

Details of the Legal Challenge

On 3rd May 2011 Broadland, Norwich and South Norfolk Councils (the Defendants) received a legal challenge to the adoption of the JCS from Stephen Heard, the chairman of Stop Norwich Urbanisation. The grounds of the claim, as stated in the Claimant's letter, were:

- The adequacy of the Sustainability Appraisal in meeting European and National legal requirements, particularly in relation to the choice of the spatial locations for the growth and to potential alternatives to policies in the JCS
- The major road link to Norwich needed to service the growth in the Broadland area at the heart of the Broadland part of the JCS was not assessed at all as part of the process.
- Failures in process in relation to the JCS including in relation to water supply and affordable housing, by reasons of production of materials at a late stage in the Examination in Public process such that the claimant and others were unable effectively to deal with the issues raised before the Inspectors.

Despite this legal challenge the Joint Core Strategy remained adopted and part of the Development Plans for Broadland, Norwich and South Norfolk. Planning determinations continued to be made in accordance with the Development Plan unless material planning considerations indicated otherwise. The claim was to be a material consideration where applications related directly to the concerns of the claimant.

On 5 July 2011, Richard Buxton, the Solicitor acting on behalf of the claimant, Stephen Heard, lodged a claim bundle at the administrative court, including an amended claim form. The three claims are summarised below:

Claims 1 and 2 remained unchanged:

Claim 1: The adequacy of the Sustainability Appraisal in meeting European and National legal requirements, particularly in relation to the choice of the spatial locations for the growth and to potential alternatives to policies in the JCS.

Claim 2: The major road link to Norwich needed to service the growth in the Broadland area at the heart of the Broadland part of the JCS was not assessed at all as part of the process.

Claim 3 was deleted and replaced with a new claim three: The Inspectors failed to consider whether the JCS was in general conformity with the Regional Strategy.

The defendants, Broadland District Council, Norwich City Council and South Norfolk Council submitted their response to the claim on 26 July 2011.

The defendants' witness statements are appended to this note.

The case was heard by Mr Justice Ouseley at the High Court on 6 and 7 December 2011.

On behalf of the 1st, 2nd & 3rd Defendants

By: Roger Elliott Burroughs

Witness Statement: 1st

Exhibits: REB1-REB25

Date: 26 July 2011

Case ref CO/3983/2011

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN

Stephen Heard

Claimant

v

(1) Broadland District Council

and

(2) South Norfolk Council

and

(3) Norwich City Council

Defendants

**Witness Statement
of Roger Elliott Burroughs**

I, ROGER ELLIOTT BURROUGHS, of Thorpe Lodge, 1, Yarmouth Road, Thorpe St Andrew, Norwich, Norfolk, NR7 0DU, Spatial and Community Planning Manager, STATE as follows

1. I am employed by the First Defendant (Broadland District Council) as the Spatial and Community Planning Manager within the Policy Unit of the Council, and I am duly authorised by the Defendants to make this Witness Statement on their behalf. This witness statement is made in response to the application by the Claimant pursuant to section 113 Planning and Compulsory Purchase Act 2004 to quash the joint core strategy for Broadland, Norwich and South

Norfolk, adopted on 22 March, 2011 ("the JCS") to the extent that it is necessary to do so in order to reconsider growth and in particular housing and related transport provision in Broadland District.

2. From the beginning of the work on the JCS, I was one of the principal officers responsible for the preparation and formulation of the document which was ultimately adopted in March, 2011. I was involved in all of the preparatory stages prior to and including the publication of the proposed submission version of the JCS and its subsequent submission.
3. I attended the Exploratory Meeting held by the inspectors appointed to examine the JCS, and was fully involved in the subsequent work, including the preparation of the subsequently advertised Statement of Focused Changes. I also appeared as a witness for the Councils at the Independent Examination into the JCS.
4. I am familiar with the documents that were produced by the Councils in preparing the JCS, and with the documents submitted by other parties as part of the Examination process.
5. I am familiar with the guidance published by or on behalf of the Secretary of State for Communities and Local Government governing on the preparation of development plan documents, including the requirements to undertake Sustainability Appraisal ("SA") and Strategic Environmental Assessment ("SEA") at appropriate stages in the preparation of development plan documents.

Scope of evidence

6. In this Witness Statement, I seek to provide the context and evidence for proper consideration of the Claim in general, as well as the points that arise in relation to Ground 1. I have not addressed the matters of law raised by the claimant, except to the extent that it is relevant to explain this context. There is now produced and shown to me a bundle of documents marked as REB 1 to REB25 copies of which are attached to this witness statement and to which I will refer to as appropriate. I will also refer to the documents exhibited by the claimant, and in particular the Witness Statement of Stephen Heard.
7. I am aware that separate Witness Statements are being prepared by Richard Doleman and Philip Morris, who were also involved throughout the preparation of the JCS, responding to Grounds 2 of the claim and the proposed new ground 3.
8. This witness statement mainly covers the first of the grounds for the challenge concerning the adequacy of the sustainability appraisal (SA) in meeting European and national legal requirements, particularly in relation to the choice of the spatial locations for growth and the potential reasonable alternatives to policies in the JCS. I also set out the context of the Joint Core Strategy adoption process.

9. There is a considerable amount of material set out in the Claimant's witness statement that is unrelated to the grounds that are now being advanced on his behalf. We would also take issue with much of it. Whilst I am advised that the Court is likely to not take these points into consideration, they are in evidence before it and I have therefore briefly addressed these points at the end of this witness statement.

The Joint Working Arrangements

10. Policy NR1 of the East of England Plan (EEP) [**Exhibit REB 7 p 102**] set the requirement for growth in the Norwich area to be facilitated by joint or coordinated Local Development Documents prepared by Norwich, South Norfolk and Broadland. This was achieved by cooperative working through the Greater Norwich Development Partnership (GNDP).
11. The GNDP is an informal partnership, consisting of the local planning authorities of Broadland District Council, Norwich City Council and South Norfolk Council, in partnership with Norfolk County Council and the Broads Authority. The Broads Authority has adopted an independent Core Strategy for its planning area.
12. The GNDP worked through a Policy Group which consisted of four senior elected members from each Council. By invitation, representatives of external bodies, including the Government Office for the East of England (GO-East), were able to attend these meetings. The GNDP Policy Group was supported by a Directors' Group, with GO-East invited to regular monthly meetings.
13. The role of the GNDP Policy Group was to discuss issues in order to make recommendations to the partner authorities. The GNDP had no decision making powers. All decisions in relation to the JCS have been taken by the individual partner authorities, in accordance with their own constitutions.

The Adoption of the Joint Core Strategy

14. At Full Council meetings held in each Council on 22 March 2011, Broadland District Council, Norwich City Council and South Norfolk Council each resolved to adopt "the Joint Core Strategy for Broadland, Norwich and South Norfolk". The Claimant has attached to the Claim Form a copy of the public notice of adoption by Broadland District Council, and the other two Councils published similar notices. The notice of adoption by Broadland District Council is dated 24 March 2011. As it notes, the following documents were published:
 - a. The Joint Core Strategy (often referred to by the abbreviation "JCS");
 - b. The inspectors' report;
 - c. The sustainability appraisal;
 - d. The Environmental Statement, as required by the SEA Directive.

15. I understand that a full copy of the JCS, the Inspectors' Report and the September 2009 SA Report will be made available to the court by the claimant, and I do not therefore exhibit them here. A copy of the Environmental Statement published at the adoption stage is attached to this statement as 'REB 23'.
16. The adopted Joint Core Strategy incorporates the changes recommended by the Inspectors who had held an examination of the plan under the relevant provisions of the Planning and Compulsory Purchase Act 2004. The Inspectors' Report adopts the style normally used by the Planning Inspectorate when dealing with the examination of Development Plan Documents. The report is into the 'soundness' of the plan, and it does not address the individual objections raised by the participants.
17. The Inspectors' examination began when the JCS was submitted to the Inspectorate, on 5th March 2010. Their examination of the development plan document and the supporting evidence base and the representations made concluded on 25th February 2011, when the Inspectors' Report was published. The oral hearings formed one short, but important, part of the examination process. The Inspectors set the agenda for each hearing day, and asked for the parties submissions on the points that they had identified. The document library for the examination consisted of approximately 185 documents, and was available electronically as well as in hard copy. I have tried to identify those that are most relevant to this court challenge, and to summarise them as far as possible.

The relationship between the RSS and the Joint Core Strategy.

18. It is a legal requirement that the JCS is in "general conformity" with the Regional Spatial Strategy – in this case, the East of England Plan ("EEP"), adopted by the Secretary of State in May 2008. I have exhibited the EEP as **REB 7**. The requirements of the EEP limited the 'reasonable alternatives' that could lawfully and reasonably be considered as part of the JCS process. This consideration appears to be missing from the Claimant's evidence.
19. As set out in the witness statement of Philip Morris, the question of whether the EEP was part of the development plan was subject to doubt during the examination of the JCS due to the Secretary of State's attempted revocation of all the RSS and the court challenges brought by Cala Homes Limited. However, at the time of its submission, and its adoption, the East of England Plan was still part of the development plan.
20. As the EEP notes, it went through an extensive adoption process of its own. This document was based on a draft revision to the RSS prepared by the East of England Regional Assembly (EERA) and submitted to the Secretary of State in December 2004. The original proposals were amended through the Secretary of State's Proposed Changes (December 2006), which responded to the recommendations of the Panel which conducted an Examination in Public of the draft revision between November 2005 and March 2006, and as a consequence of considering the consultation responses to those Proposed Changes. Preparation of the EEP was informed by Sustainability Appraisal at

both the draft submission and Proposed Changes stages incorporating Strategic Environmental Appraisal (para 1.8 of the EEP).

Outline Response to the first ground of the claim

21. The Claimant argues that the Sustainability Appraisal report (in September, 2009) fails to include an assessment of alternatives to policies and includes no assessment of the rejected options for major growth locations comparable to the assessment of the favoured option. I am unsure whether the Claimant is saying that no such assessment was undertaken, or that the SA report fails to signpost the reader adequately to such an assessment. Neither of these claims is borne out by the facts.
22. The requirements of the SEA Regulations were met throughout. The UK has introduced a process of Sustainability Appraisal ("SA"), which includes meeting the requirements of the SEA Directive as part of the same process. This is explained in national guidance and in the SA itself, and boxed text is included throughout the September, 2009 SA Report in order to signpost where the requirements of the SEA have been addressed (see page 4 of the September, 2009 SA Report, the boxed text after paragraph 1.3.8, and thereafter).
23. As explained in the Environmental Statement [**Exhibit REB23, pages 1 to 3**], the relevant appraisal documents were produced at the relevant time in order to inform decision making. All of these documents were made available for public scrutiny throughout the plan-making process. They are also referred to in the 2009 SA Report, which summarised their contents. The full SA is intended to be understood in this context.

Sustainability Appraisal of the JCS

24. Because SA is an iterative process, much of the assessment of alternatives in terms of generic policy formulation and locational options was undertaken at earlier stages in the strategy's preparation. This enabled, as required by Article 4 (1) of the directive, the SA to inform decision making on developing policies throughout the plan making process. These stages included:
 - Issues and options
 - Preferred option
 - Regulation 25 stage including a focused technical and full public consultation
 - Pre-submission publication
 - Submission
 - Post submission focused changes
 - Adoption

Stages in the Development of the Strategy and Parallel SA Work

25. The Environmental Statement [**exhibit REB 23**] outlines the chronology of the stages of Sustainability Appraisal work. The following paragraphs of this witness statement show how the content of this work addresses issues raised in ground 1 of the claim and how people were engaged.

26. The scoping stage established sustainability indicators and baseline information, establishing the form of future SA work, with the agreement of the statutory environmental bodies. The JCS Sustainability Appraisal Scoping Report is **Exhibit REB9**.
27. The Issues and options stage commenced with a series of workshops to introduce invited stakeholders to the issues and challenges in the preparation of the joint core strategy (JCS). These were intended to tease out the issues as perceived by other participants. They were not therefore subject to a formal SA. The workshop topic papers are included as **Exhibit REB10**.
28. Following the workshops an Issues and Options consultation report was published for consultation for 12 weeks from November, 2007 until 8th January 2008 [**Exhibit REB11**]. This was accompanied by a summary leaflet distributed to all addresses, and introducing people to the SA process [**Exhibit REB12**]. A sustainability appraisal on the issues and options was published [**Exhibit REB8**]. The leaflet and SA were undertaken in house, but with Scott Wilson examining them and offering advice as a “critical friend”. [**Exhibit REB13**].
29. At this stage, the issues and policy options were being explored, and there were no draft policies, but the full issues and options consultation document [**Exhibit REB11**] did include a specific question (question 11) [**Exhibit REB 11, page 29**] on the appropriate strategy to accommodate major growth and the Norwich policy area, with the options being
 - o *dispersal,*
 - o *medium size concentration,*
 - o *larger scale urban extensions and new settlements.*
30. Question 12 of the full report [**Exhibit REB 11, page29**] invited comments on the identified potential locations for major growth, and invited suggestions for any others which should be considered.
31. Question 13 [**Exhibit REB 11, page30**] invited comments on potential combinations as follows
 - a) *concentration on the north east and south west of Norwich and at Wymondham*
 - b) *as a) plus a fourth location for large scale growth*
 - c) *as a) plus two or more locations for medium scale growth*
 - d) *a different combination of major growth options*
 - e) *a more dispersed pattern of growth (perhaps an average of 1,500 dwellings in ten locations).*
32. The SA summary leaflet [**Exhibit REB 12**] also invited comments on locations for major growth.
33. The issues and options sustainability appraisal assessed the sustainability

implications of the potential growth locations (against both the JCS objectives [**Exhibit REB8, pp26-29**] and the sustainability appraisal objectives [**pp32-33**] established through the scoping exercise) and the specific questions above. The conclusions regarding question 11 are presented on pages 24 and 25, for question 12 on pages 26 to 33, and for question 13 on pages 41 and 42 in **Exhibit REB 8**.

