

JOINT CORE STRATEGY FOR BROADLAND, NORWICH AND SOUTH NORFOLK – INSPECTORS’ REPORT AND NEXT STEPS

1. SUMMARY

- 1.1. The report by independent Inspectors into the soundness and legal compliance of the Joint Core Strategy (JCS) has been received. It recommends that, subject to certain modifications, the strategy is sound and can be adopted. This report highlights the main issues and conclusions reached by the Inspectors, and recommends that constituent local planning authorities are recommended to proceed to adoption.

2. BACKGROUND

- 2.1. Members of the Policy Group will be aware that preparation of the Joint Core Strategy (JCS) has been a lengthy process. After earlier stages of preparation, involving consultation, the JCS has been through the legal processes necessary before it can be adopted.
- 2.2. These can be summarised as publication, submission, a pre hearing exploratory meeting, and the main examination. The first three of these have been the subject of previous discussions and consideration by Members.
- 2.3. While the examination technically covers everything from submission, the hearings which form the central part of it took place between the 9th November and 9th December, 2010, under two Inspectors appointed by the Planning Inspectorate. The hearings were arranged to focus on a number of matters
 - Legal compliance
 - Spatial vision and spatial planning objectives
 - Affordable housing
 - Sustainability, environment and design
 - The economy
 - General strategy for the growth locations, linked with transport, especially the Norwich Area Transportation Strategy (NATS)
 - The growth triangle

- The other major growth locations
 - Infrastructure delivery
 - Norwich city centre and the rest of the Norwich policy area (NPA)
 - Key service centres, service villages, and smaller rural communities
 - Main towns, except Wymondham
 - Additional hearing day (much of the focus being on contingency/flexibility, affordable housing and energy, as well as completion of one or two matters held over from earlier sessions)
- 2.4. Their report, received in late February, is attached at appendix 1. Appendices 2 and 3 are two appendices to the Inspectors' report detailing the changes required by the Inspectors, and referred to in the main body of their report. The Inspectors have also supported the inclusion of a number of other minor changes for clarity which are set out in a further appendix to their report, but which are not presented here in the interest of brevity. A copy of the minor changes appendix is available for Members' inspection at the office of each of the local authorities.
- 2.5. The changes recommended by the Inspectors are presented as alterations to the submitted JCS, which therefore needs to be read alongside them to understand their significance fully. In order to assist members, appendix 4 to this report consists of the policy content from the submitted JCS redrafted to incorporate the Inspectors' recommendations, with the changes highlighted. The full text of the JCS incorporating the Inspectors recommendations is a large document, and so has not been presented in this report, but a copy is available for Members' inspection at the office of each of the local authorities.

3. INSPECTORS' ISSUES

- 3.1. The Inspectors' report addresses an overlapping but slightly different set of issues from those used to structure the hearings. These are summarised below with a brief commentary on each.

Issue 1: Overall level of housing growth

- 3.2. The Inspectors accepted local evidence for the scale of housing required and agreed that the housing trajectory as proposed is reasonable. Recognising there is not currently a five year land supply as required by Planning Policy Statement 3, the Inspectors have agreed that the JCS identifies growth locations to help overcome this deficiency through the preparation of early

development plan documents, and/or development management decisions on early planning applications. Indeed, the Inspectors are highly complimentary of the overall approach “The authorities have seized the initiative, risen to the challenges presented by the demographic forecasts for the area, and made a proactive response which recognises the scale of the issues. The JCS sets out a sound long-term strategy for this growth and the GNDP position on this issue is worthy of support.” (Para. 9)

Issue 2: Affordable Housing

- 3.3. This is one area where the Inspectors have recommended a change, even compared with the possible changes which they advertised following the close of the hearings. They have retained the tapered approach to address viability on smaller sites, but have reduced the target of affordable housing on sites of 16 or more dwellings from 40% to 33%. The Inspectors appear to have broadly accepted the overall level of need, but not the case for front loading provision to deal with the existing backlog of housing need. This is disappointing, but the effect of changing the headline target will be mitigated by the fact that only a proportion of sites would have been able to deliver up to 40% taking into account viability. Based on the clarification of the Drivers Jonas Deloitte work requested by the Inspectors for the final day of the hearings, at current market values it is estimated that this will reduce potential delivery of affordable housing from just over 12,000 units to 11,150 by 2026. If this number can be achieved, it will represent about 94% of the currently estimated affordable housing need to 2026.

