

Agenda Item No. 5

Joint Core Strategy: Proposed Submission to the Secretary of State for examination of the remitted parts of the Joint Core Strategy

Planning Policy Manager

This report considers the next stage of 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 details the public representations stage undertaken from August-November 2012 on the proposed remitted JCS text and the subsequent analysis of the representations made by the Council with its GNDP partners. This work has concluded that the representations made do not warrant any further remedial work to be carried out, nor that any modifications should be made to the remitted text. The GNDP Board, at its meeting on 13 December 2012, agreed to recommend to the constituent authorities (including the Council) that the Joint Core Strategy proposed should be formally submitted to the Secretary of State for examination.

Cabinet member(s): John Fuller	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 13 December 2012. These papers form Appendix 1 to this report.
- 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 JCS 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.
- 1.4. As a result, the Council, with its GNDP partners, undertook further remedial work to address the remitted parts of the JCS. This remedial work was resolved by the Council (on 30 July 2012) and its GNDP partners (at around the same date) to be approved for the formal Regulation 19 Publication ('Soundness') stage – the invitation for public representations to be made on the soundness of the remitted parts of the JCS.
- 1.5. The Regulation 19 representations period ran from 10 August until 8 October 2012, with a further extension to 2 November (a total of 12 weeks). A total of 478 organisations and individuals made representations, although of that total, 401 representations were identical (referring to potential increased traffic in Wroxham).

2. Current Position and Issues

- 2.1. Officers of the Council and its GNDP partners have assessed all the representations received during the Regulation 19 Publication stage. The GNDP officers, supported by technical and legal advisors, concluded that none of the representations warrant any changes to the revised Submission text (as consulted on), and thus conclude that the Proposed Submission Document is legally compliant and sound.
- 2.2. The GNDP Board has already agreed this position, and has recommended to the constituent authorities the approach (see papers at <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2012/12/GNDPBoardAGDandPapers13Dec121.pdf>)
- 2.3. On 11 December 2012, the Secretary of State for Communities and Local Government announced that he had that day laid an order formally revoking the East of England Plan, with the revocation coming into effect on 3 January 2013. Whilst the adopted JCS is in conformity with the East of England Plan, it is important to note that the level of housing and job provision in the JCS was not remitted by Mr Justice Ouseley and is not included in the proposed submission text.
- 2.4. As part of the Sustainability Appraisal/Strategic Environmental Assessment process, the evidence for the level of housing requirement has been locally reviewed and the Topic Paper supporting the adopted JCS updated to take account of any changes in background data. This document "Topic Paper Homes and Housing August 2012" supported the publication of the proposed submission and has been further updated post publication to take into account additional information to support submission. The paper demonstrates that the housing targets have been considered and determined locally, and so the housing provision in the JCS remains appropriate, irrespective of the impending revocation of the East of England Plan.

3. Proposal and Reasons

- 3.1. On the 13 December 2012, the GNDP Board met to consider the report which is appended. The Board members agreed to recommend to the constituent GNDP councils that the Proposed Submission Document is considered to be legally compliant and sound, and that the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and supporting documents should be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012”. The Board also agreed to recommend authority be delegated to an appropriate Director (for the Council, the Head of Localism and Growth, Tim Horspole), in consultation with the appropriate portfolio holder (the Leader, John Fuller).
- 3.2. The evidence which supports this decision is listed in the appended GNDP report and the information listed is available to view on Members’ area of Elink. Essentially the overall numbers and distribution of housing in the Norwich Policy Area remain unaltered from the Regulation 19 representations stage, and so there is no change to the level of housing that is allocated to South Norfolk in the adopted JCS.

4. Other Options

- 4.1. The Council could decide not to agree to the GNDP Board’s recommendation. However, this would mean that the remitted parts of the JCS would not be submitted, examined and then (if found ‘sound’), adopted, leaving an incomplete Joint Core Strategy. This would mean increased uncertainty about the delivery of the remitted housing growth in the Norwich Policy Area, and it would very likely lead to pressure for more growth in South Norfolk, in both the short and long term. This is because developers would argue that allocated housing land 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 that 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 districts which comprise the GNDP.
- 6.2. Legal – following the legal challenge and the issuing of the court order, legal advice has been taken throughout the process. The legal advice received is that the councils have undertaken the work to address the matters set out in Mr Justice Ouseley’s order and that the JCS is ready for re-submission for formal examination.
- 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 – A Diversity Impact Assessment has been compiled to accompany the submission material.
- 6.5. Crime Reduction - the Joint Core Strategy includes a number of policies that help to address crime and disorder.
- 6.6. Risks – these are identified in paragraph 4.1 above.

7. Conclusion

- 7.1. Following the receipt of the High Court Order the GNDP authorities re-examined the distribution of housing previously identified for Broadland. This work saw South Norfolk Council and its GNDP partners identify a range of “reasonable alternatives”, including examining dispersal and concentration of growth. Reasonable Alternative 1 was agreed to be the most appropriate, and the Regulation 19 Publication stage was run on the basis of this decision.
- 7.2. Following analysis of the representations received, the choice of Alternative 1 as the most appropriate of the “reasonable alternatives” is concluded not to have been found to be unsound. No other “alternatives” suggested in representations are concluded to be “reasonable” alternatives, and thus do not necessitate further work or a revision to the choice of Alternative 1.

8. Recommendations

- 8.1. Council is recommended to:
 - a) Agree that the Proposed Submission Document is considered to be legally compliant and sound; and
 - b) Resolve that the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and supporting documents should be submitted to the Secretary of State in early February 2013 (in co-ordination with the other GNDP authorities) under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and

- c) Agree to delegate authority to the Head of Localism and Growth, in consultation with the Leader, to approve the details of the technical documents required to be submitted alongside the JCS.

Background Papers

Joint Core Strategy text and evidence base: <http://www.gndp.org.uk/our-work/joint-core-strategy/evidence-base/>