34. The consultation and the SA also covered different alternative approaches to topic areas such as housing and economy.
35. The responses to the full consultation document and summary leaflet are summarised in the report of consultation, provided as **Exhibit REB14**
36. A change in the development plan regulations meant that the preferred options stage was no longer a discrete stage in the development of the JCS. However, substantial work was undertaken towards its production.
37. Much of this work fed into the Sustainability Appraisal published at the Regulation 25 stage (public consultation). While this would normally have been the first public stage in the preparation of a development plan document, in the case of the JCS it was recognised that much work had been undertaken an earlier stage and invaluable public responses gathered. This prompted the decision to undertake Regulation 25 in two stages building on the Issues and Options work. The first was a technical consultation targeted at a focused audience and the deliverability of particular spatial packages. The SA focused on the different spatial packages. [**Exhibit REB15**].
38. The second stage was a full public consultation. This was accompanied by a sustainability appraisal prepared in house, but vetted by Scott Wilson [**Exhibit REB16**]
39. This SA [**REB 16**] is relevant to ground 1 of the claim. In particular, it looks at a number of options for particular policies drawing on the early Issues and options stage. For example, on page 20 there is an assessment of different approaches to setting a threshold for seeking affordable housing contributions on mixed tenure sites, while on page 63, there is an assessment of a rejected option based on a lower rate of economic growth. [**examples are shown in Exhibit REB 1**]
40. On page 150 of **REB16**, an assessment of the options to accommodate major growth in the Norwich policy area commences. This looks at the three packages included in the technical consultation, followed by an additional variant, and the favoured option at that stage. The latter two options were developed taking account of the updated level of existing commitment and consequent scale of new housing allocations required.
41. The SA also included an appraisal of the individual potential locations for growth. [**Exhibit REB 16 pages 221-320**]
42. At the regulation 25 stage, a further explanatory document (part of the early work on the Preferred Options) was published entitled "Outline of the Sustainability Appraisal process undertaken for the preparation of the Joint

Core Strategy". **[Exhibit REB17]**

43. This included a summary of the scoping process and outcome, and the template setting out the scoping framework. An appendix included a summary of earlier work appraising major growth options, presented as a traffic light/scoring matrix linked to the individual SA objectives set out in the framework. This table is found at Appendix 3 of **Exhibit REB17 [p21]**
44. The document **[Exhibit REB17, p12]** refers to the availability of the full SA document originally commenced for the preferred options stage, but updated and published for the Regulation 25 public consultation **[Exhibit REB 16]**. It also made the point that because SA is an iterative process, some earlier conclusions may be revisited in the light of new information.
45. At the Regulation 25 public consultation stage, there was extensive publicity, summarised in the report of consultation from page 2 onwards. **[Exhibit REB18, pp2-5]**. The report notes in Paragraph 1.1.2 **[Exhibit REB18, p2]** that the consultation period was extended to June 2009. (The letter and press advert advising of the extension are attached to this witness statement at **Exhibit REB4**.)
46. Appendix Q in **Exhibit REB 18** includes a letter sent from Broadland to all Parish Councils pointing out the connection between the JCS and future planning work in Broadland, and asking for their assistance in a publicising a series of exhibitions **[Exhibit REB18, p323]** which included information on both the site-specific work being undertaken by Broadland and the JCS.
47. In summary, people were invited to comment on the SA and the explanatory documentation clearly signposted people to earlier stages. The options under consideration both for the location of major growth and for alternatives to other policies at the regulation 25 stage were set out in the SA documents and looked at in a detailed and comparable way.
48. At the pre-submission publication stage, the SA Report prepared by Scott Wilson was published in September 2009. It should be noted that it was prepared on the basis of a draft of the JCS which was substantially the same, but which had an earlier running order. For this reason, the list of policies in the Scott Wilson report does not follow the same sequence as those in the pre-submission JCS.
49. At the submission stage, all the SA documents were submission documents or were submitted to the Inspectors as hard copies and available on the website to all.
50. Also submitted were documents, referenced in the evidence library as JCS 8 and JCS 9, which indicated the outcomes of the consultation exercises undertaken at the Regulation 25 technical and Regulation 25 public stages, with a summary of how the strategy had been amended to take account of the comments. These are provided as **Exhibits REB19 and REB20**.
51. The GNDP website also includes a link to the database containing the original representations. A screenshot illustrating this link is provided as **Exhibit**

REB21.

52. The SA report of September, 2009 noted that if material changes were made, it would be necessary to publish an updated sustainability appraisal. Such a situation arose following an exploratory meeting where the inspectors raised questions which prompted the publication of a statement of proposed Focused Changes. This concerned additional viability evidence on the provision of affordable housing, which prompted a reappraisal of the earlier policy, and which also enabled some adjustment to be made to take account of the Secretary of State's announcement concerning the future abolition of Regional Spatial Strategies.
53. It also followed a proposal by Broadland District Council, and endorsed by the GNDP partner authorities, to amend the status of the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle to make it a strategic allocation so that future detailed planning could be progressed through the Supplementary Planning Document route rather than the Area Action Plan route. These matters were considered significant enough to warrant a specific update to the sustainability appraisal which was published alongside the proposed focused changes. **[Exhibit REB 5,]** This refers back to previous stages (see paragraph 1.2.2) and stresses at paragraph 1.2.4 that by that stage, the only alternatives being assessed were those outlined in the statement of focused changes and those in the submitted Joint Core Strategy. In that sense, the scope for alternatives extends no further.
54. In the event, the status of the growth triangle was not changed in the light of the response to the consultation on the statement of focused changes, and therefore the update of the earlier SA work was not a material factor. The affordable housing policy and related matters (including Gypsies and Travellers, and Travelling Showpeople's elements of the policy) were subsequently further amended by the inspectors, but not in a way they considered required further sustainability appraisal.
55. The process was completed by the publication of an Environmental Statement to accompany the notice of adoption, **[Exhibit REB 23]**
56. The next sections of this witness statement address how the approach adopted and the report fulfil the requirements of the SEA Directive.

Reasons for this approach

57. This approach was necessary given the lengthy nature of the JCS plan-making process, which was undertaken in stages. It was necessary to undertake SA to appraise options as they were being considered through the plan making and consultation process. This approach meets the requirements of the SEA Directive **[Exhibit REB2]** and transposing Regulations (The Environmental Assessment of Plans and Programmes Regulations 2004), and national guidance. An 'environmental assessment' for these purposes means "the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making" (Article 2(b)). The environmental

assessment shall be carried out during the preparation of a plan or programme and before its adoption.

58. The approach taken also complies with the accompanying advice in The European Commission's non binding guidance document "Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment." **[Exhibit REB3]** The EU guidance document provides useful advice in relation the report as paragraph 5.4 states that "This implies that the environmental report should be a coherent text or texts." The EU guidance document also provides clarity on avoiding duplication of assessments, stating in paragraph 4.7 that "*Depending on the case, it might be appropriate to summarise earlier material, refer to it, or repeat it. But there is no need to repeat large amounts of data in a new context in which it is not appropriate.*"

September 2009 SA report

59. As this is the focus of the legal challenge, this witness statement now examines the way in which the September 2009 SA document, as a late stage of the overall assessment, refers back to earlier SA work.
60. The GNDP authorities and their consultants undertook all the necessary work to assess the likely effects of reasonable alternatives and to outline reasons for the selection of alternatives. These assessments were undertaken at the appropriate stages to inform plan making and were signposted to the reader in the pre-submission report, in compliance with Regulations.
61. The 2009 SA report assesses the preferred approach in the pre-submission version of the JCS. The assessment of previous alternative approaches is summarised in Chapter 3. The iterative nature of SA, building on the findings of earlier reports, is acknowledged in the September 2009 Report. It includes references to earlier reports for completeness as set out in paragraphs 30 – 35 below. This approach enables the 2009 report to be clear and concise, which would not have been the case if it had attempted to 'tell the story' of the three year planning process in full.
62. Earlier stages in the SA process necessitated the production of large documents. In order to assist the court, I have prepared an analysis of the important parts of these, and submitted them as a separate exhibit **[Exhibit REB1]**. This shows how alternative approaches to addressing policy issues and locations for growth were generated by the GNDP and were formally assessed in the preceding SA Stage reports.
63. Previous SA had been undertaken to inform plan making, assisting choice of growth locations and assessing alternatives to policies. It is made clear within the September 2009 report what it appraises and that readers might wish to refer to other SA reports.
64. The Non-Technical Summary, page I, second paragraph of the September

2009 SA Report states:

*This SA Report sets out SA findings relating to the Pre-Submission JCS. This SA Report has been taken into account by the GNDP as they have finalised the Pre-Submission JCS. It is also aimed at a wider audience so that it can be read alongside the Pre-Submission JCS and so help consultees to make more informed responses. In these ways it can be seen that the SA seeks to ensure that the plan-making process is suitably scrutinised. Following the consultation, the GNDP will look to openly and transparently finalise the JCS taking account of consultation responses as well as the findings of the SA. **It is also important to note that this is not the first stage of SA, but rather SA was also used as a tool to challenge the plan-making process at earlier stages of plan production. In particular, SA findings were made available alongside the Issues and Options and Regulation 25 Consultation Versions of the JCS***

[My emphasis N.B. The final sentence is provided as a footnote].

65. In the Introduction - on page 2 of the September, 2009 SA report - a diagram is presented to explain 'The SA Process'. SA 'Stage C' is the 'reporting stage' - i.e. the stage at which the requirement to prepare an Environmental Report is met. The diagram identifies that Stage C has comprised the publication of the September 2009 report and the publication of previous 'interim' reports. Importantly, the explanatory text following the diagram in paras 1.3.3 to 1.3.6 of the September 2009 report [p3] states clearly that Stage C has been 'an iterative process' and then goes on to explain this iterative process more fully (using bold text to ensure the point is made clearly). The text highlights that, in addition to the publication of the September 2009 report, SA Stage C involved:
- publication of an Issues and Options SA report and brochure in 2007;
 - and
 - publication of a report in Spring 2009.
66. Section 3 [at p33-44 of the September, 2009 SA Report] provides a clear summary of how the JCS plan making process arrived at the alternatives assessed in the pre-submission SA Report and, once again, refers to previous SA of options. Section 3.3 of the SA report [pp 35 – 44] is entitled "Developing the Options". The text states that appraisal of options (defining this as "alternative approaches to delivering the plan objectives) is a requirement of SEA and quotes the relevant part of the SEA Directive, Annex 1h, stating that SEA must provide "An outline of the reasons for selecting the alternatives dealt with". The text then goes on to provide an outline of the process for developing options and SA by making it clear in 3.3.2 to 3.3.3 that the pre-submission version of the document is the preferred option of the GNDP. It is the result of previous consultation on the plan, which was subject to SA at the time. It summarises the early stages of consultation, identifying that potential growth locations had been assessed. It provides a table of the options for major growth that were assessed at the Regulation 25 Technical Consultation stage, and summarises this in table 3.4 to 3.6 with a direct reference to the detailed SA findings being on the web site in 3.3.7.
67. As for the acknowledgement that a further SA may be necessary, Paragraph 1.3.7 of the September, 2009 Report [p3] also states that:

*“In the future the Council may wish to alter the JCS further, in order to reflect the consultation on the Pre-Submission JCS as well as the recommendations of the SA. If the changes made are likely to have significant sustainability implications then they will be subject to further SA (**Stage B**) and a further SA Report will be produced (**Stage C**).”* [original emphasis]

68. Had there been no further changes made to the JCS, then the September 2009 'Pre-submission SA Report' would have been the final element of the SA. However, as it happened, there were further changes proposed to the JCS, and hence there was a need to produce a report in July 2010 to assess these proposed Focussed Changes. This report [**Exhibit REB5**] was focussed on the most pertinent issues given the stage at which JCS was at, and did not attempt to 'tell the whole story'.
69. The Inspectors had all the SA material available to them as part of the evidence base for the JCS. They concluded in their report [**p31-32**] that the JCS is in compliance with all legal requirements, specifically stating the SA *“has been carried out at every key stage of the preparation of the JCS.”*

Addressing specific issues raised in ground 1 of the claim

70. The Claimant has now made a number of criticisms, and this witness statement now sets out the criticisms of the SEA identified in the amended claim and the Defendants' responses to each of them.
71. The claim states that:
1. *The Environmental Report fails to meet the regulations requirements to:*
 - a. *Identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives*
 - b. *Outline the reasons for selecting the alternatives dealt with*
 2. *There is no assessment at all of alternatives to most policies*
 3. *The options for major growth locations are summarised.*
 4. *The assessment of the rejected options is less than the assessment carried out later in the report on the accepted option, so no comparable assessment takes place.*
 5. *Paragraph 29 of the Claim states that the matters required by Annex 1 a-e and g-j of the SEA Directive are not addressed at all in earlier SA reports*
72. There is a considerable body of evidence that is relevant to the first generalised criticism that is made that :

1. <i>The Environmental Report fails to meet the regulations requirements to:</i>

- | |
|--|
| <p><i>a Identify, describe and evaluate the likely significant effects on the environment of reasonable alternatives</i></p> <p><i>b Outline the reasons for selecting the alternatives dealt with</i></p> |
|--|

73. My initial response to this general criticism is that the Claimant has misunderstood the context in which the JCS as being prepared. Consideration of “reasonable alternatives” has to be based on the requirements of the East of England Plan [**Exhibit REB7**]. Alternatives failing to comply with the East of England Plan would not have been “reasonable”. Housing provision in the area must be in general conformity with the plan, which requires 37,500 new dwellings from 2001 to 2021, with a similar rate extrapolated to 2026 [**Exhibit REB7, p28 onwards**]. The adopted East of England Plan was itself subject to SEA.
74. Given the limited capacity of brownfield sites in the urban area to meet this requirement, as evidenced though a Strategic Housing Land Availability Assessment, greenfield land allocations on the scale proposed in the JCS are needed. Although the East of England plan offers scope for variation of the districts’ shares by mutual agreement, it proposes a default figure of 12,200 dwellings to be accommodated in Broadland from 2001 to 2021, with significant additional dwellings required to 2026 [**Exhibit REB7, p32**].
75. Within this context, the SA identified, described and evaluated the likely significant effects in detail of reasonable alternative approaches, compliant with the East of England Plan, throughout the SA process.
76. The methodology set out in paragraph 4.1.6 of the September 2009 SA report [**p46**] was used when determining likely significant effects. I have set out in my Appendix (exhibited to this statement as REB1), extracts from the SA that illustrate in chronological order the approach taken at each stage, and how the likely significant effects on the environment of reasonable alternatives were assessed prior to the 2009 SA report.
77. Section 3.3 [**pp 35 – 44**] of the September 2009 SA report addresses the alternatives dealt with and appraised, both in terms of generic policies and spatial locations for growth. These were identified at the various stages of the JCS plan making process to fulfil the requirements of the East of England Plan.
78. Earlier appraisals highlighted the relative performance of options and suggested which would be best performing. This provided Councillors with the necessary environmental information to make informed decisions in relation to the choice of options for both generic and locational policies. This meets the requirements of Article 4 (1) of the directive [**Exhibit REB2**] and the guidance recommendation in paragraph 4.2 [**Exhibit REB3**] that “the environmental assessment of plans and programmes should influence the way that plans and programmes themselves are drawn up”.

<p><i>2. There is no assessment at all of alternatives to most policies</i></p>

79. Emerging and draft policies were subject to SA at different stages of the plan making process. The early stages of plan making were assessed by SA to inform later drafting of policies.
80. At the Issues and Options stage, different potential approaches to key issues, such as housing and the economy, were put forward. SA was undertaken covering the environmental (as well as social and economic) implications of each of the Issues and Options questions (i.e. potential alternative policy options). The reasoning behind the options generated was set out in the Issues and Options Report **[Exhibit REB11]**. For example, the SA covering housing issues is in questions 14 to 18 **[Exhibit REB8, pp43-69]** of the document.
81. The first opportunity to assess alternatives to drafted policies came at the Regulation 25 public consultation stage. The Regulation 25 Public Consultation document is provided as **Exhibit REB25**.
82. The SA at Regulation 25 stage **[Exhibit REB16]** assessed reasonable alternative options for generic planning policies, as well as locational policies.
83. In the case of some policies, there was no appraisal of alternatives as the plan making process, including consultation, had not identified reasonable alternative approaches. However, in most cases a number of different approaches were assessed as follows:
- Sustainable development policy –with a note at the end of the assessment that alternative approaches had been assessed at the issues and options stage and it was not necessary to repeat this work
 - Affordable housing – 4 options
 - Exceptions housing sites – 2 options
 - Gypsy and traveller provision – distribution and scale of sites with 2 options for each
 - Economy – 3 options
 - Transport – 1 option only
 - Environmental assets – 1 option only but a reference to the only realistic option being do nothing in the assessment
 - Communities and culture – 1 option
 - Spatial hierarchy – 3 options (showing increasing degrees of dispersal)
 - Town centre hierarchy – 4 options
 - Implementation – numerous options around funding/governance/partnership
84. Again, there is a large body of evidence that supports this. I have therefore set out in the appendix (exhibited as REB1) the further detail of those policies where different options were appraised. This is set out in Table 1 on page 12 and in Table 2 on page 23 of this appendix to my statement. **[Exhibit REB1]**. For instance, a detailed example of the options appraised for affordable housing is set out in extract 7 of this appendix **[Exhibit REB1, p14]**. It was in this way that the SA assessed reasonable alternative options at the appropriate stage of plan making, as required by the SEA regulations, and Article 4 (1) of the Directive.