Issue 3: Gypsies and travellers, and travelling show people

- 3.4. The Inspectors have supported the proposed approach which addresses the future demise of the regional spatial strategy but will require the derivation of targets based on local evidence, moving beyond 2011.

Issue 4: Economy and employment

- 3.5. The Inspectors were extremely supportive, the only change being to clarify that more detailed planning for the Norwich Research Park will be undertaken through future development plan documents.

Issue 5: Climate change, environmental assets, design, energy efficiency and water efficiency

- 3.6. Proposals to secure water efficiency were fully endorsed and the degree of cooperation with Anglian Water, Environment Agency and Natural England in agreeing the approach was praised. Similarly, the aspiration to move away from dependency on fossil fuels and support decentralized low-carbon or renewable energy provision was supported, albeit in a less prescriptive way

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with the policy now requiring developers to show in their design and access statements how they have maximized sustainable local energy delivery. There have been some wording changes to the text around design of new development, but no major change to the approach adopted.

Issue 6: Distribution of planned growth including relationship with NATS, and individual assessments of the north east growth triangle, A11 corridor settlements, Easton/Costessey, Long Stratton and the smaller sites in the NPA

- 3.7. Each location for major growth has been supported, with the Inspectors agreeing that different approaches were required in Broadland and South Norfolk. This included recognition of the local circumstances supporting growth in Long Stratton including the facilitation of a by-pass, and a recognition that the growth triangle in the north east represents the soundest approach to accommodating the scale of growth in Broadland. The Inspectors also commented that, given the quantum of growth required, the inclusion of the Ecotown proposal within the overall planned growth was an appropriate response. They also said that redistribution of growth from the north of the NPA to the south is not a viable option.
- 3.8. The Inspectors also considered the relationship of the proposed growth distribution strategy and the Norwich Area Transportation Strategy (NATS), with heavy emphasis on assessing whether the distribution would facilitate the use of non car modes, with public transport being the focus. The evidence provided reassured them that there is a realistic prospect of developing bus rapid transit and core bus routes, though they acknowledge it will require “determined political effort and commitment, coupled with a sustained level of partly developer-funded investment”.
- 3.9. Similarly, they examined in some detail the role and justification of the northern distributor road (NDR). The Inspectors are not convinced that a “non NDR package of NATS interventions” would be realistic, and give credence to the Department for Transport’s assessments which supported the NDRs acceptance into “programme entry” and the “development pool”, notwithstanding the addition of further schemes to the pool. They were however concerned to explore the extent to which the JCS could cater for necessary development in the face of continued uncertainty about the NDR, and its timing. While accepting that the full scale of development proposed in the north east will not be accommodated without the NDR, they wished to have clarity on the implications for the growth trajectory if the NDR were to be delayed or not to proceed, and whether there is sufficient scope for development to proceed while there is a review of the relevant part of the strategy. They therefore pressed for additional clarity to be added on this matter. Some text provided by the GNDP clarifying the evidence on this issue has been slightly modified by the Inspectors to clarify:

- how much development can occur in the growth triangle in the absence of

any significant improvement to the network,

- how much further development in the growth triangle could be served off an improved Postwick junction and more local interventions
- a commitment to investigate through the Area Action Plan (AAP) for the growth triangle whether or not any additional growth could be accommodated if the AAP were to identify alternative transport and other infrastructure (short of the NDR)
- that beyond such an acceptable level, the JCS proposals for the growth triangle would need to be reviewed

3.10. Subject to the inclusion of this clarification, the Inspectors accepted that it is not necessary or appropriate for the JCS to incorporate a complete “plan B” as desired by some objectors.

Issue 7: Norwich city centre, remainder of urban area including fringe parishes, and hierarchy of centres

3.11. These policies are supported, subject to clarification that if a new district centre were to be created in the growth area triangle, it would not be “at the expense” of the already proposed one at Blue Boar Lane, Sprowston.

Issue 8: Main towns, key service centres, service villages and other villages

3.12. No changes proposed to the strategy, subject to some changes to clarify potential ambiguities and the consequences on existing policies

Issue 9: Does JCS provide a sound basis for planning adequate and timely provision of supporting infrastructure?

