

Greater Norwich Joint Core Strategy Examination

November 2010

Deliverability of Norwich Northern Distributor Road and Postwick Hub

Note by NNTAG to Examination 23 November 2010

The GNDP has made clear throughout the Examination that the Joint Core Strategy depends on the Norwich NDR. The Implementation of the JCS is therefore impossible if the NDR cannot be delivered. This note

- (1) explains that the NDR and Postwick Hub are one scheme, and Postwick Hub is no longer to be funded by the DCLG separately
- (2) summarises the requirements that Norfolk County Council will need to meet to obtain any funding for the NDR + Postwick Hub
- (3) describes the statutory procedures required for any approval of the scheme
- (4) notes that there is an alternative lower-cost highway solution for the access needs for a realistic level of growth in NE Norwich

1. NDR and Postwick Hub are one scheme

The NDR and the Postwick Hub are combined as one scheme for the purpose of Department of Transport decision-making. The Postwick Hub is no longer proposed for separate funding by the last Government's Community Infrastructure Fund (CIF).

This is made clear in the DfT's letters of 9 November 2010 to Norfolk County Council (EIP....) and 17 November to NNTAG (EIP....).

In the letter of 17 November, page 3, the DfT states "It was agreed the proposed funding for the [Postwick Hub] scheme would be transferred to this Department..... By virtue of the transfer, the funding now has to be managed within the Department's capital major scheme programme." It confirms that "the Distributor Road and the Postwick Hub scheme are being treated as one scheme."

There is no separate funding available from the DCLG. The GNDP letter to Eric Pickles dated 15 November 2010 (Doc RF-37) is wholly misconceived in asking the DCLG for funding. The DCLG is no longer involved in funding Postwick Hub; there is no longer CIF funding following the change of Government and the Spending Review.

The term 'NDR' in this paper from now on means 'NDR & Postwick Hub together'.

2. The requirements Norfolk County Council will need to meet to obtain funding

The NDR is a scheme in the DfT's 'Development Pool' This includes more schemes than there is funding for. The NDR is very costly (£137 million with Postwick Hub included) and there is no surety of any developer funding for the scheme at present.

The requirements to obtain funding for the NDR as currently proposed are stringent. There is no evidence before the Examination that they can be met.

The DfT sets out its new requirements in its letter of 12 November, the Policy Document 'Investment in Local Major Transport Schemes' dated 26 October 2010, and the Expression of Interest Questionnaire Form sent with the 12 November letter.

The Expression of Interest Form requires detailed information on a range of subjects, including cost estimates, BCR, position on development related to the scheme, cost saving potential, assessment of alternatives including those proposed by third parties, and commitments if any from the private sector towards funding.

The effect of these requirements is that the Dec 2009 Programme Entry ceases to have effect and a new bid for funding will be needed before there is any prospect of funding for the NDR.

This will be difficult to obtain. There are lower-cost alternatives (public transport solutions; the 'Plan B' advanced by Landstock Estates & Landowners Group) which will have to be assessed. There is no reason to assume that the NDR as proposed in the JCS will receive funding. The DfT letter of 17 November (page 3) states "It will now be for Norfolk CC to submit a joint best and final funding bid and also consider the scope of the scheme, its cost and lower cost alternatives..... The promoters who can make the best case are the most likely to receive funding".

The conclusion should be drawn that the NDR as proposed by Norfolk CC may receive no funding from the Department for Transport at the end of 2011. The GNDD cannot demonstrate that the NDR can be built during the life of the Strategy, as required by PPS12.

3. Statutory procedures required for the NDR & Postwick Hub

The following statutory procedures are required for the NDR.

1. A planning permission, under the GDPO procedures for development by local authorities. This application will be for a scheme which is a departure from the saved Local Plan (Broadland Local Plan 2006) and raises major issues of planning policy; it will therefore need to be considered by the Secretary of State for C&LG and may be called in for a public inquiry.
2. Side Road and Compulsory Purchase Orders, made and submitted by Norfolk CC to the Secretary of State for Transport for confirmation. Objections to such orders would be inevitable and an Inquiry would be required.

3. A public inquiry has been stated to be required for the already-published A47 Postwick Interchange Slip Roads and Side Roads Orders. This public inquiry would require the Highways Agency to propose the Orders and provide technical justification for the scheme which the Orders would authorise. The process is outlined in *Guidance on Agreements with the Secretary of State under Section 278 of the Highways Act 1980* (DfT 2007). This states that the developer funding the trunk road works must pay all the costs of the Highways Agency and the Public Inquiry (para 15). It makes clear that ‘The Secretary of State cannot fetter his discretion with regard to the making of such Orders’ (para 31). The process may lead to the Orders not being made, and is conducted at the developer’s own risk. In the case of the Postwick Interchange Orders the developer is Norfolk County Council.

The NDR cannot be stated to be deliverable within the life of the Strategy. There can be no commencement of statutory procedures for the NDR until the processes required by the DfT letter and form sent on 12 November have been complied with. The procedures may not lead to a scheme being granted permission. Even if a planning application is not called in, the Public Inquiry into the Orders could lead to their not being confirmed.

The Postwick Hub (A47 Postwick Interchange Slip Roads and Side Roads Orders) cannot be delivered separately, as was originally intended. The justification for the Orders requires justification of the NDR as a whole. A case for Postwick Hub could not be made without a full, technically justified proposal for the NDR being presented. The evidence is that Postwick Hub is not justified by itself (see NNTAG Statement on Matter 3).

In the HA – GNDP Statement of Common Ground (RF-40, 16 Nov 2001, para 5.9) it is stated that ‘The Highways Agency and the County Council are currently working together to determine the best approach to commence the public inquiry process’.

There can be no public inquiry into the Postwick Interchange Orders without there being in existence and presented an up to date and full justification of the NDR, which they are part of. An Inquiry announced without this full justification of the NDR would be unable to be held, and if commenced would be likely to be abandoned with costs awarded to objectors.

4. Alternatives to the NDR as proposed in the JCS

The existence of lower-cost and deliverable alternatives to the NDR has been demonstrated. The ‘Plan B’ proposals of Landstock Estates Ltd and the Landowners Group show

- a simple and affordable link road layout based on the Proposals Map of the saved Broadland Local Plan 2006 – see the Landstock Estates Ltd Matter 3 Statement and Appendices
- a more localised improvement of A47 Postwick Interchange without the extravagant layout and excessive land-take of the published scheme the subject of the current Highways Act Draft Orders – see Landstock Estates Ltd Matter 3 Statement and Appendices

Alternatives submitted by third parties require to be assessed – see Question 2.5 in the Expression of Interest Questionnaire sent by DfT to Norfolk CC on 12 November 2010.