3. The options for major growth locations are summarised.

85. The SA assessed both distributions and locations for growth in detail at appropriate stages of plan making. The summary of the major growth locations in the September 2009 report was appropriate at that stage of plan making.
86. In terms of the potential locations for growth a number of suggestions were made at the topic paper stages in 2007 and taken forward to the first round of consultation, the Issues and Options consultation. At the Issues and Options stage the SA examined, as required by the Directive, the most likely significant environmental effects for different options for growth locations. It examined both strategic approaches to growth, relating to concentration and dispersal, and different locations for growth. Detailed examples of how all these alternatives were appraised can be found in the appendix to my statement (exhibited as REB1).
87. In addition, the colour coded table in the SA Report [**Exhibit REB1, p9**] gave a clear summary of the likely significant effects. The table provided both an outline of the environmental, social and economic issues for elected members to consider when selecting alternative locations for growth and a useful summary for members of the public.
88. At the Regulation 25 stage, assessments of the options to accommodate major growth in the Norwich policy area were undertaken. A dispersal option within the Broadland part of the area was not included in any of the options at the Regulation 25 stage, following the work undertaken at the Issues and Options stage.
89. The assessments looked in detail at the three packages included in the technical consultation, followed by an appraisal of an additional variant, and the favoured option at that stage. Strategic options for the city centre were assessed.
90. The SA also included an appraisal of the individual potential locations for growth. This covered 12 locations consulted on through the JCS process, including the area north-east of Norwich [**Exhibit REB16, pp221-320**]. Details of the work undertaken and examples are set out in **REB 1**, extracts 8 - 12 whilst the Environmental Report [**Exhibit REB23**] provides references to relevant documents at chronological stages of plan making.
91. The examples in my appendix [**exhibit REB 1**] show that detailed assessments, as required by the SEA regulations, were made of the options for major growth, and subsequently summarised in the September 2009 Report.

4. The assessment of the rejected options is less than the assessment carried out later in the report on the accepted option, so no comparable assessment takes place.

92. Comparable assessments were made throughout. SA assessed sites and

policies at each stage of plan making using a consistent SA framework for each stage of assessment. This framework complied with government guidance in Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents and was consulted on and approved by the statutory bodies (Natural England, Environment Agency and English Heritage) through the Scoping Report **[Exhibit REB9]**.

93. Article 4(1) of the SEA Regulations requires environmental assessments to be carried out during the preparation of a plan and before its submission to legislative procedures. Its accompanying guidance note **[Exhibit REB3, p22]** (paragraph 4.2) states that this will enable elements of plans which would have had undesirable environmental effects to be discarded.

5. Paragraph 29 of the Claim states that the matters required by Annex 1 a-e and g-j of the SEA Directive are not addressed at all in earlier SA reports.

94. The requirements of annex 1 of the SEA Directive were met both by early stages of the SA and by the September 2009 report.
95. The Scoping Report, **[REB 9]**, the first stage of the SA, plays a key role in relation to these requirements. Firstly, it covers the detailed work required by annex 1 a) to e). This involves providing an environmental baseline, assessing the relationship of the strategy to other relevant plans, identifying relevant objectives and identifying environmental characteristics and problems. I have set out in Table 1 below where this is done in the Scoping Report.
96. Secondly, the Scoping Report provides the local sustainability objectives, derived for the work on Annex 1 a) to e), which form the basis of the SA. These sustainability objectives play a key role in the rest of the SA as the criteria for assessing the potential policies and locations for growth.
97. In the September 2009 SA report, table 1.1 **[p4]** sets out the requirements of annex 1 of the regulations and where these are addressed in that report. In some cases, such as the environmental baseline and evidence base, the 2009 report updates the Scoping Report by covering more recently completed evidence studies.
98. The requirements of annex 1 are fundamental to the study in that they are clearly flagged up within the September, 2009 SA report with red boxes quoting the relevant parts of the annex as the headings for the sections dealing with those requirements. Table 1.1 of the September, 2009 SA report **[p4]** also states that the requirements of annex 1 are covered through the Scoping Report.
99. As the Claimant's allegation is so wide ranging, I have tried to summarise for the Court's benefit the evidence that is relevant to each paragraph of the Annex in a tabular form. I have included paragraph (f) of the Annex in this table for the sake of completeness:

Table 1 SA coverage of SEA Annex 1 requirements

<u>SEA Annex 1 requirements</u>	<u>SA coverage of requirements</u>
(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;	Scoping Report, appendix 1 [Exhibit REB9, pp70-99] Table 3.2 and Annex III of September 2009 report [p34 and pp83-196]
(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;	Scoping Report Chapter 4 and Appendix 2 [Exhibit REB9, pp11-13 and pp100-109] Chapter 2, pages 7 to 27, of September 2009 report [pp7-27]
(c) the environmental characteristics of areas likely to be significantly affected;	Scoping Report Chapter 4 and Appendix 2 [Exhibit REB9, pp11-13 and pp100-109] Chapter 2, pages 7 to 27, of September 2009 report [pp7-27]
(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;	Scoping Report Chapter 6, Chapter 10 task A3 and Appendix 2 [Exhibit REB9, pp19-27, pp52-65 and pp100-109] Chapter 2, page 28, of September 2009 report [p28] Note: the statutory bodies agreed the Scoping Report
(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;	Scoping Report Chapter 11 Task A4 and Appendix 4 [Exhibit REB9, pp66 and pp111-119] Chapter 2, pages 29 to 32 of September 2009 report [pp29-32]

<p>(f) the likely significant effects (1) on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;</p>	<p>Done at all stages of SA through completion of sustainability framework matrices established by the Scoping Report in appendix 4 [Exhibit REB9, pp111-119]</p> <p>September 2009 report Chapter 5 and Annex III [pp49-74 and pp83-196]</p>
<p>(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;</p>	<p>Recommendations made in chapter 5 of September 2009 SA, pages 49 to 69 and in Annex III [pp49-69 and pp83-196]</p>
<p>(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;</p>	<p>September 2009 SA Chapters 3 and 4 [pp33-48]</p>
<p>(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;</p>	<p><u>Scoping Report Appendix 2</u> [Exhibit REB9, pp100-109]</p> <p>September 2009 SA Chapter 5 page 74[p74]</p>
<p>(j) a non-technical summary of the information provided under the above headings.</p>	<p>September 2009 SA pages I to IX</p>

100. Thus the SA met the requirements of SEA Directive annex 1 from the very earliest stage, the Scoping Report. Indeed the requirements were integral to the entire SA. This provided the framework for assessing both potential policies and locations. They were also the focus for the September 2009 report. The September 2009 report effectively summarised the approach taken, including references back to the previous SA documents covering the earlier stages.

Conclusion

101. The Greater Norwich Development Partnership local planning authorities took considerable time and trouble to ensure that they have, throughout the process, rigorously undertaken Sustainability Appraisal and Strategic Environmental Assessment to assist them in developing the most appropriate strategy to deal with the future growth of the area.
102. These appraisals, as set out in the September 2009 SA document, meet the SEA requirements for a plan such as the JCS.
103. The JCS has been in production since 2007, involving substantial investment of public resources and finances. All documents have been made available at relevant stages in the strategy's preparation.

Comments on Amended Details of Claim and the Witness Statement by Stephen Heard where clarification is warranted

104. I have dealt with most of the issues raised in the Amended Grounds already, but there are a number of points that are made which go beyond that.
105. Some of the points raised appear to be complaints about the process that was adopted. However, the claimant made representations at the early Issues and Options stage, and was clearly aware of the process. He made no further individual representations throughout the 4 year JCS process, these being in the name of SNUB. At no stage did the claimant directly raise the specific issue of alleged deficiencies in the SA as an issue of legal compliance. No request was made to provide information relating to the grounds for challenge before or during the Examination in Public. In addition, the GNDP was not informed of the claim until the final day of the challenge period. No challenge of this nature was made at the pre-submission publication stage by the Claimant or SNUB, though one was submitted by Norfolk and Norwich Transport Action Group focusing on the central role of the NDR in the transport strategy. Related objections of this nature were submitted by NNTAG in response to a range of policies and the SA. This ensured that the matter was considered by the Inspectors, provoking a detailed discussion at the examination. The witness statement of Mr Dolman deals with this issue relating to the NDR.

Comments on the Amended Details of Claim

106. In Paragraph 4 of the Amended Details it is asserted that the JCS was "adopted under the auspices of the GNDP", and the claim states "powers to adopt the JCS were retained by the district planning authorities ". It is more accurate to say the GNDP has no decision-making powers – it is simply a convenient construct for partnership working by the individual authorities. All decision making powers were retained by the district planning authorities.

107. Paragraph 8 of the Amended Details refers to the Statement of Community Involvement. Each of these was included within the submission documents to the Inspectors (as examination documents JCS 5.1 to 5.4). The Statement of Compliance with SCIs which was also submitted (examination document JCS 5) illustrated how the engagement process had complied with all of the SCIs.
108. Paragraph 21 of the Amended Details refers to the list in paragraph 1.3.9 of the September 2009 report. This sets out the requirement for the environmental report derived from annex 1 to the SEA directive which sets out the information referred to in Article 5 (1) – as clearly stated in the footnote linked to the title block of the table. The table makes it quite clear that some of the relevant information is to be found in the SA scoping report, 2007, while other information can be found in the 2009 report. Further detail is provided in this Witness Statement.
109. Paragraph 25 of the Amended Details refers to the SA and that it was not updated to take account of the Infrastructure Needs and Funding Study. This was because the final report, dated October, 2009, did not materially differ from drafts which had been received at September, 2009. The water cycle study was subject to specific examination by the inspectors, with particular reference to the availability of water resources without adverse impact on Special Areas of Conservation or Special Protection Areas. Information provided for the Public Examination by Anglian Water satisfied the inspectors.
110. Paragraph 27 of the Amended Details refers to the fact that no SA document was published at the preferred options stage. This was because the preferred options stage was taken out of the plan-making process just before the JCS reached that point. However the regulation 25 public consultation was based on the work undertaken in preparation for this stage.
111. Paragraph 28 refers to the figures in appendix 3, and that they cannot be derived from the blank form in appendix 2. They were originally derived from preparatory work undertaken for the Preferred options stage, which was never achieved following a change in plan making Regulations.

Comments on Mr Heard's witness statement

112. As Mr Heard acknowledges in his paragraph 4, the process has been lengthy involving evidence gathering, consultation and engagement. The claimant made representations at the Issues and Options stage and has therefore clearly been well aware of the process from its inception.
113. Mr Heard has persisted in his criticisms of the GNDP as if it was a separate decision making body (as in his paragraph 5). The GNDP is simply a partnership of local planning authorities without any decision-making powers. All decisions were made by the respective Councils, and the relevant reports to those Councils, and their agendas and minutes have been available to all members of the public in the normal way.

114. It is regrettable that the Claimant continues to assert that many local residents were misled and ill informed (as he states in his paragraph 7) when the consultation documents made it clear what the nature of the JCS would be. Furthermore, there was extensive consultation and many objectors made representations at all stages, including at the Public Examination. The starting point for the consultation was the scale of development prescribed by the East of England Plan. This was established after a process of public consultation and independent examination of its own. The "new growth point" designation did not involve any increase in the scale of development envisaged for the Greater Norwich area. This had already been established through the east of England plan and the New Growth Point designation was simply a recognition of that scale of development and additional support for implementation in a sustainable way.
115. I see that Mr Heard as the Chair of SNUB persists in putting forward a figure for new homes (55,000 in his paragraph 8(a)) that takes no account of the plan period. For the avoidance of doubt, I can confirm that the housing numbers are clearly set out in a table in the JCS [table following paragraph 5.25]. This was set out in the most transparent manner which could be devised, showing their derivation from the East of England Plan and the account taken of dwellings that had been built and any existing planning commitments (e.g. permissions that had been granted, but not yet implemented).
116. We do not accept the implication in Mr Heard's Paragraph 8e that growth in the north was predetermined. It is important to put this in the context of the development of the draft regional spatial strategy (RSS):
- a. The Deposit Draft East of England Plan (RSS Dec 2004) was consulted on until March 2005. It was considered at the RSS examination in public which lasted from November 2005 to March 2006 and included supporting text to the Norwich Sub Region Policy NSR4 : housing in Paragraph 5.62 stating that "New allocations will include a major urban expansion in the north east sector of the urban fringe linked to major transport improvements. The core development will be masterplanned to provide a coherent new urban village".
 - b. The proposal had begun to emerge through the Structure Plan review that was abandoned with the emergence of the RSS.
 - c. The Panel's report deleted this specific reference as in their view there was insufficient supporting evidence to support one location over another. This report is dated 19 June 2006.
 - d. The Growth Point Submission is dated March 2006 - and explicitly refers to the Draft EEP as the context.
 - e. The 'northern city centre' refers to the area around Anglia Square, a commercial development dating from the end of the 1960 s, widely

regarded as ripe for re-development, and which is the subject of an Area Action Plan adopted by Norwich City Council. By summer 2006, this had been through an Issues and Options consultation stage.

117. Paragraph 9 of the witness statement refers to the Regulation 25 consultation responses to the JCS. These were presented to the inspector as documents JCS 8 and JCS 9 as well as the summary report of consultation. In addition a report comprising all representations made at the pre submission publication stage were also submitted, together with a link to the database. The report summarising the main issues required by Regulation 30 (1) (e) was submitted. Far from being dismissed, the representations were presented to the inspectors. If the inspectors gave any credence to the assertion of representations being “binned” they would surely have responded. If SNUB had any evidence that their representations were not presented properly in the consultation reports, they had the opportunity to explain this to the inspectors through their participation at the examination.
118. It is wrong to assert as the Claimant does in his Paragraph 10 that the details of consultations undertaken at the regulation 25 and regulation 27 stages were not put before the inspectors. As for the consequences of a possible delay to the Northern Distributor Road, this was explored further in the course of the examination, and the inspectors asked for the Councils and other parties to address them on this scenario. This was discussed at the examination, and all parties were able to comment on that. The Inspectors recommended the modifications to the JCS policies that would permit the growth triangle to proceed in part ahead of the NDR. As noted earlier, the NDR is an integral part of the local transport plan produced in 2006 and was supported through the regional strategy and the regional priority allocation for transport.
119. Paragraph 12 refers to Rackheath. This may have been selected as an eco town in 2009, but the JCS was already proposing development in that location from the time of the technical consultation and public consultation under Regulation 25. It is not therefore the principle of development which was introduced in 2009, but the method of implementation and degree of support for new infrastructure. Far from being justified on the premise that it is brownfield, there are a range of reasons for the selection of Rackheath as an eco town as set out in the document included within the claimants bundle at page 154 Para 2.8.8
120. The meeting referred to in Mr Heard’s Paragraph 13 and 14 as one that a member of the public was trying to attend a meeting was one which was not open to the public. The matter of the timetable and plan for the review were referred to in minute 4.4 of the minutes of the meeting of 23 September 2010. The minutes of the 16 December meeting records that the timetable and plan would instead be reported to the policy group March, 2011 meeting. All these matters were then referred to the Councils for their decision. The commitment to an early review is nothing more than a commitment to good planning. The inspectors found the JCS sound, subject to modifications. The local planning authorities subsequently all proceeded to adopt the JCS, demonstrating their commitment to the strategy.