3.13. This is an area where the Inspectors focused a considerable amount of attention. The concerns expressed by the Inspectors at the pre examination meeting were addressed by a subsequent submission by the GNDP authorities, which expanded appendix 7 in the submitted JCS addressing implementation. This categorised infrastructure requirements at three priority levels, linked to the various main growth locations. The Inspectors agreed this is a clearer expression of the infrastructure requirements, and shows a clearer relationship with related implementation mechanisms including the Local Investment Plan and Programme.

Legal requirements

3.14. The Inspectors are satisfied that legal requirements have been complied with.

However, while accepting the relationship between the GNDP Policy Group and constituent authorities was legally compliant, the Inspectors recognised that not holding meetings in public has led to “a public sentiment of exclusion, confusion, frustration and dissatisfaction”. Clearly when Members consider the future nature of cooperative working including that required to fulfil the forthcoming “duty to cooperate”, it will be important to consider how this may best be undertaken to engender the greatest degree of public confidence.

4. CONSIDERATIONS

- 4.1. Having received the Inspectors’ report, the individual local planning authorities need to consider whether to adopt it, in which event it will become part of their development plan. While adoption is not legally mandatory, it is not possible to adopt the JCS in any form other than that recommended by the Inspectors. However, there are a number of undesirable consequences, if the JCS, having been submitted, were not to be adopted.
- 4.2. The first consequence is that the Inspectors’ report is in the public domain, and if a policy vacuum is allowed to develop as a consequence of non adoption, it would still be likely to form a very strong material consideration in the determination of any planning applications, including at appeal.
- 4.3. Local planning authorities are obliged to have a local development framework in place, and a core strategy is a mandatory part of this. Failure to adopt the JCS would leave an authority in a situation where the process has to be undertaken again, with consequent delays and the expense required to update the evidence base and go through extensive processes of consultation and examination. This would also necessitate a delay in the production of “daughter” DPDs, and put the authority at risk of “planning by appeal” for a longer period.
- 4.4. Looking beyond procedural considerations, if housing need, the housing market and future prosperity are to be addressed, it is essential that the necessary future development is properly planned and guided. The JCS is a cornerstone of this process. While the New Homes Bonus is not dependent on an adopted core strategy, the reinvigoration of the local housing market is likely to maximize the benefits of this scheme.
- 4.5. It should also be noted that the Government has committed to the Community Infrastructure Levy (CIL), subject to some refinements, as a future means of funding infrastructure. However, CIL cannot be introduced in the absence of an adopted core strategy, and therefore a failure to adopt would compromise future infrastructure funding. The full consequences of the introduction of CIL are being phased in, but from 2014, even if an authority does not adopt CIL, it will not be possible to pool revenues from more than five S106 obligations towards the same infrastructure, if it could be CIL funded. Furthermore, the

legal scope of S106 obligations has been scaled back to cover only mitigations which are a direct consequence of a particular development. The effects of these changes will make funding of strategic infrastructure through any means other than CIL extremely problematic, and probably impossible.

- 4.6. If the JCS is adopted, it will have some consequences on the development plans of the constituent authorities as they currently exist. The policies in the JCS will come into force, and while they are strategic and many concern specific locations, the area-wide policies covering matters such as climate change and protection of environmental assets, design, water and energy efficiency, green infrastructure, Gypsies and travellers and affordable housing will come into effect immediately. Furthermore, the JCS will supersede specific policies in the adopted local plans of the constituent local planning authorities. These are listed in appendix 3 of the JCS. Changes to the settlement hierarchy will take effect. There will also be some consequential changes to the proposals maps of the adopted local plans for each of the three local planning authorities.
- 4.7. A further advantage of having an adopted in JCS is that it may help in resisting speculative and inappropriate development proposals in the absence of a five year supply of housing land. PPS3 requires housing development to reflect the spatial vision for the area. This remains a requirement even in the case where a five year supply cannot be demonstrated. An adopted JCS would give the spatial vision that could justify opposing proposals that do not meet the vision.
- 4.8. Adoption of the JCS will give status in a statutory document to NATS and its components, including the northern distributor road. This should be of assistance in its passage through further stages towards implementation.

