

**Joint Core Strategy. Pre-submission publication following the legal challenge to the adoption of the Joint Core Strategy.**

**Head of Localism and Growth**

**This report considers the work undertaken by the Council with its GNDP partners to address the matters set out in the High Court Order, which remitted parts of the Joint Core Strategy back to the pre-submission stage. The report explains the work which has re-evaluated options for distributing housing growth, including the Sustainability Appraisal work. This work has concluded that option one (the remitted text) is the most appropriate option and that this option should be published as the pre-submission document and invite representations on the document from the public.**

Cabinet member(s):

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Ward(s) affected:

All

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**1. Background**

- 1.1. This report should be read in conjunction with the report and background information considered by the Greater Norwich Development Partnership Board at its meeting of the 19 July 2012. These papers are available from the GNDP website (<http://www.gndp.org.uk/about-us/governance-structure/gndp-board/>).
- 1.2. The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011. A legal challenge to the adoption of the JCS was received on 3 May 2011 from Stephen Heard, Chairman of Stop Norwich Urbanisation. High Court Judge, Mr Justice Ouseley made his judgment on 24 February 2012 and published his final Court Order on 25 April 2012.
- 1.3. Mr Justice Ouseley found that parts of the Joint Core Strategy concerning the distribution of housing and related development in the Broadland part of the Norwich Policy Area (NPA), including the North East Growth Triangle (a total of 9,000 dwellings) should be remitted for further consideration.

**2. Current Position and Issues**

- 2.1. The GNDP Board has already considered the evidence, and has approved the approach as appended to this report (see papers at

<http://www.gndp.org.uk/about-us/governance-structure/gndp-board/>), which gives the full background to the work that has been undertaken since the Court Order was received.

### **3. Proposal and Reasons**

- 3.1. On the 19 July 2012 the GNDP Board met to consider the report which is appended. The Board members agreed to recommend to the constituent GNDP councils that reasonable alternative 1 (the remitted text) is chosen as the most appropriate option. The Board also agreed to recommend that the reasonable alternative 1 selected meets the tests of soundness, that the SA is finalised and reasonable alternative one is taken forward to pre-submission.
- 3.2. The evidence which supports this decision is listed in section 7 of the appended GNDP report and the information listed is available to view on the GNDP website (<http://www.gndp.org.uk/about-us/governance-structure/gndp-board/>).

### **4. Other Options**

- 4.1. The Council could decide not to agree to the GNDP Board's recommendation. This would mean there would continue to be doubts about the delivery of the remitted housing growth in the Norwich Policy Area and would very likely lead to pressure for more growth in South Norfolk. This is because developers would argue housing land supply across the Norwich Policy Area did not meet the requirements of the National Planning Policy Framework.

### **5. Relevant Corporate Priorities**

- 5.1. Enhancing our quality of life and the environment we live in. – the Joint Core Strategy looks to balance the need for new homes and jobs against the need to protect the environmental assets of the GNDP area. One of the key objectives of the JCS is to positively protect and enhance the character and culture of the area.
- 5.2. Promoting a thriving local economy. – The proposed Joint Core Strategy seeks to create 27,000 new jobs, and includes proposals for important infrastructure that will encourage and facilitate economic development.
- 5.3. Supporting communities to realise their potential. – one of the key objectives of the Joint Core Strategy is to make sure people have ready access to services.

### **6. Implications and Risks**

- 6.1. Financial – the cost of re-submitting the Joint Core Strategy will be shared between the three district councils.
- 6.2. Legal – following the legal challenge and the issuing of the court order, legal advice has been taken throughout the process whilst preparing the pre-submission documents to comply with the court order. The Regulations which guide the preparation of a development plan document and Sustainability Appraisal/Strategic Environment Assessment must be adhered to. Failure to consider the regulations and proceed in accordance with them could result in either the document being found unsound or legal challenge.

- 6.3. Environmental – the implications for the local environment are addressed in the Strategy and through the evidence base including Sustainability Appraisal and Appropriate Assessment.
- 6.4. Equalities – An Equalities Impact Assessment has been compiled to accompany the pre-submission documents.
- 6.5. Crime Reduction – the Joint Core Strategy includes a number of policies that help to address crime and disorder issues.

## 7. Conclusion

- 7.1. Following the receipt of the High Court Order the GNDP authorities have re-examining the distribution of housing previously identified for Broadland. This work has seen South Norfolk Council and its GNDP partners look at a range of “reasonable alternatives”, including examining dispersal and concentration of growth. These reasonable alternatives have been evaluated against the objectives of the adopted Joint Core Strategy, and have been appraised (using the SA framework for the JCS). We have also had to take account of the National Planning Policy Framework.
- 7.2. This assessment work has shown the most appropriate reasonable alternative for the growth is the distribution that was originally adopted.

## 8. Recommendations

- 8.1. Council is recommended to:
  - a) Having considered the screening of reasonable alternatives set out in section four of the draft SA and the supporting evidence base, resolve that reasonable **alternative 1** (the remitted text of the Joint Core Strategy) is chosen as the most appropriate option.
  - b) Agree that reasonable alternative 1 meets the tests of soundness, that the SA is finalised and reasonable **alternative 1** is taken forward to pre-submission, and
  - c) Give delegated authority to the Head of Localism and Growth, in consultation with the Leader of the Council and the Leader of the Opposition; make further minor changes prior to publication to reflect emerging evidence and any necessary corrections.