121. It is a relatively-minor point, but it is incorrect for Mr Heard to state in Paragraph 16 that the inspectors highlighted 80 individual items of work as critical matters of concern. Their comment was that the 80 items of infrastructure regarded by the GNDP authorities as 'critical' seemed a large number and asked for clarification. This is made clear in the note of the exploratory meeting – see page 310 of the claimants bundle.
122. I do not accept that responses to the initial JCS consultation have been concealed, as is suggested in paragraph 17 of the witness statement. A summary report, and two full reports, indicating officers' responses and the changes made following the regulation 25 consultations were submitted along with other submission documents. They are available on the GNDP web site as examination documents JCS 8, JCS 9 and JCS 7.1. The GNDP website also includes a link (under the "stages of the joint-core-strategy" section which links direct to the website where the representations were recorded). This is in addition to the required submission of representations made at the pre-submission publication stage.
123. There are a couple of corrections to make to the points made in Mr Heard's Paragraph 18. Dr Boswell is a County Councillor, and in a minority party, and not a City Councillor. The e-mail response dated 9th February 2011 was from the programme officer not the GNDP. The programme officer was independent of the local planning authorities and worked from home, not from Norwich. She worked directly to the Inspectors.
124. Mr Heard alleges that there was unannounced extraordinary meeting on the 16th February 2011 to push through the JCS for Broadland (Paragraph 19). This would have been before the publication of the Inspectors' report. The decision to adopt was taken at the March, 2011 meeting. An extraordinary meeting had been called in February, 2010, to consider whether to submit the JCS, and this may be what the claimant is referring to. However it was formally convened under the requirements of the Local Government Act ,1972, by giving five days notice of the meeting and was published on the Council's web site. The minutes of this meeting record that a number of members of the public exercised their right to speak, and, at the Chairman's discretion, a representative of SNUB who had not given sufficient notice of intention to speak was nevertheless permitted to do so. This is recorded in the minutes of the meeting.
125. I am unclear why Mr Heard refers to the Norfolk Broads in his Paragraph 22. The significance of the Broads is recognized in JCS by a specific policy, even though the Broads area itself is under the jurisdiction of the Broads Authority, a separate local planning authority. It is worth recalling that the Broads Authority is represented on the GNDP policy group by an elected member and on the directors group by the Director of Planning, and they were therefore fully aware of the evolution of the JCS. Apart from SA and SEA, the JCS was also subject to Appropriate Assessment under the Habitats Regulations in view of the need to protect internationally designated areas of ecological interest.

126. I suspect that little will turn at this stage on the analysis of the petition referred to in Mr Heard's Paragraph 29. Whilst the wording of the petition was before the examination, it is unclear if the petition itself was ever actually passed to the inspectors. Certainly the GNDP authorities did not receive a copy as they would have expected had it been passed to the programme officer. At the final session in December, the claimant showed a copy of a petition to the Inspectors but initially, at least, declined to let them have it.

127. I also take issue with Mr Heard's interpretation of the way in which the examination was run, in his Paragraph 30. It is not true that SNUB or anyone else could only respond to questions specifically posed by the inspectors. Clearly the inspectors chaired the examination sessions and did pose questions and controlled the input of all participants including SNUB, the local planning authorities and other participants. They also asked questions of all participants. However they also followed the normal convention of inviting participants who wished to speak to indicate by turning their nameplates upright.

128. Whilst I would accept that these issues were addressed by the wide ranging discussion chaired by the inspectors, SNUB's statements at the Regulation 25 stage and the pre-submission publication stage did not focus on the legal compliance of the sustainability appraisal. Their statement in relation to matter 1 A. (legal requirements) of the public examination sessions is helpfully presented at pages 376 to 377 of the claimant's bundle. This does not appear to address the issues now raised in paragraph 31 of Mr Heard's witness statements.

161. The facts as stated in this Witness Statement are true to the best of my knowledge information and belief.

Signed:.....

ROGER ELLIOTT BURROUGHS

Date:.....

Exhibit REB1

Illustrations of SA assessments undertaken showing compliance with SEA Directive

1. *This exhibit is part of my evidence and contains chosen extracts from earlier stages of the SA prior to the September 2009 report, with my accompanying commentary. References to the source SA documents for the extracts, with page numbers, are included. For clarity, newly drafted text is shown in Italics.*

2. *The extracts and commentary are intended to illustrate how the SA meets the requirements of the SEA Directive that:*

The report shall identify, describe and evaluate the likely significant effects on the environment of—

(a) implementing the plan or programme; and

(b) reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme.'

Furthermore, it illustrates that:

- *There were assessments, where relevant, of alternatives to most policies;*
- *Detailed appraisals were done of the options for major growth locations, with each assessment drawing clear conclusions on the likely environmental impacts of growth in each location;*
- *Comparable assessments took place throughout the SA process, using frameworks agreed with statutory bodies.*

3. *As explained in the witness statement, all of the SA documents were produced at the relevant time to inform decision making, were available for public scrutiny throughout plan making, were clearly sign posted in the 2009 SA report [Exhibit REB4] and form an integral part of the overall SA of the JCS.*

4. *The SA assessed in detail both reasonable alternatives, with regard to the policy approaches to generic issues such as affordable housing and with regard to the distributions and locations for growth.*

5. *I have set out in this appendix to my main witness statement, in chronological order and with extracts to illustrate the approach taken, how the likely significant effects on the environment of reasonable alternatives were assessed prior to the 2009 SA report.*

6. *I have used the following extracts:*

Issues and Options stage (Extracts 1 to 6)

Extract 1 Different strategies for locating growth – example of an assessment against one criterion [Exhibit REB8, p17]

Extract 2 - Different strategies for locating growth – Conclusions and Summary [Exhibit REB8, p24]

Extract 3 – Some sustainability issues associated with each growth location [Exhibit REB8, p31]

Extract 4 – Strategic growth locations considered against the Sustainability Appraisal objectives [Exhibit REB8, p32]

Extract 5 – Potential locations for large scale growth; Patterns of large scale growth - – example of an assessment against one criterion

Extract 6: Potential locations for large scale growth; Patterns of large scale growth - Conclusions and Summary [Exhibit REB8,pp41-42]

Regulation 25 Public Consultation stage (extracts 7 to 12)

Extract 7 Appraisal conclusion on Affordable Housing alternatives [REB 16, p27]

Extract 8: Locations for growth in the NPA - Option 2a conclusions (Exhibit REB16 pp200-201]

Extract 9 - Appraisal of proposed growth locations, NE (inside and outside NDR) with NDR – example of an assessment against one criterion [Exhibit REB16, p220]

Extract 10 Appraisal of proposed growth locations, NE (inside and outside NDR) with NDR – conclusions [Exhibit REB16, p244]

Extract 11 Appraisal of proposed growth locations, South East – example of an assessment against one criterion [Exhibit REB16, p286]

Extract 12 Appraisal of proposed growth locations, South East – conclusions [Exhibit REB16, p293]

Issues and Options stage (Extracts 1 to 6)

7. *At the Issues and Options stage, prior to policies being drafted, the SA assessed the likely effects on the environment of different potential approaches to key planning issues, in compliance with the requirements of annex 1 of the SEA Directive. The assessment used a scoring system based on likely positive and negative impacts, with comments and justifications for the assessment. As recommended in the then current government good practice guidance¹, the assessment identified the likely short, medium and long term effects on the 9 environmental objectives identified through the SA scoping report. It also covered social and economic effects (to meet United Kingdom SA requirements) of different potential policy approaches to key issues. The full assessment is available as **Exhibit REB8**.*

Overall strategy for growth (REB11, question 11)

8. *Extract 1 below illustrates the approach taken in the SA to different alternative distributions of growth. This example shows the assessment of the different potential strategies for growth, focussing on concentration or dispersal (question 11 in the Issues and Options report [**Exhibit REB11 p29**]) for SA objective ENV1, “To reduce the effect of traffic on the environment.” This is one of the 9 environmental objectives identified through the scoping report – each was assessed through this element of the sustainability appraisal.*

¹ Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents
<http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/documents/planningandbuilding/pdf/142520.pdf>

Extract 1: Different strategies for locating growth – example of an assessment against one criterion [Exhibit REB8, p17]

Option Appraised: Question 11: Different strategies for locating growth.

- **Option A - Adopt a strategy of dispersing the growth across a large number of small scale sites on the edge of the urban area and in surrounding villages.**
- **Option B – A medium concentration on sites similar to some of the larger estates constructed in recent years (1,500 – 3,000 residential units).**
- **Option C – Larger scale urban extensions and new settlements in the range of 5,000 – 10,000 dwellings.**

SCORING SYSTEM PROPOSED:

☺ = positive effects ☹ = negative effects N = neutral effects ☺☹ = mixed effects ? = uncertain effects N/a = not applicable

SA Objective	Decision making criteria	Short-Term 0-5 yrs	Medium Term 5-20 yrs	Long-Term 20+ yrs	Comments / Justification Inc. cumulative effects
ENVIRONMENTAL					
ENV 1 To reduce the effect of traffic on the environment.	Will it reduce traffic volumes, ease the flow of traffic and reduce congestion?	☹	☹	☹	Option A: Dispersed growth would be less able to support new high quality public transport links, and would mean more car journeys in more areas.
	Will it increase the proportion of journeys using modes other than the car?	☺☹	☺☹	☺☹	Option B: There are fewer sites available, and would still be less able to support high quality public transport.
	Will it reduce the effect of HGV traffic on people and the environment?	☺	☺	☺	Option C: Concentrated, large scale growth provides a large critical mass to support new high quality public transport.
	Will it encourage more benign modes of travel? Will new development be located such to reduce the need for people to travel?				

Extract 2: Different strategies for locating growth – Conclusions and Summary [Exhibit REB8 p24]

Extract 2 shows that conclusions on the likely environmental impacts on all environmental SA objectives, along with social and economic objectives, were drawn, and that an overall summary was provided:

<p>Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p> <p>- POLICY OPTION: Question 11: Different strategies for locating growth.</p> <ul style="list-style-type: none"> • Option A - Adopt a strategy of dispersing the growth across a large number of small scale sites on the edge of the urban area and in surrounding villages. • Option B – A medium concentration on sites similar to some of the larger estates constructed in recent years (1,500 – 3,000 residential units). • Option C – Larger scale urban extensions and new settlements in the range of 5,000 – 10,000 dwellings. 	
Environmental Impacts	<p>Option A: Very large numbers of sites would be needed, with less ability to support high quality public transport leading to more use of the car. Instances of pollution could be less severe but also less treatable.</p> <p>Option B: Fewer sites are available and these may not be able to avoid harming habitat or heritage areas.</p> <p>Option C: Large schemes can provide integrated sustainable drainage solutions, energy generation, improved waste treatment facilities and high quality public transport links in order to effectively reduce the reliance on the private car.</p>
Social Impacts	<p>Option A: Fewer facilities could be provided and transport links would be less frequent, so accessibility may be poorer for people and social exclusion could remain a problem in some communities. The range of housing available to local communities would increase, but services and facilities could be less easily supported and be pressured from numbers of new residents.</p> <p>Option B: Some new facilities would be added, but large scale services like GPs and secondary schools couldn't, so existing ones would be put under more pressure. A new community could be developed and have more integration around open space and a range of housing types, but there would also be fewer local employment opportunities available for non-car commuters.</p> <p>Option C: More services, larger services and facilities (like a secondary school and GP surgery) could improve local accessibility and reduce deprivation for new the community. However, the benefits of a wider range of new housing and affordability would not be available to so many local housing markets. Growth would be located close to strategic employment areas or include some job opportunities, and would have improved transport links to the city and jobs markets elsewhere.</p>
Economic Impacts	<p>Option A: Local business and rural diversification could be supported from dispersed growth but the availability of local jobs would be smaller and access to the workplace less easy as public transport links may not be able to be enhanced.</p>

	<p>Option B: There is more accessibility and better availability of jobs for new residents but the links to employment areas elsewhere may not be so developed if public transport links can't be enhanced significantly.</p> <p>Option C: A new settlement or community would be located close to strategic employment areas and links to jobs opportunities would improve from new public transport enhancement. There would also be more jobs and facilities provided onsite and possibly also opportunities to include business start-up or development facilities. The new settlements would be more self-contained and have larger scale facilities included which may serve to discourage rural diversification and draw custom away from established businesses in local areas.</p>
<p>Overall summary:</p> <ul style="list-style-type: none"> • Impacts • Possible mitigation measures • Recommended further research • Considering cumulative impacts 	<p>This is a fundamental aspect of strategic growth as it will change the face of the area and have lasting effects well into the future. It will determine to some extent the viability of even more development after this planning period, so it is crucial that the effects are understood.</p> <p>Further research would be especially important in this regard to determine the constraints, opportunities and drawbacks from each possible growth location.</p> <p>A combination of the three strategies could also work quite effectively in the future. This would help to ensure that some aspects of rural communities remain viable in the future whilst new facilities can be provided to serve new communities, or residents in existing areas can benefit from improvements brought about by new development, such as improved ranges of housing, public transport, new jobs provision and cultural attraction.</p>

Conclusion on meeting the requirements of the Directive

9. *The SA thus concludes that a more concentrated pattern of development has the environmental advantage of enabling more integrated solutions to issues such as energy, waste, transport and drainage. It also argues that some dispersal of new development would help to ensure that some aspects of rural communities remain viable in the future.*

Specific locations for growth (REB11, questions 12 and 13)

10. *Potential locations for large scale growth are identified in the JCS Issues and Options Report [Exhibit REB11, p31]. The SA assesses the likely significant effects on the environment (as well as social and economic affects) of growth in each location (with location 3 divided into 2):*
- *Against JCS objectives [Exhibit REB8, p26 to 30];*
 - *By identifying key sustainability issues associated with each location ([Exhibit REB8 p31] and extract 3 below);*

- *By illustrating the relative advantages of different locations in comparison with SA objectives through a table using traffic light colours [Exhibit REB8 p32 and extract 4 below].*
11. *The SA concludes that more concentrated growth locations have environmental advantages based on critical mass and provide opportunities for environmentally friendly designs, while a more dispersed pattern of growth may more gradually change the landscape and character of the area over time.*
 12. *The approach taken, as illustrated by these extracts, meets the requirements of the Directive by examining the likely significant effects of different strategic approaches to growth in terms of both specific locations for growth and potential combinations of those locations, once again based mainly on concentration and dispersal.*
 13. *The colour coded table (extract 4 below) gives a clear summary of the likely significant effects. It provided both an outline of the environmental, social and economic issues for elected members to consider when selecting alternative locations for growth and a useful summary for members of the public.*

Extract 3 – [Exhibit REB8, p31]

Some key sustainability issues associated with each location.

