.2, which has also been included in hard copy). The documents listed in Table B are included on the CD, and are also available through the GNDP website. If the Inspector would like hard copies of any of these documents these can be provided.

Table C is a list of background documents produced by the individual Local Authorities and these are available through the GNDP website. If the Inspector would like hard copies or electronic copies of any of these documents, these can be provided.

Table D lists all documents that were produced (up to March 2011) in the preparation and examination of the Joint Core Strategy. These are available through the GNDP website. Again, hard copies or electronic copies of these documents can be provided.

The adoption of the JCS and the High Court Judgment

The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted by each of the three local planning authorities in March 2011. One legal challenge to the adoption of the JCS was received on 3 May 2011 from Stephen Heard, Chairman of Stop Norwich Urbanisation. The High Court delivered its judgment on 24 February 2012, and the judge published his final order on 25 April 2012 (see doc SDJCS 2). In summary, whilst several of the grounds were dismissed, Mr Justice Ouseley found that those parts of the Joint Core Strategy concerning the Broadland part of the Norwich Policy Area, including the North East Growth Triangle (a total of 9,000 dwellings) should be remitted for further consideration and that a new Sustainability Appraisal for that part should be prepared. All the other policies in the Joint Core Strategy remained adopted,

including those that relate to housing numbers and distribution throughout South Norfolk and Norwich City and in that part of Broadland that lies outside of the Norwich Policy Area.

To comply with the High Court Order, the parts of the JCS remitted by the judgment have been treated as having been taken up to the Regulation 19: Publication of a Local Plan Stage (previously known as the 'pre-submission stage'), and as not having been examined or adopted. The parts of the JCS that are to be treated in this way are set out in detail in the Order.

Since then, the local planning authorities have carried out the necessary further work and public consultation required before the plan could be submitted for examination. They have also taken into account the National Planning Policy Framework, the Duty to Co-operate, the effect of the revocation of the East of England Plan and the progress that has been made on the other parts of the Local Plan in their areas. They consider that the text of the remitted parts of the JCS is sound. As the Inspector will note, although the submitted text is in substance the same as the text that was submitted for adoption in 2010/11, its content has been assessed and considered on the basis of the new and updated evidence.

The Submission Documents

There are 16 submission documents, and these have been given the reference 'SDJCS'. SDJCS 1 is the adopted JCS marked up to show the submission content which is the subject of the examination in the context of the whole plan which is and remains adopted. The submission content is shown in the schedule included in SDJCS 2.

The full list of SDJCS documents is:

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|-----------|--|
| SDJCS 1 | Joint Core Strategy for Broadland, Norwich and South Norfolk, highlighting Submission content |
| SDJCS 2 | Joint Core Strategy Proposed Submission Document, including a schedule of proposed submission content, High Court Judgment, Order and Mr Justice Ouseley's accompanying note to the Order. |
| SDJCS 3 | Sustainability Appraisal Report for the Broadland part of the Norwich Policy Area following the High Court ruling of 24 February 2012, comprising: |
| SDJCS 3.1 | <ul style="list-style-type: none">• Non Technical Summary |
| SDJCS 3.2 | <ul style="list-style-type: none">• Main Sustainability Appraisal Report |
| SDJCS 3.3 | <ul style="list-style-type: none">• Technical Appendix |
| SDJCS 4.1 | Policies Maps 32a, 33, 34, 38 and 40 highlighting consequential changes |
| SDJCS 4.2 | Policies Maps 19, 41a, 41d, 41e, 44a, 44b, 44d, and 44f highlighting consequential changes |

SDJCS 5	Statement of Compliance with Statements of Community Involvement and Position Statement
SDJCS 5.1	Broadland District Council Statement of Community Involvement Update
SDJCS 5.2	Norwich City Council Statement of Community Involvement
SDJCS 5.3	South Norfolk Council Statement of Community Involvement
SDJCS 6	Statement of Consultation and Position Statement
SDJCS 6.1	Summary of Issues Raised Regulation 25 Technical (this document was previously available as part of the JCS examination, and was labelled JCS 8)
SDJCS 6.2	Summary of Issues Raised Regulation 25 Public (this document was previously available as part of the JCS examination, and was labelled JCS 9)
SDJCS 7	Report on representations (including Regulation 22 (1) (c) Statement)
SDJCS 8	Summary of representations made under Regulation 20 with officer comment
SDJCS 9	Copies of all representations made in accordance with Regulation 20
SDJCS 10.1	Habitats Regulations Assessment and Supplementary Statement December 2012
SDJCS 10.2	Habitats Regulations Assessment Addendum June 2012
SDJCS 11	Diversity Impact Assessment for the JCS Submission Content
SDJCS 12.1	Local Development Scheme for Broadland
SDJCS 12.2	Local Development Scheme for Norwich
SDJCS 12.3	Local Development Scheme for South Norfolk
SDJCS 13	Community Strategies Position Statement
SDJCS 14	Updated Homes and Housing Topic Paper
SDJCS 15	NPPF Compatibility Self Assessment Checklist
SDJCS 16	Statement of Compliance with the Duty to Cooperate December 2012

The key issues arising from Publication stage

The representations made on the Publication version of the JCS with the remitted text identified six main issues. The details of the publication and an analysis of the representations that were received are set out in Document SDJCS 7 (“Report

on representations – including Regulation 22 (1) (c) Statement”). Paragraphs 19 to 29 of SDJCS 7 summarise the main issues raised through the representations. These are;

1. Local Democracy and compliance with High Court Order
2. Housing Numbers and Housing Delivery
3. The distribution of Housing Growth
4. Alternative Strategies for Growth
5. The Sustainability Appraisal
6. Plan Preparation

A complete set of the representations made to the authorities is provided in document SDJCS 9. Document SDJCS 8 summarises each of these representations and provides the LPAs’ response to them.