5. LEGAL IMPLICATIONS

- 5.1. The strategy is adopted by a resolution of the local planning authority, with the operative date being the date of the publication of the “adoption statement”. There is however a six week window following that date where legal challenges could be mounted. At the same time, the adoption statement must be published alongside the sustainability appraisal report and the strategy as adopted, and made available for inspection at the points where it was made available at the pre submission publication stage.
- 5.2. It is not possible to adopt the JCS other than incorporating soundness changes as recommended by the Inspectors.
- 5.3. Once adopted, the JCS will form part of the development plan for the three local planning authorities. This means that planning applications will need to be determined in accordance with its provisions unless a material consideration indicates otherwise (Planning and Compulsory Purchase Act,

2004, S 38 (6)).

6. RESOURCE IMPLICATIONS

- 6.1. In the preparation of the JCS, growth point status has been beneficial in supporting the preparation of a large part of the evidence base. If the JCS were not to be adopted, there would be significant expenditure entailed in refreshing parts of this, combined with the additional resources of undertaking a lengthy preparation and consultation process, culminating in a further public examination.
- 6.2. Adoption of the core strategy would require the legal processes of advertisement and publication to be undertaken. There will also be a cost associated with the publication and printing of the final version including illustrations etc, but this has been provided for in the existing budgets of the partners.
- 6.3. A major benefit of adoption in resource terms is that it will enable work to progress on the preparation of the CIL charging schedule, and the early introduction of CIL. Given restrictions on the pooling of section 106 revenues towards strategic infrastructure, and the potential for CIL to be gathered from all qualifying developments, this is likely to be a significant factor in enabling infrastructure to be provided in tandem with development.

7. NEXT STEPS

- 7.1. The next steps are for the individual local planning authorities to come to a formal decision on whether to adopt the JCS incorporating the Inspectors' recommendations. Each of the authorities has a Council meeting on 22nd March when this can be considered.
- 7.2. It will be necessary as soon as possible thereafter to publish the adoption statement for each of the authorities together with the sustainability appraisal report and the JCS as adopted and make them available for public inspection.
- 7.3. Once the risk of legal challenge has passed, the production of the final document to publication standard, including illustrations, can be undertaken.

8. RECOMMENDATION

- 8.1. It is recommended that the Policy Group recommend that
 - each of the local planning authorities formally adopt the JCS incorporating the Inspectors' recommendations, and thereby incorporate it as

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part of the development plan for the area.

- The County Council, as an integral partner, and major infrastructure provider endorses the JCS incorporating the Inspectors' recommendations

Phil Kirby
Broadland District Council
17, March, 2011

Background Papers

Appendix attached to inspectors report detailing minor changes endorsed by the inspectors, but not critical to soundness

Changes to the adopted proposals maps for the three local planning authorities' current development plans consequential on the JCS

For further information on this report call Roger Burroughs on (01603) 430558 or e-mail roger.burroughs@broadland.gov.uk

Adoption of the Joint Core Strategy

On the 17th March 2011 the Greater Norwich Development Partnership's Policy Group considered the attached report. This report highlights the main issues and conclusions reached by the inspectors who conducted the Examination in Public on the Joint Core Strategy. The Policy Group agreed to recommend that each of the local planning authorities formally adopt the Joint Core Strategy incorporating the inspectors' recommendations, and thereby incorporate it as part of the development plan for the area.

This is the final stage in the Joint Core Strategy process. The Council must now turn its attention to ensuring the strategy is implemented. One of the key factors to achieving this will be the delivery of important infrastructure and it is crucial that the Council sets an appropriate Community Infrastructure Levy to fund this work. The Council is working with Broadland District, Norfolk County and Norwich City Councils to produce a charging schedule that will be used to calculate the amount of levy required.

The following documents can be found in the Members' area of Elink and on the Greater Norwich Development Partnership's website (www.gndp.org.uk):

The Inspectors' report
The version of the JCS that shows the changes
The SA report
The Environmental Statement

Recommendations

That Council:

1. Note the Inspectors' report, including the required changes in appendices
2. Resolve to formally adopt the Joint Core Strategy as part of the development plan for South Norfolk, providing new strategic policies, superseding a number of South Norfolk Local Plan Saved policies and making minor consequential amendments to the Proposals Map for South Norfolk Council.
3. Delegate authority to the Deputy Chief Executive to proceed with the necessary legal and administrative processes to secure adoption of the JCS.