<p>North East Sector (inside the NNDR) is a large scale urban extension, the closest area to the city centre. Close to three large employment areas via A47 and Northern Distributor Road (NNDR) access. Large district centre is planned for the area. Environmentally sensitive sites exist, although these could be used for habitat recreation and SUDs. No present school capacity.</p>
<p>North East Sector (outside the NNDR) would be a stand-alone settlement with good access to close employment locations and a possible rail link from Salhouse. There is no current school capacity at present. Habitat recreation is a possibility for heathland.</p>
<p>East Sector (Outside the NNDR) is a stand-alone new settlement separated by the NNDR, with good access to a range of employment areas. Few local services exist at present, schools are full and there is neither any public transport priority measures.</p>
<p>North East and East Sectors combined would bring more facilities to an area where few exist at present. It would however create a disjointed community separated by the NNDR and a rail line. It looks unfeasible without excellent railway public transport.</p>
<p>South East Sector (vicinity of Poringland) is distanced from all existing strategic employment opportunities and there are also no large scale retail facilities in the area. Access to city centre from A146 is poor and would increase congestion, and there are few options available to provide high quality public transport. However, the existing Framingham Earl High School could expand.</p>
<p>South Sector (A11-A140, outside A47) would be a stand-alone settlement somewhat distanced from strategic employment areas and separated from large scale retail opportunities by the A47. There is no additional capacity at local schools.</p>
<p>South West Sector (A11-B1108 outside A47) would be close to the city centre with easy access to 3 strategic employment areas, although there are very few local services available. There is potential for a dedicated bus route along A11. Local schools are at capacity but there is potential to relocate a primary school to create additional capacity at the secondary school.</p>
<p>West Sector (River Yare to River Wensum) is located close to sensitive river valleys and a complicated road system which could hinder development. The NNDR allows good access to 3 employment areas and a large retail superstore is also nearby. There are few opportunities to install new bus priority measures into the city centre, and the existing schools are all at capacity.</p>
<p>North West Sector (A1067 – NNDR) would be an expanded settlement that could bring large scale retail facilities to the area, but there is limited public transport capacity and the area is distanced from employment areas and the local schools can not expand.</p>
<p>North Sector (North of airport) could be close to an expanded employment area at the airport, but it is less well related to existing employment areas and retail opportunities. There is little public transport infrastructure and few schools nearby.</p>
<p>Wymondham is well positioned on the A11 with opportunities for good access to the city via a new express bus route and the existing rail service. There is a strategic employment area in the town and some retail opportunities. Schools are also at capacity.</p>
<p>Long Stratton would be a village extension and provision of a new identity and far more additional services than are available at present. It is poorly related to employment areas and there are few public transport expansion options. The school could expand.</p>

Extract 4 [Exhibit REB8, p32]

Strategic Growth locations considered against the Sustainability Appraisal Objectives

Effects:	Positive effects				South East	Mixed effects			North West	Negative effects			N/a
	North East (inside the NDR)	North East (Outside the NDR)	East Sector (Outside the NDR)	North East and East Combined		South Sector	South West	West Sector		North	Wymondham	Long Stratton	
Strategic growth locations	North East (inside the NDR)	North East (Outside the NDR)	East Sector (Outside the NDR)	North East and East Combined	South East	South Sector	South West	West Sector	North West	North	Wymondham	Long Stratton	Additional comments
SA Objectives	North East (inside the NDR)	North East (Outside the NDR)	East Sector (Outside the NDR)	North East and East Combined	South East	South Sector	South West	West Sector	North West	North	Wymondham	Long Stratton	
ENV 1	Green	Yellow	Red	Yellow	Red	Red	Green	Yellow	Red	Red	Green	Yellow	
ENV 2			Red				Red	Red		Yellow			SuDS to mitigate
ENV 3	Yellow	Yellow	Yellow		Yellow	Red	Yellow	Red	Red	Red	Red	Red	Congestion etc.
ENV 4	Red	Red	Red		Yellow	Green		Yellow	Red	Yellow			
ENV 5	Red	Green	Yellow		Yellow	Green	Green	Yellow	Red	Green	Red	Green	
ENV 6	Yellow	Yellow	Red	Red	Yellow	Red	Green	Green	Red	Yellow	Green	Red	
ENV 7	Flood risk areas would be avoided as a matter of course within the location process and through the design of site developments.												
ENV 8	Impacts of pinch-points and the viability of the use of SUDS are assessed through the water cycle and infrastructure studies.												
ENV 9	Green	Yellow	Red	Red	Red	Yellow	Yellow	Yellow	Red	Yellow	Yellow	Yellow	
SOC 1		Yellow	Red	Red	Red	Red		Green	Red	Yellow			Jobs & facilities.
SOC 2		Green			Green	Red			Green	Red			
SOC 3	Red	Red	Red	Red		Green		Red	Yellow	Red			
SOC 4								Yellow					
SOC 5				Yellow									Safe local access
SOC 6					Red	Red			Red	Yellow		Red	
SOC 7				Yellow					Green				Design & facilities
SOC 8		Yellow	Yellow	Yellow	Red	Red			Red	Red		Yellow	Local transport.
EC 1									Red	Yellow		Red	
EC 2					Red	Red			Red	Yellow		Red	Close to job area.
EC 3		Yellow	Red	Red	Red	Red		Green	Red	Red		Red	
EC 4			Green	Yellow	Red	Red			Red	Red		Red	Access & impacts

]

The SA also covered potential combinations of growth locations:

Extract 5: Potential locations for large scale growth; Patterns of large scale growth – example of an assessment against one criterion [Exhibit REB8, p34]

- Option Appraised: Question 13 – Potential locations for large scale growth: Patterns of large scale growth
 - Option A – 3 areas: Concentration on the north-east and south-west of Norwich and at Wymondham
 - Option B – 4 areas: As Option A, plus a fourth location for large scale growth
 - Option C – 5 areas: As Option A, plus two or more locations for medium scale growth
 - Option D – A different combination of major growth options
 - Option E – A more dispersed pattern of growth (perhaps an average of 1,500 dwellings in 10 locations)

- Note - Sustainability Appraisal methodology principles (Option C is a middle-ground; Option D not covered)
 - Concentrated growth - covering Options A and B
 - Dispersed growth - covering Option E

SCORING SYSTEM PROPOSED:

☺ = positive effects ☹ = negative effects N = neutral effects ☺☹ = mixed effects ? = uncertain effects N/a = not applicable

SA Objective	Decision making criteria	Short-Term 0-5 yrs	Medium Term 5-20 yrs	Long-Term 20+ yrs	Comments / Justification Inc. cumulative effects
ENVIRONMENTAL					
ENV 1 To reduce the effect of traffic on the environment.	Will it reduce traffic volumes, ease the flow of traffic and reduce congestion?	☺☹	☺	☺	Concentrated: In the short-term there would be construction traffic generation, but eventually these options will be able to include more viable public transport links to serve a larger population more frequently. Walking and cycling would also be more feasible as services would be closer and better networked.
	Will it increase the proportion of journeys using modes other than the car?				
	Will it reduce the effect of HGV traffic on people and the environment?				
	Will it encourage more benign modes of travel?	☹	☹	☹	Dispersed: Over the long-term, public transport would not be so viable and dispersed housing would also be more distant from services and facilities, so walking and cycling would be less feasible. This would lead to
	Will new development be located such to reduce the need for people to travel?				

Extract 6: Potential locations for large scale growth; Patterns of large scale growth - Conclusions and Summary [Exhibit REB8,pp41-42]

<p>Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p> <ul style="list-style-type: none"> - POLICY OPTION: Question 13 – Potential locations for large scale growth: Patterns of large scale growth <ul style="list-style-type: none"> ▪ Option A – 3 areas: Concentration on the north-east and south-west of Norwich and at Wymondham ▪ Option B – 4 areas: As Option A, plus a fourth location for large scale growth ▪ Option C – 5 areas: As Option A, plus two or more locations for medium scale growth ▪ Option D – A different combination of major growth options ▪ Option E – A more dispersed pattern of growth (perhaps an average of 1,500 dwellings in 10 locations) - Note - Sustainability Appraisal methodology principles (Option C is a middle-ground; Option D not covered) <ul style="list-style-type: none"> • Concentrated growth - covering Options A and B • Dispersed growth - covering Option E 	
Environmental Impacts	<p>Concentrated growth locations provide more opportunities for improvements to public transport service viability by serving a larger number of households in one or two areas. This would minimise impacts on the city and reduce emissions. Larger developments can include renewable energy schemes, green infrastructure, water efficiency measures and sustainable drainage systems. Dispersed patterns of growth could lead to more pressure on towns and villages and would also increase the travelling distances to work, facilities and services. Larger developments will undergo greater strategic scrutiny and so are more likely to incorporate sustainable design and construction measures.</p>
Social Impacts	<p>Accessibility is inherently part of a large settlement’s designs as walking, cycling, public transport links and local service provision would be integral to a large new development. Health facilities, open space and leisure pursuits could also be included, as would educational facilities and possibly also some employment areas. Dispersal can create more difficulties for people in accessing their local facilities, but it can lead to better integration of communities and can provide more housing for local people to remain in the area they grew up in or work in.</p>

Economic Impacts	Concentration improves peoples' access to the main jobs market and helps service delivery. The efficiency of peoples' commuting is also increased if there are better public transport and more local facilities. Dispersed growth may be able to offer more support to local services and market town facilities.
Overall summary: <ul style="list-style-type: none"> • Impacts • Possible mitigation measures • Recommended further research • Considering cumulative impacts 	These are a complicated set of options because so many effects are dependent on the local circumstances of areas that could be considered for growth. The main benefits of a concentrated approach are that, with attention to design, local features can be added into a development and public transport and other services become more viable if they can serve a larger critical mass of households. Dispersed growth may be easier to integrate into the existing landscape and established society, but it could bring strain to health and education facilities, and could leave those dependent on public transport more vulnerable to social exclusion. Environmental effects are hard to quantify, and further research could benefit from water cycle studies and infrastructure capacity assessments. Cumulatively, more dispersed growth could have a gradual effect of changing the landscape and character of an area over time, whereas concentrated growth could help to maintain some characteristics and provide opportunities for integrated and environmentally-friendly designs.

Regulation 25 Public Consultation Stage.

14. *The full public consultation was accompanied by a sustainability appraisal prepared in house, vetted by Scott Wilson as a “critical friend”. This assessed both area wide “generic” policies and all the spatial options for growth considered both at the previous technical consultation and in the subsequent public consultation. It is provided as **Exhibit REB 16**.*

Generic Policies

15. *The first section of the SA appraised generic policies. It met the SEA Directive requirement to assess reasonable alternatives where alternatives were applicable. The following table is not an extract from a previous report. It lists the alternative policy options appraised at the Regulation 25 stage in exhibit REB16 from page 22 to 148..*

Table 1 Alternative options appraised for key area-wide issues

Topics appraised	Alternative options appraised
Affordable housing thresholds	(A) 2 units (B) 5 units (C) 10 Units

<i>Location of 'Exceptions' housing sites</i>	<i>(D) Planning Policy Statement 3 national indicative threshold of 15 units (A) Limited to 'appropriate settlements' (including limiting exceptions allocations to settlements listed in the Settlement Hierarchy) (B) In all settlements</i>
<i>Sites to meet the RSS requirement for Gypsies and Travellers</i>	<i>(A) Providing guidance on locations (B) No guidance on locations (A) Allocating a small number of large sites (B) Allocating a larger number of small sites</i>
<i>Generic Policy : Economy</i>	<i>Preferred Option Rejected Option : Lower level/economic growth Rejected Option: Less emphasis on skills, business needs, rural emphasis</i>
<i>Spatial Hierarchy definition</i>	<i>Option (a) main towns and Key Service Centres Option (b) inclusion of service villages in the hierarchy Option (c) inclusion of "other villages" in the hierarchy</i>
<i>Town Centre Hierarchy</i>	<i>Option (a) Concentration of shops and services in only the defined town centres for which a growth potential has been identified. Option (b) Dispersal of shops and services over a greater number of easily accessible defined town centres. Option (c) The inclusion of free standing out-of-town large stores as district centres in the retail hierarchy in Option (a). Option (d) The inclusion of free standing out-of-town large stores as district centres in the retail hierarchy in Option (b).</i>

The following Extract 7 shows the appraisal's conclusions on alternative options considered in relation to affordable housing thresholds

Extract 7: Appraisal conclusion on Affordable Housing alternatives [REB 16, p27]

<p>Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p>	
<p>● POLICY OPTIONS: Affordable housing thresholds:</p> <p>(A) 2 units</p> <p>(B) 5 units</p> <p>(C) 10 Units</p> <p>(D) Planning Policy Statement 3 national indicative threshold of 15 units</p>	
<p>Environmental Impacts</p>	<p>There are no direct environmental impacts arising from this option, however, there are potential indirect impacts arising from the financial burden squeezing the funding available for environment protection features.</p>
<p>Social Impacts</p>	<p>Options (A), (B) and (C), will increase the proportion of affordable housing more than applying the PPS3 national indicative threshold of 15 units. By having affordable housing across a range of smaller sites it offers the potential to create more mixed, balanced communities, particularly via windfall sites in locations where specific allocation are not made</p>
<p>Economic Impacts</p>	<p>Provision of affordable housing will help retain a mixed population, potentially providing housing for existing employees/key groups who would not otherwise be able to afford market housing – however link between local employees and occupation is not fixed, therefore the benefits are uncertain. . However, a very low threshold (Option A) may have implications for the overall delivery of sites (due to concerns over economic viability/pressure to bring sites forward for below the threshold numbers) and also either jeopardise the level of Community Infrastructure Levy that is achievable; not actually deliver the anticipated affordable housing or raise the cost of the market-housing element.</p>
<p>Overall summary:</p> <ul style="list-style-type: none"> ● Impacts ● Possible mitigation measures ● Recommended further research ● Considering cumulative impacts 	<p>The SA demonstrates the need to balance the social benefits of achieving a greater amount and spread of affordable housing through by applying the lowest threshold (Option A) and the concerns that such an approach might lead to a slow down in delivery of small sites, or a increase in the number of sites coming in below the threshold size. The impacts of changing the threshold in terms of environmental and economic criteria are very limited.</p>

Conclusion on meeting the requirements of the Directive

16. *The appraisal thus concludes that there are only indirect environmental effects arising from the choice of policy options for affordable housing thresholds, relating to the availability of funding available for environmental measures, though there are clear social benefits relating to lower thresholds.*
17. *The approach taken meets the requirements of the Directive by examining the likely significant effects of different approaches, where applicable, to generic policies such as that for affordable housing thresholds. This clearly shows that an assessment was made of reasonable alternatives to policies, in this case generic policies.*

Policies for places

Major Locations for Growth

18. *The next section of the SA appraised both packages of growth locations and individual growth locations within the Norwich Policy Area in detail.*

Packages of growth locations

19. *On page 150 of **Exhibit REB16** , an assessment of the options to accommodate major growth in the Norwich policy area commenced. It looked in detail at the three packages included in the technical consultation, followed by an appraisal of an additional variant, and the favoured option at that stage.*

Extract 8 is an example of the conclusion of the appraisal for option 2a.