1. Local Democracy and compliance with High Court Order

The local planning authorities consider that they have complied with the terms of the Court Order, and that this has been done in due accordance with their duties and responsibilities to their local areas. The reports to the GNDP Board and relevant minutes are included in the Submission and they set out the democratic processes gone through in preparing this Submission.

The GNDP Board is not a decision making body and all its recommendations are and were considered by the constituent GNDP authorities. The various resolutions and reports to the three local planning authorities are included with the hard copy documents supplied under the section ‘Stages in JCS Development’.

Document SDJCS 2 explains the impact of the Court Order on the Joint Core Strategy and the work that has been undertaken to prepare this submission. SDJCS 2 includes as appendices;

Appendix 1 – The High Court Judgment

Appendix 2 – Mr Justice Ouseley’s Narrative, Court Order and Schedule

The outcome of the Legal Challenge and the proposed way forward were reported to the GNDP Board on 15 March 2012. The outcome of the work to address the judgment was reported to the GNDP board on 19 July 2012. That meeting also resolved to recommend to the three district councils what they should publish as the proposed submission content.

The response to the representations received and the outcomes from that proposed submission publication were reported to the GNDP board on 13 December 2012.

The Board reports are included in the bundle of paper documents, are available on the CD and via the GNDP website, www.gndp.org.uk/our-work/joint-core-strategy.

2. Housing Numbers and Housing Delivery

One of the main issues raised in the representations concerns the number of houses that need to be provided during the plan period, and their strategic distribution. It should be noted that the overall housing totals in the JCS were not remitted by the Order and the High Court did not require them to be reconsidered. However, the local planning authorities have considered the issue as part of their review of the evidence to determine whether a more comprehensive modification of the JCS would be appropriate at this time. The evidence available does not indicate that there is a need to review the housing numbers. The evidence is discussed and reviewed in the latest version of the Homes and Housing Topic Paper (SDJCS 14), which has been updated to December 2012. It explains that locally-based evidence on housing need and delivery has been provided. This also confirms that the recent abolition of the East of England Plan requires no change to the housing numbers or other aspects of the submission document. It should be noted that the original iteration of this Topic Paper (TP4) itself considered what the justifiable housing targets should be in the absence of an RSS and this was subject to the first JCS examination.

3. The Distribution of Housing Growth

A large element of the work that has been done to prepare the Submission document has concerned itself with the consideration of the distribution of the housing and employment growth remitted. Section 4 of the Sustainability Appraisal (SDJCS 3.2) describes the staged approach that was taken to the consideration of alternative growth strategies, and how a wide range of options was narrowed down to develop 3 reasonable alternatives. The GNDP board report of 19 July 2012 (STA 13.1) compares the 3 options and sets out the case for the most appropriate alternative. The minutes (STA13.2) capture the discussion.

4. Alternative strategies for growth

A number of further strategies for growth have been proposed in response to the publication document. These are summarised in the Board report of 13 Dec 2012, (STA 15.1). Further detail on how these strategies have been considered is set out in Table 3 of SDJCS 7. It was decided that none of them needed to be considered further.

5. The Sustainability Appraisal

Several representations have queried the adequacy of the Sustainability Appraisal (SA) that has been carried out of the remitted document. These concerns overlap with key issues 1 to 4 above, and the same points apply. A number of representations also raised criticisms about the process of carrying out the SA. The SA was carried out by specialist consultants, URS, and their responses as the authors of the SA have been included in the summary of representations with officer comments (document SDJCS 8).

6. Plan Preparation

Table 3 of SDJCS 7 summarises the main themes and gives an officer response with detailed references to the evidence base.

The evidence in support of the submission document also includes the self assessment frameworks completed by the local authorities with regard to legal and procedural compliance and soundness (see document SDJCS 15). The Duty to Cooperate is covered separately in SDJCS 16. Since this is the submission of only part of the JCS, these assessments regarding the Duty to Cooperate and National Planning Policy Framework compliance relate to the submission content and not to the remainder of the plan from which the parts were originally remitted by the Court Order.

Representation at examination

I would like to take this opportunity to inform you and the appointed Inspector that the planning authorities intend to have counsel in attendance at all the hearing sessions.

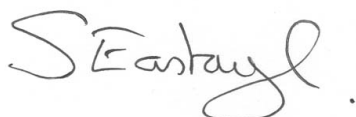
Programme Officer

Mrs Annette Feeney has been appointed to coordinate and administer the examination process and can be contacted at annette.feeney@broadland.gov.uk or on 07788 737759.

Conclusion

I trust that I have forwarded everything you require for the formal submission of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Submission Content addressing the judgment of Mr Justice Ouseley in *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council*. If you have any questions or concerns, or require any further documentation, please do not hesitate to get in touch and I shall be pleased to help.

Yours sincerely



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