Extract 8: Locations for growth in the NPA - Option 2a conclusions (Exhibit REB16 pp200-201)

<p>Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p> <p>POLICY OPTION: Locations for Growth and Change in the NPA (Option 2a) (December 2008)</p> <p style="text-align: center;">•</p>	
<p>Environmental Impacts</p>	<p>Overall beneficial, but may not easily achieve the high quality public transport system necessary to limit CO₂ emissions and manage travel demand from the planned scale of growth. A high quality service in the south west of the NPA is dependent on the cumulative support of the different locations for growth.</p> <p>This option would redistribute growth in South Norfolk more than options 1, 2 and 3, and, compared with options 1 and 2, would not make such good use of the opportunities for sustainable travel on the A11 corridor which has established good quality bus infrastructure closer on the approaches Norwich. In this regard, however, it performs better than option 3. Growth to the north east would benefit from choice and flexibility about how to manage travel demand by bus car and rail. A reduced focus for some of the major growth on the A11 corridor in this option may avoid potential for significant impacts on European sites. This strategy overall also provides for significant enhancement to habitats and green infrastructure. Some improvement to the policy wording needs to be more explicit, ensuring these positive aspects are recognised. The combined locations included as part of the policy give very positive scores, although the primary use of greenfield land is a disadvantage in absolute terms for all options, as is the potential impact on local landscapes where large scale growth is being promoted. The dispersed nature of the option in South Norfolk does not provide potential for bus rapid transit which has been indicated is a benefit to large parts of the existing area.</p> <p>The growth in Long Stratton has the potential to be less sustainable because of the potential to increase travel distances to other centres and to Norwich where most people work. The distance from Norwich for buses along an unimproved A140 corridor give less opportunity than option 1 to mitigate car journeys and make bus use more attractive. It does, however, offer some local environmental improvements in Long Stratton.</p> <p>The scale of growth in Long Stratton is a small proportion of the overall requirement across the plan area and while locally significant particularly on the regionally important A140 corridor, in itself this does not significantly affect the sustainability of this option. In Long Stratton there will be local environmental improvements from a bypass.</p> <p>Ref to Historic landscape assessment on all 4 options</p>

<p>Social Impacts</p>	<p>Overall beneficial, but some development not accessible to larger centres and services. Dispersed transport infrastructure costly and will impact on the ability to provide other essential infrastructure and affordable housing. There is no single and obvious solution to meet the secondary education need of the more dispersed pattern of growth in South Norfolk. In this respect the option has uncertain educational consequences.</p> <p>Social aspects score very positively, although the main focus will be on new residents in the areas indicated. Will ensure new residents have good access to jobs and services. The policy maximises ability to provide affordable housing and new services and infrastructure. Requires community engagement in designing the new communities in a 'masterplanning' exercise to ensure effective delivery.</p> <p>Investment required for the Long Stratton Bypass will draw funding away from other infrastructure needs and affordable housing. Achievement of the target level may be dependent on support from the homes and communities agency and what the</p>
<p>Economic Impacts</p>	<p>Uncertainty over the provision, timing and impact of promoting a further strategic employment site.</p> <p>Although the policy scores very positively. It performs worse than options 1, 2 & 3 in promoting growth that is well-located in relation to, and supports key strategic employment locations and associated sectors.</p> <p>The Long Stratton Bypass will improve strategic access along the A140 and my give a local boost to Long Stratton.</p>
<p>Overall summary:</p> <ul style="list-style-type: none"> • Impacts • Possible mitigation measures • Recommended further research • Considering cumulative impacts 	<p>Generally positive impacts. Score held down by the ability to provide high quality public transport, the costs of infrastructure and the consequent impacts on provision of and access to other social infrastructure. Uncertainty over the funding of a Long Stratton bypass could also negatively impact in this way.</p> <p>Implementation of sustainable transport infrastructure and services will be important, as this is one of the main requirements for growth set out in the regional spatial strategy.</p> <p>Need to investigate:</p> <ul style="list-style-type: none"> • strengthening consideration of landscape impacts • and potential for innovative use of the railway. • Secondary education solution • Environmental Consequences of implementing public transport priority and the scale of enhancements on A140 in the city.

Conclusion on meeting the requirements of the Directive

20. *These appraisals meet SEA requirements by:*

- *Appraising each of the different growth packages that had emerged through the JCS plan making process;*
- *Assessing their likely environmental impacts*
- *Drawing clear conclusions on both the environmental impacts on their own and in tandem with the social and economic impacts to inform decision making.*

Individual potential locations for growth

21. *From page 220 [of Exhibit REB 16] the SA also included an appraisal of the individual potential locations for growth. This covered the 12 locations consulted on through the JCS process, including the area north-east of Norwich. The latter is covered by detailed appraisals of the north-east inside the northern distributor road (NDR), north-east outside the NDR, and a combination of the north-east inside and outside the NDR).*

22. *Extracts 9 to 12 illustrate the detailed approach taken for each of the proposed locations for growth, using two different examples. They illustrate both the appraisal for SA objective ENV1 “To reduce the effect of traffic on the environment” and the conclusions for each proposed location.*

Extract 9 Appraisal of proposed growth locations, NE (inside and outside NDR) with NDR – example of an assessment against one criterion [Exhibit REB16, p237]

Option Appraised: **NE (inside and outside NDR) with NDR**

SCORING SYSTEM:

++	Very positive effects	+	Positive effects	--	Very negative effects	-	Negative effects	+/-	Mixed effects
N	Neutral / insignificant effects			?	Uncertain effects	Na	Sustainability objective is not applicable to this option		

SA Objective	Decision making criteria	Short-Term 0-5 yrs	Medium Term 5-20 yrs	Long-Term 20+ yrs	Comments / Justification Inc. cumulative effects
ENVIRONMENTAL					
ENV 1 To reduce the effect of traffic on the environment.	Will it reduce traffic volumes, ease the flow of traffic and reduce congestion? Will it increase the proportion of journeys using modes other than the car? Will it reduce the effect of HGV traffic on people and the environment? Will it encourage more benign modes of travel? Will new development be located such to reduce the need for people to travel?	Na	+	+	The location spans between the employment sites at the airport, Broadland Business Park and Rackheath. Local services exist within the existing Norwich fringes that are within walking and cycling distance. There are good opportunities to develop fast frequent bus routes into the city. There is the potential for rail but it may require moving the existing Salhouse station. Layout of the area has to ensure permeability across the Northern Distributor Route to prevent severance of the new community. The NDR will enhance the environment in the Northern suburbs of Norwich and relieves congestion providing the potential for high quality bus services. The NDR will significantly improve access to the strategic road network for the airport and adjacent employment areas.

Extract 10 Appraisal of proposed growth locations, NE (inside and outside NDR) with NDR – conclusions [Exhibit REB16, p244]

<p align="center">Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p> <p>• POLICY OPTION: Growth Location - NE (inside and outside NDR) with NDR</p>	
Environmental Impacts	The opportunities for sustainable transport and the accessibility to existing jobs and services help this location to score well compared to other locations. The NDR will bring wider benefits within the city by removal of unnecessary through traffic and allowing other travel modes to be strengthened.
Social Impacts	Again the proximity to jobs and services means that the location is scores well against social objectives. Permeability across the NDR is important not to isolate people from jobs and services within the growth location.
Economic Impacts	With strong links to existing strategic employment sites and via the NDR good access to the strategic road network, this location scores highly against the economic objectives.
<p>Overall summary:</p> <ul style="list-style-type: none"> • Impacts • Possible mitigation measures • Recommended further research • Considering cumulative impacts 	Overall a strongly performing location across the sustainability assessment when compared to others. Masterplanning of the location will be vital to ensure that the NDR does not form a barrier to sustainable travel links and that the proximity to existing jobs and services is exploited by the provision of a good walking and cycling network.

Extract 11 Appraisal of proposed growth locations, South East – example of an assessment against one criterion [Exhibit REB16, p286]

Joint Core Strategy Preferred Options: Sustainability Appraisal Framework

Option Appraised: Growth locations – South East

SCORING SYSTEM:

++	Very positive effects	+	Positive effects	--	Very negative effects	-	Negative effects	+·	Mixed effects
N	Neutral / insignificant effects			?	Uncertain effects	Na	Sustainability objective is not applicable to this option		

SA Objective	Decision making criteria	Short-Term 0-5 yrs	Medium Term 5-20 yrs	Long-Term 20+ yrs	Comments / Justification Inc. cumulative effects
ENVIRONMENTAL					
ENV 1 To reduce the effect of traffic on the environment.	Will it reduce traffic volumes, ease the flow of traffic and reduce congestion? Will it increase the proportion of journeys using modes other than the car? Will it reduce the effect of HGV traffic on people and the environment? Will it encourage more benign modes of travel? Will new development be located such to reduce the need for people to travel?	Na	-	-	Poorly related to choice of strategic employment. Limited prospects for high quality public transport. Limited existing local services. The south east is poorly located for access to a choice of strategic employment sites, or facilities other than those in the village. There are limited prospects for developing a high quality public transport service incorporating suitable bus priorities to the city centre. This area is likely to perform very poorly against this sustainability objective

Extract 12 Appraisal of proposed growth locations, South East – conclusions [Exhibit REB16, p293]

<p align="center">Overall Conclusions: What are the main effects of the policy option as identified through the sustainability appraisal process?</p> <p>• POLICY OPTION: Growth locations – South East</p>	
Environmental Impacts	The area is poorly related to strategic employment sites and services, limiting the opportunity to reduce the environmental impact of travel. It is also an area where surface water drainage has proved difficult in the past. If piped drainage were to prove necessary, care would have to be taken to avoid damage to internationally designated wildlife sites. There are relatively few environmental constraints in the immediate vicinity, apart from the archaeological interest to the north at Arminghall.
Social Impacts	There are some local services but limited access to strategic services away from the immediate locality. the relatively remote services of this location, and it's limited access ability by public transport would limit the opportunities for social cohesion offered by any employment located here, and make it difficult for local residents to access facilities/employment/social networks elsewhere
Economic Impacts	This scenario is a poorly located to support strategic employment locations, and a pool of labor here is a less likely to be beneficial to employers in other localities.
<p>Overall summary:</p> <ul style="list-style-type: none"> • Impacts • Possible mitigation measures • Recommended further research • Considering cumulative impacts 	<p>Growth would have to be sufficient scale to support a greater range of services but opportunities for sustainable access to Norwich and strategic employment sites are limited.</p> <p>More analysis needs to be undertaken on landscape impact.</p>

Conclusion on meeting the requirements of the Directive

23. *In the case of the chosen examples, the environmental appraisal for the south-east and north-east potential growth locations focus on the limited access to employment opportunities in the former location and the positive opportunities for access to sustainable transport and employment in the latter.*

24. *The approach taken illustrated above meets the requirement of the Directive to “identify describe and evaluate the likely significant effects on the environment of implementing the plan and reasonable alternatives” by providing detailed assessments of the likely environmental effects on the reasonable alternative locations for growth identified through the JCS process. The appraisal also assessed likely economic and social affects. This clearly shows that an assessment of the reasonable alternatives to policies, in this case locational policies, has been done. It also clearly shows that detailed appraisals were done of the options for major growth locations.*

25. *The following table is not an extract from a previous report. It lists the alternative policy options appraised at the Regulation 25 stage in exhibit REB16 from page 322 to 430*

Other topics with alternatives appraised

Table 2 Further generic policy appraisals

Topics appraised

City Centre

Alternative options appraised

Preferred Option: Commercial and Cultural led development

Rejected Option (1) Housing led development

Rejected Option (2) Market led development

Implementation

(A) Comprehensive tariff approach to securing developer contributions

(B) Limited scope tariff approach to securing developer contributions with reduced tariff rate for brownfield sites

- (C) Limited scope tariff approach to securing developer contributions. Reduced tariff rate for sites in the rural areas*
- (D) More limited scope tariff approach to securing developer contributions + S106 agreements*
- (E) Contributions from S106 agreements only*
- (F) Infrastructure managed by a local infrastructure management body, set up by developers*
- (G) Local infrastructure adopted by the public sector (such as SuDS).*
- (H) Funds managed by the GNDP spent in accordance with IDP priorities and timing.*
- (I) Funds managed by a formal joint committee spent in accordance with the decisions of the committee.*
- (K) Utilise accredited design process for major Strategic Growth locations*
- (L) Do not utilise accredited design process for major Strategic Growth locations, but rely on developers to ensure design quality.*

Conclusion on meeting the requirements of the Directive

26. *The approach taken also meets the requirements of the Directive by examining the likely significant effects of different approaches, where applicable, to specific policies for the city centre and on implementation. This clearly shows that an assessment of the reasonable alternatives to policies, in this further case locational and generic policies, has been done.*

On behalf of the 1st, 2nd & 3rd Defendants
Witness Statement: 1st
By: Richard James Doleman
Exhibits: RJD1-RJD12
Date: 26 July 2011

Case ref CO/3983/2011

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

BETWEEN

Stephen Heard

Claimant

v

**(1) Broadland District Council
and
(2) South Norfolk Council
and
(3) Norwich City Council**

Defendants

**Witness Statement
of Richard James Doleman**

I, RICHARD JAMES DOLEMAN, of County Hall, Martineau Lane, Norwich, Norfolk, NR1 2SG, Principal Transport Planner, STATE as follows

1. I have been working with the Greater Norwich Development Partnership since it was established in 2006 in my capacity as a Principal Transport Planner employed in the Economic Development and Strategy Unit of Norfolk County Council. I am duly authorised by the Defendants to make this witness statement in response to the application by the Claimant pursuant to section 113 Planning and Compulsory Purchase Act 2004 to quash the Joint Core Strategy for Broadland, Norwich and South Norfolk, adopted on 22 March, 2011 ("the JCS") to the extent that it is necessary to do so in order to reconsider growth and in particular housing and related transport provision in Broadland District.
2. From the beginning of the work on the JCS, I was one of the principal officers responsible for the preparation and formulation of the document which was ultimately adopted in March, 2011. I was involved in all of the

preparatory stages prior to and including the publication of the proposed submission version of the JCS and its subsequent submission.

3. I attended the Exploratory Meeting held by the inspectors appointed to examine the JCS, and was fully involved in the subsequent work, including the preparation of the subsequently advertised Statement of Focused Changes
4. I am familiar with the documents that were produced by the councils in preparing the JCS, and with the documents submitted by other parties as part of the Examination process.
5. I am familiar with the guidance published by or on behalf of the Secretary of State for Communities and Local Government on the preparation of development plan documents, including the requirements to undertake Sustainability Appraisal and Strategic Environmental Assessment at appropriate stages in the preparation of development plan documents.
6. I am aware that separate Witness Statements are being prepared by Roger Burroughs and Philip Morris, who were also involved throughout the preparation of the JCS, responding to Grounds 1 and 3 of the claim.

Scope of Statement

7. In this Witness Statement, I seek to provide the context and evidence for proper consideration of the Claim in relation to Ground 2. There is now produced and shown to me a bundle of documents marked as RJD 1 to RJD 12, copies of which are attached to this witness statement and to which I will refer to as appropriate. I will also refer to the documents exhibited by the claimant, and in particular the Witness Statement of Stephen Heard, as appropriate. I do not propose to address the matters of law raised by the claimant, except to the extent necessary to explain the relevant context.
8. The second ground of the challenge concerns the adequacy of the sustainability appraisal to assess the Northern Distributor Route (“NDR”) in relation to the preparation of the Joint Core Strategy. The Claim asserts that the NDR was not assessed at all as part of the process.
9. This is not an accurate reflection of the development plan process. At the time of the preparation and adoption of the JCS, the NDR was already Regional and County Council policy and was in the adopted Norwich Area Transportation Strategy (“NATS”) and Norfolk’s Second Local Transport Plan (“LTP 2”). The NATS was itself already part of the Regional Spatial Strategy policy for this area. Furthermore, both the NATS and the LTP have been subject to Strategic Environmental Assessment to inform their development and this work was part of the baseline for preparation of the JCS.

The existing transport policy context for the JCS

10. Prior to work commencing on the joint core strategy the County Council carried out considerable work on NATS and the NDR. Guidance on the transport policy that should underpin a Core Strategy and what it should take account of in its development can be found in Planning Policy Guidance Note 13 (Transport).
11. Paragraph 20 of Planning Policy Guidance Note 13 (Transport) as reissued in 2011 says *“Local authorities should seek to ensure that strategies in the development plan and the local transport plan are complementary: consideration of development plan allocations and local transport priorities and investment should be closely linked.”*
12. PPG13 paragraph 7 says: *“To assist in the co-ordination of transport and land use planning, local planning and highway authorities should have regard to the regional transport strategy which forms part of the regional planning guidance. Regional transport strategies provide the long-term strategic framework which informs development plans, local transport plans and transport operators in developing their plans and programmes.”*
13. The relevant regional plan for the Greater Norwich Area is the East of England Plan (“EEP”, May 2008; the EEP exhibited to the witness statement of Roger Burroughs (REB7)). Policy NR1 of the East of England Plan relates to growth focussed on Norwich. The final paragraph of Policy NR1 states that

‘Requirements for transport infrastructure arising from development in the Norwich area should be determined having regard to the Norwich Area Transportation Study, which provides a strategy for improving access by all modes of transport across the Norwich policy area.’
14. The EEP also contains the Regional Transport Strategy. Policy T15 (Transport Investment Priorities) says

“Investment programmes should be regularly reviewed to ensure they deliver the infrastructure and services necessary to support the RSS. Investment in transport should be prioritised according to its contribution to the RTS objectives and outcomes in Policy T1, the priorities and objectives in Policies T2 to T14, and the transport priorities in the policies for sub-areas and key centres for development and change. Reviews of Local Transport Plans and future prioritisation exercises for transport investment should reflect these priorities. Appendix A lists the regionally significant transport investment currently programmed for the region.”
15. The NDR is included in the lists contained in Appendix A of the EEP, "Strategic Transport Infrastructure Priorities". This Appendix lists the

regionally significant transport infrastructure that has been built since the start of the RSS plan period (April 2001), those that are under construction and those that are programmed for delivery. The NDR is included in table 4, which is the list of schemes that are *"identified in the Regional Funding Allocation, [and] are not yet approved. Full business case submissions and value for money appraisals will need to be made. Future funding may be provided through a number of Government streams (LTP, CIF, TIF etc) or it may come from developer contributions."*

16. Both the NATS and the NDR are contained in Norfolk County Council's Second Local Transport Plan (LTP2) which was agreed by the Council in February 2006 for submission to the Department for Transport.
17. The Town and Country Planning (Local Development) (England) Regulations 2004 part 4 Regulation 15 sets out additional matters to which regard to be had. Regulation 15(1)(b) says *"any local transport plan, the policies of which affect any part of the local planning authority's area"*
18. Work on issues and options for the Joint Core Strategy started in 2007. At that time, PPS 12 (2004) was the relevant national policy document to shape the preparation of the JCS. Further interpretation of PPS12 was contained in "Creating Local Development Frameworks, A Companion guide to PPS12". At section 2.5, Integration with other bodies and strategies, the Companion Guide sets out in the 3rd paragraph the need to have regard to local transport plans:

"Local development frameworks, reflecting spatial objectives, must have regard to other relevant policies and strategies at local and regional levels, particularly community strategies (see Checklist 8a). The local development framework should be informed by an assessment of the land use implications of other relevant policies and programmes including economic development, regeneration, education, health, crime prevention, waste, recycling and environmental protection. In addition, authorities must have regard to local transport plans."
19. In preparing the joint core strategy, regard was paid to the work that had been carried out by the County Council in preparing its Local Transport Plans and the Major Scheme submission for the Northern Distributor Route.

Environmental Assessments of the Norwich Area Transportation Strategy (NATS) and the Local Transport Plan (LTP 2)

20. Environmental assessment was incorporated in the development of NATS, and LTP2.
21. NATS (RJD1) was subject to the strategic environmental assessment process ("SEA"), even though this was not a requirement under the newly-introduced legislation. It could have been argued that SEA was not required by virtue of the date for its introduction as related to plans and strategies that were already in preparation. The SEA of NATS was published in October 2004. It considered 6 strategy options.
1. Full Northern Distributor Road, with complementary transport measures;
 2. ½ Northern Distributor Road, with complementary transport measures;
 3. ¾ Northern Distributor Road, with complementary transport measures;
 4. Bus based public transport improvements;
 5. High-quality public transport improvements; and
 6. Measures to encourage modal shift and reduce the need to travel.
22. The Transport Act 2000 placed a duty on the County Council to produce a local transport plan. Furthermore the act required the county council to produce a replacement by 31 March 2006. This replacement is known as the Second Local Transport Plan (LTP2) (RJD2). The County Council commenced work on its second Local Transport Plan in December 2003. In accordance the European Directive 2001/EC/42 a Strategic Environmental Assessment was undertaken on the LTP2. When the *Second Local Transport Plan for Norfolk* was adopted in 2006, an Environmental Statement was prepared and included within the main body of the LTP (Chapter 2: Environmental Statement). That statement gives a summary of the SEA, its effects on LTP2 and the broad stages and timing of its preparation.
23. The Local Transport Plan SEA report was published by Norfolk County Council in March 2006. The report describes in detail the work carried out for the SEA and its relationship to the preparation of LTP2. Section 4.3 assesses the major schemes in the transport plan, those being Long Stratton Bypass and the NDR. Table 4.3.3 in section 4.3.3 summarises environmental effects of the LTP2 with and without the major schemes. The extract is exhibited as RJD3
24. These assessments demonstrate that the work to develop NATS and the LTP2 has been subject to environmental assessment and both of these assessments have considered the reasonable options with and without an NDR. Furthermore that assessment work was carried out before commencement of work on the Joint Core Strategy.

Assessment of the NDR as a major scheme

25. Evidence on the NDR was submitted as part of the evidence base for the JCS, including as part of the Infrastructure Delivery Plan. A considerable amount of preparatory work had been done on the NDR scheme itself, and this was included in the evidence

- T6 Norwich Area Transport Strategy (NATS) Review: Transport related problems and issues (April 2003)
- T7 Norwich Area Transport Strategy: Public Consultation Analysis (May 2004)
- T8 Norwich Area Transport Strategy: Public Consultation Analysis (June 2004) Supplement
- T9 Norwich Area Transport Strategy: Options Assessment Report (October 2004)
- T10 Norwich Northern Distributor Road Traffic and Economic Assessment Report (February 2005)
- T11 NNDR Report to Cabinet – Appendix 3: Statement on Justification of Needs (September 2005)
- T12 Major Scheme Business Case: Norwich Northern Distributor Road (July 2008)
- T13 Postwick Community Infrastructure Fund: Full Business Case (October 2008)
- T14 Norwich Northern Distributor Road: DfT Sensitivity Tests
 - (i-ii) Core Scenario (December 2009)
 - (iii-xiii) Dependent Development (December 2009)
 - (ix-x) Part NNDR from A140 to A47 (December 2009)
 - (xi-xvi) Tests 2-6 (December 2009)

26. JCS library documents T12, T14 and T14 were written to support the case for government funding for the NDR. They were introduced to the JCS public examination to demonstrate the progress on delivery of the NDR. T6-T11 outlined preparatory work on NATS and NDR including consultation and option assessment.

27. Through the work to develop the NDR as a scheme, the County Council has followed the guidance for designing and assessing a scheme as set out in the Design Manual for Roads and Bridges (DMRB) published by the Department for Transport. Volume 11 of DMRB sets out the environmental assessments to be undertaken in road scheme preparation. The Environmental assessments of the NDR have followed DMRB guidance. The contents page of DMRB volume 11 is exhibited as RJD4. The Stage 1 assessment also known as Scoping looked at the corridor options. The Stage 2 Assessment also known as Simple looked in more detail at route options. This was drawn together with other assessment work in a report to County Council Cabinet on 19 Sept 2005. That report summarised the assessment work that had been undertaken to inform the Council's decision on route choice. Volume 1 of the NDR Major Scheme Business Case (T12 in the list above) outlines the work undertaken on alternative options and is attached as exhibit RJD5. Habitat Regulations

Assessment (Task 1) of the NDR has been conducted. An Appropriate Assessment (Task 2) is being undertaken.

28. The planning application will also be accompanied by an Environmental Impact Statement.

The development of the transport-related policies in the JCS

29. Roger Burroughs' Witness Statement deals in detail with the SA of the JCS. As he mentions, paragraph 4.7 of the EU guidance advises that it may be appropriate to summarise earlier material But there is no need to repeat large amounts of data in a new context."
30. The extensive work on NATS and the LTP2 has already had the benefit of environmental assessment. The regional strategy (the EEP) has embraced NATS as a matter of policy. In line with the companion guide for PPS12 section 2.5 3rd paragraph, work on the JCS took the extensive work on NATS and LTP2 to be part of the baseline for development of the Joint Core Strategy. The assessments of the JCS have not sought to reassess NATS or the NDR as they and the LTP2 have been subject to their own full assessments prior to those of the JCS.
31. The work on the JCS has not sought to determine the fine detail of NDR or design and justify it in that sense. That is for the NDR business case and the planning application. The assessment through the JCS process tested the appropriateness of NATS as a whole and the relevance of NDR within that strategy. Specific matters were raised by inspectors and the GNDP provided responses. There were also representations made by parties such as NNTAG (but not by SNUB) challenging the NDR at various stages of preparation of the JCS.
32. The need for the NDR was debated thoroughly at the Examination in Public. Issue 6 of the Inspectors' report on the examination into the JCS summarised this debate. Specifically debate on the alternatives to the NDR is summarised in Paragraph 51 and it says "*It has been argued that a non-NDR package of NATS interventions has not been modelled and that this would conceivably produce a better overall solution. However we are not convinced that such an option would be realistic and place weight on the DfT's favourable 'in principle' assessments and the judgements which led to the NDR's acceptance into Programme Entry' and the Development Pool' as discussed above*"
33. Indeed it can be said that as an element of infrastructure to support the JCS the NDR was the most debated and examined, much more so than other transport or development critical utility infrastructure.
34. The Joint Core Strategy reflects the pre-existing position with regard to the NDR recognising its place in County Council policy. At the examination the inspectors asked the GNDP to consider the representation of the NDR on the proposals maps. The GNDP produced a note for the Inspectors and

this is attached as exhibit RJD6. The note proposes the Inspectors consider minor textural changes to JCS paragraph 5.44 and the proposals maps to show the route of NDR currently protected by the County Council. The modified proposals maps do not show specific detail of alignment or junction form. The proposals map 'NDR and Postwick Hub' is attached as exhibit RJD7.

The SA of the JCS and its consideration of the NDR

35. Early work to define the JCS started in July 2007, by which time the NDR was well embedded as an element of NATS. It was also being promoted by the County Council as a Major Scheme (those over £5m), and was identified as such within the adopted LTP2. The work on the Stage 1 and 2 environmental reports as required by DMRB volume 11 environmental assessment had also been produced for the NDR by this stage.]
36. Initial work on JCS 'issues and options' stage took the form of initial topic papers that were introduced through stakeholder workshops. The 'Access and Connection' workshop took place on 5th July 2007 and a topic paper was produced and circulated prior to the event. That topic paper clearly set out in section 4 (Current position), the background to LTP2, NATS and the NDR that had been taken forward into the development of the Joint Core Strategy. The Topic Paper is attached as exhibit RJD8
37. The outcome of the workshops were recorded and collated. The output of the workshops was taken forward to inform the production of the issues and options consultation document.
38. The issues and options public leaflet distributed to all households showed the route of the NDR. The longer consultation document identified the NDR as a strategic transport priority, and it refers to the growth infrastructure needs and to the funding study that found NATS and NDR to be a sound basis for managing transport pressures of growth.
39. All 10 of the potential growth locations were subject to SA. The SA did not seek to repeat the assessment work carried out for NATS or LTP that had been assessed in the own right. The SA of these locations considered NATS and the NDR as part of the supporting infrastructure and provided its conclusions on these growth locations taking NATS as part of the baseline. The assessment also drew locations together into growth options to meet the scale of growth proposed in the EEP.
40. In 2008, the planning legislation governing the preparation of development plan documents changed and so the work on the preferred option stage was used to inform work under the new Regulation 25 stage.
41. Section 6.2 of The 'Regulation 25' Public consultation (carried out in March 2009 – June 2009) referred to the NDR and the implementation of NATS in a list of critical infrastructure requirements for growth. Policy 16 (strategic access and transportation) identified the NDR as one of the

transport interventions the JCS would promote and the reasons for doing so. Question 24 of the consultation asked if respondents agreed with the policy, which gave the opportunity for the public to provide a view on the approach taken.

42. The proposed submission JCS (Nov 2009) contains a key diagram of the Norwich area Transportation Strategy (p61) and it shows the route of NDR, key cycle routes, bus rapid transit corridors and core bus routes that reflected the implementation plan agreed by County Council cabinet on 6 April 2010. Policy 9 (Growth in the Norwich Policy Area) embeds these key transport elements in policy. The NATS Implementation Plan was also subject to Strategic Environmental Assessment in 2010. This included the NDR and associated measures. An Appropriate Assessment (now known as Habitats Regulation Assessment), Task 1 has been carried out on the NATS IP by NCC.
43. The pre-submission version of the JCS was supported by an evidence base that included the Growth Infrastructure and Funding study (2009). The report identified the necessary infrastructure and sought to prioritise it. Both the NDR and the improvements to the Postwick junction were assessed as being critical infrastructure in that report.
44. When the JCS was submitted for examination, it was supported by further transport evidence examining the relationship between NDR and NATS, the case for the NDR and the ability of NATS to manage the travel demand arising from growth including the ability to implement this. The evidence was summarised in the hearing statements submitted by the GNPD with regard to the Inspectors' Matters 3a, 3b and 5. These are exhibited to my statement as RJD9, 10 and 11.
45. The appropriateness of NATS and NDR to manage the required growth and to meet the objectives of the development plan was robustly debated at the examination.

Responses to detailed grounds of claim 2.

46. The Amended Details of Claim make a series of criticisms of the JCS and the SA. I have set out the relevant evidence with regard to most of these points already, but there are some additional matters that are raised.
47. Paragraph 32 of the Amended Claim refers to Policies 6,9 and 10 of the JCS. These policies refer to what the transport dependencies are of the growth that is proposed in the JCS. This growth is dependent on the successful implementation of NATS and the NDR. As I have set out above, NATS including NDR has been subject to its own assessment in 2004. The Local Transport Plan which incorporates NATS and promotes NDR was subject to assessment in 2005.
48. Paragraph 33 refers to the assessment of the NDR in the SA under objective ENV1. The assessment shows that, in order to achieve the

objectives stated, careful attention will need to be paid to the layout and design of the Growth Triangle. The JCS is a high level strategy, and so it has not looked and would not be expected to look at the layout of these growth areas. It is not possible for the SA to look into greater detail than what the development plan document it is assessing proposes, but the SA does flag up the issue for future assessments.

49. The Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle (the Growth Triangle) will be brought forward through a separate development plan document as an Area Action Plan. This will examine the pattern of development in more detail and will itself be subject to sustainability assessment. That further layer of assessment will act as a safeguard to test whether the AAP enables the broader objectives of the JCS to be met.
50. With regard to paragraphs 34 and 35 of the Amended Claim, the SA objectives 3, 5 and 6 for the LTP2 explore very similar issues to the SA objectives ENV3, ENV4 and ENV5 for the JCS. The assessment of the NDR against the relevant SEA objectives was set out in table 2.2 of the SEA of LTP2, which is exhibited as RJD12. These objectives for the LTP2 were:

Objective 3 - To minimise noise, vibration and visual intrusion from transport.

Objective 5 - To implement transport solutions that minimise impacts on landscape, biodiversity, and water resources

Objective 6 - To maintain and enhance the character of the townscape and cultural Heritage

51. With regard to Paragraphs 36 and 37, the key recommendations of the Report highlight that the success of NATS and its ability to achieve its objectives will be dependant on the form in which the growth triangle is delivered to take advantage of the opportunities presented by NATS. The JCS does not consider this detail, but there will be a full consideration through the AAP of the Growth triangle and its accompanying assessment work.
52. Paragraph 38 of the Amended Claim makes the point that the alignment of the NDR was not assessed. The Core Strategy is not the appropriate stage at which to assess the alignment of a particular road. The NDR is part of the infrastructure that will ensure that the development planned in the JCS can be delivered in the plan period. The NDR itself is not included as a specific policy in the JCS, and it was only indicated on the Proposals Map as the corridor already protected by the county council. Paragraph 36 of my witness statement has addressed this point.
53. To the extent that it is relevant at this strategic stage, the evidence base included NDR, the Major Scheme Business Case the outlines the assessments and alternatives undertaken in developing the scheme. The

County Council adopted a preferred route in September 2005 and it is shown in Local Searches

54. As regards paragraph 39, the work to develop NDR and NATS has looked at the reasonable alternatives and environmental assessments were carried out for both NATS and NDR. This work has been used to inform production of the JCS which includes the NDR in its baseline.
55. The JCS has not been assessed without an NDR. The JCS does contain at paragraphs 7.11 to 7.18 a contingency strategy to set out how the delay or the non-delivery of the NDR will be managed. It is clear that non-delivery of the NDR will require a review of the JCS strategy and a new assessment would be carried out at that time. The further effects of a partial delivery of NATS will be explored through the AAP for the Growth Triangle, which will be subject to its own SA.
56. Any review of the joint core strategy would need to be accompanied by environmental assessment that would explore and divergences from LTP or NATS and assess them as appropriate.

Conclusion

57. The Greater Norwich Development Partnership local planning authorities, throughout the process, have rigorously undertaken Sustainability Appraisal and Strategic Environmental Assessment to assist them in developing the most appropriate strategy to deal with the future growth of the area. The assessments have taken account of earlier work carried out for LTP 2 and NATS.
58. The JCS has been in production since 2007, involving substantial investment of public resources and finances. All documents have been made available at relevant stages in the strategy's preparation. The claimant made representations at the early Issues and options stage, and was clearly aware of the process. At no stage did the claimant directly raise the specific issue of alleged deficiencies in the SA as an issue of legal compliance. In addition, the Councils were not informed of the claim until the final day of the challenge period.
59. The issue of the NDR and the role of NATS was discussed at the examination hearings. There were representations before the Inspectors from the Norfolk and Norwich Transport Action Group focusing on the central role of the NDR in the transport strategy. Related objections of this nature were also submitted in response to a range of policies and the S. A. This ensured that the matter was considered by the inspectors, provoking a detailed discussion at the examination.
60. The facts as stated in this Witness Statement are true to the best of my knowledge information and belief.

Signed:.....

RICHARD JAMES DOLEMAN

Date:.....

On behalf of the 1st, 2nd & 3rd Defendants
Witness Statement: 1st
By: Philip John Morris
Exhibits: PJM1- PJM5
Date: #26 July 2011

Case ref CO/3983/2011

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BETWEEN

Stephen Heard

Claimant

v

**(1) Broadland District Council
and
(2) South Norfolk Council
and
(3) Norwich City Council**

Defendants

**Witness Statement
of Philip John Morris**

I, PHILIP JOHN MORRIS, of County Hall, Martineau Lane, Norwich, NR1 2SG, Principal Planner, WILL SAY as follows

1. I have been working with the Greater Norwich Development Partnership since it was established in 2006 in my capacity as a Principal Planner employed in the Economic Development and Strategy Unit of Norfolk County Council. I am duly authorised by the Defendants to make this Witness Statement on their behalf. This witness statement is made in response to the proposed new ground that has been raised by the Claimant in his Amended Details of Claim on 6th July 2011, as part of his application pursuant to section 113 Planning and Compulsory Purchase Act 2004 to quash the joint core strategy for Broadland, Norwich and South Norfolk, adopted on 22 March, 2011 ("the JCS") to the extent that it is necessary to do so.
2. From the beginning of the work on the JCS, I was one of the principal officers responsible for the preparation and formulation of the document which was ultimately adopted in March, 2011. I was involved in all of the

preparatory stages prior to and including the publication of the proposed submission version of the JCS and its subsequent submission.

3. I attended the Exploratory Meeting held by the inspectors appointed to examine the JCS, and was fully involved in the subsequent work, including the preparation of the subsequently advertised Statement of Focused Changes. I also appeared as a witness for the Councils at the Independent Examination into the JCS.
4. I am familiar with the documents that were produced by the Councils in preparing the JCS, and with the documents submitted by other parties as part of the Examination process.
5. I am familiar with the guidance published by or on behalf of the Secretary of State for Communities and Local Government governing on the preparation of development plan documents, including the requirement for Core Strategies to conform generally with the Regional Spatial Strategy for the area.
6. I am experienced in issues of general conformity of development plans. I was engaged on the review and implementation of the Norfolk Structure Plan from 1987 until its demise following the Planning and Compulsory Purchase Act 2004. In that time, my responsibilities included assessing and providing advice on the general conformity of Local Plans with the Structure Plan.
7. In this Witness Statement, I seek to provide the context and evidence for proper consideration of the proposed new ground of the Claim, on the assumption that the Court may give permission for it to be added to the Claim. There is now produced and shown to me a bundle of documents marked as PJM 1 to PJM 5 and REB 7, copies of which are attached to this witness statement and to which I will refer to as appropriate. I will also refer to the documents exhibited by the claimant, and in particular the Witness Statement of Stephen Heard. Since the proposed additional ground essentially concerns whether the Inspectors have acted correctly as a matter of law, I have referred to my understanding of the legal context to the extent that it is necessary to do so.
8. I am aware that separate Witness Statements are being prepared by Roger Burroughs and Richard Doleman who were also involved throughout the preparation of the JCS responding to Grounds 1 and 2 of the claim and the claim in general.
9. I do not agree that the Inspectors failed to consider the issue of whether the JCS was in general conformity with the Regional Strategy (or the Regional Spatial Strategy, as it used to be called).
10. The East of England Plan is the Regional Spatial Strategy for the area and remains part of the statutory development plan. It was a legal requirement that the JCS should be in general conformity with the East of England

Plan. At the time the JCS was submitted for examination, the East of England Regional Assembly ("EERA") was the Regional Planning Body with the responsibility for issuing statements of general conformity.

11. As the competent authority, EERA confirmed on the 11 December 2009 that "the Joint Core Strategy for Broadland, Norwich and South Norfolk Proposed Submission document is in general conformity with East of England Plan" (exhibit PJM 1). This statement accompanied the submission of the JCS to the Planning Inspectorate. In my experience, if there had been any doubt about general conformity this would have been addressed by EERA in their representations and these would have been treated as an objection to the JCS.
12. Following submission of the JCS, the Inspectors held an exploratory meeting on 13 May 2010. The exploratory meeting was held prior to the Government's decision to revoke all the regional spatial strategies (RSS) on 6 July 2010. General conformity was not raised by the Inspectors as a matter of concern at the exploratory meeting. (the inspectors notes of the exploratory meeting are attached as exhibit PJM 2)
13. At the beginning of the hearing sessions on 9 November 2010, the RSS had apparently been revoked. However, the Cala Homes judgement was released on the 10 November 2010, the second day of the Hearings. This judgment quashed the government's decision, and the RSS were confirmed as being part of the statutory development plan. The Secretary of State's statement on the judgement and the judgement itself were provided to the examination as documents RF11a and RF11b.
14. As a matter of some importance, the re-instatement of the East of England Plan and the need for the JCS to conform generally to it was discussed. There was some discussion on this changing context on 10 November and at various times through the rest of the oral hearings. Participants on the 10 November included Mr Pugh-Smith (Counsel for one of the objectors), Mr William Upton (Counsel for the GNDP) and representatives of SNUB (the claimant's organisation).
15. I can find no evidence that the issue of general conformity was challenged in subsequent written examination statements. Issues of general conformity with the East of England Plan were therefore considered at the examination but were not a significant issue for objectors.
16. The Introduction to the Inspectors' Report clearly states that it contains their "assessment of the Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk Development Plan Document (DPD) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004. It considers whether the JCS is compliant in legal terms ..." (para 1).
17. In paragraph 124 the Inspectors conclude that the JCS meets all legal requirements and in particular that the JCS complies with the "2004 Act and Regs (as amended)". In their overall conclusion at paragraph 125,

they conclude that the JCS as modified “satisfies the requirements of s20(5) of the 2004 Act”.

18. The Inspectors did not consider that any of the legal compliance issues were one of the main soundness-issues with regard to this particular development plan. They identified the main soundness-related issues that they considered that they needed to address in their Report (as explained in their paragraph 5).
19. I am not surprised to see them deal with the issue of legal compliance in this short form. The new development plan process under the Planning and Compulsory Purchase Act 2004 has led to a different style of report being required. The Planning Inspectorate have explained what can be expected in their guidance, “Local Development Frameworks- Examining Development Plan Documents Procedure Guidance” (the relevant extracts are exhibited as PJM 3). They will concentrate on reaching clear conclusions on the compliance requirements of the 2004 Act and Regulations and meeting the legal requirements of soundness, and on setting out precise binding recommendations on any changes required to the policies and text (para 6.1). As their guidance makes clear, the report will be as short as possible whilst ensuring that it is clearly reasoned to justify the conclusions.
20. It is also not a report that is similar to the reports that used to be produced into the objections to local and structure plans under the 1990 Act. The Inspectorate’s Guidance makes this clear:

6.3 Noting that we are not dealing with ‘inquiries into objections’, reports will not summarise the cases of individual parties, should avoid as far as possible direct references to specific representations and should not describe discussions at the hearing sessions. The report will explain why the Inspector, based on a consideration of all the evidence and his/her professional expertise and judgment, has reached a particular view on legal compliance and soundness
21. I consider that the Inspector’s Report reflects the lack of challenge to general conformity and the context provided by the Overview of the Procedure Guidance (paragraph 8 of PJM 3):

8. The Inspector assesses the whole document for legal compliance and soundness – this means dealing with the main issues which go to the heart of the DPD, and not getting involved unnecessarily with the details of the plan. The examination must centre on the issues identified by the Inspector having regard to the requirements of legal compliance and the 3 soundness tests.
22. The Inspectors’ Report does make numerous references to the East of England Plan (a word search on “EEP” finds 57 occurrences in the report and its appendices):

1. The changing status of the East of England Plan is specifically referenced in paragraph 6.
 2. Paragraphs 6 to 8 deals with the relationship between housing targets in the EEP and JCS, noting that the latter slightly exceeds regional requirements. It is worth noting here that EEP housing targets are expressed as minima.
 3. Paragraph 26 specifically addresses the conformity of the JCS with the EEP with regard to Gypsies, travellers and travelling show people.
 4. Paragraph 27 specifies that “As in the case of housing, the JCS takes on board the employment target included in the EEP”. The Inspectors note that the target “is given the same status as the employment figures in the EEP”.
 5. Paragraph 29 finds that the strategic employment locations identified in the JCS mainly reflect those in the EEP.
 6. The context provided by EEP transport policy is referenced in paragraph 44 in the introduction to the discussion of the Norwich Area Transportation Strategy.
 7. The hierarchy of centres is considered in paragraph 100 and is concluded to provide a sound framework broadly reflecting the overall spatial strategy of the EEP.
23. The Inspectors Report includes in Appendix C a series of minor changes. In the Conclusion to their main report (paragraph 125) the Inspectors state that “For the avoidance of doubt, we endorse GNDP’s proposed minor changes, as set out in Appendix C”. Minor Change MC73 (Table 2 page 15 of Appendix C to the Inspectors’ Report) deletes paragraph 2.8 of the submitted JCS and replaces it with the following text:

The JCS has to comply with national planning policies and demonstrate how required growth can be delivered. At the time of its Adoption the JCS is required to be in conformity with the East of England Plan (EEP). Under proposed legislation the EEP would be revoked. However, the JCS is supported by a significant evidence base that demonstrates that it remained valid and its policies do not rely on the East of England Plan. Prior to adoption references to the East of England Plan have been simplified

The justification for this change is:

At the time of its Adoption the JCS is required to be in conformity with the East of England Plan (EEP). Under proposed legislation the EEP would be revoked.

This justification with its clear reference to conformity is subsequently repeated on several occasions in the Table. (Extract from Appendix C of the Inspectors’ Report included as PJM 4).

24. I see that the Claimant seeks “the quashing of the JCS to the extent that it is necessary to do so in order to reconsider growth”. The Claimant is opposed to the level of growth required by the RSS. Paragraph 7 of Stephen Heard’s witness statement expresses his group’s concern that the “starting point” for consultation was the regional housing targets already assigned to the Greater Norwich area, and is arguing in effect that this should not have been the starting point. The SNUB website frontpage (a copy of which is attached here as exhibit PJM 5 – screenshot taken on 22 July 2011) includes reference to this claim and includes the statement :

Read details of the claim [here](#). Stephen Heard, chair of SNUB said " We would now expect the new Council following the district elections on the 5th May to take this opportunity to withdraw the current JCS in order for them to start again with a viable and accurate forecast of housing need in the area. Once that housing need, as opposed to housing want, is determined and independently verified by experts we would expect to see a reduction in the number of houses required over the next 15 years.

25. This misunderstands the role of the JCS. Meeting growth expressed as housing provision and economic targets is considered to be a key determinant of general conformity. Policy H1 of the East of England Plan clearly sets housing growth targets as minima (exhibit REB 7). The submitted JCS demonstrated how the growth targets of the East of England Plan can be delivered. The Evidence Base submitted for the examination also demonstrated why these growth targets remain appropriate in the absence of the East of England Plan (as discussed in the Inspectors Report Issue 1 and Issue 4). The JCS has been found sound and the Inspectors drew particular attention to the issue of growth and concluded that:

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.

26. The facts as stated in this Witness Statement are true to the best of my knowledge information and belief.

Signed:.....

PHILIP JOHN MORRIS

Date:.....