

Greater Norwich Development Partnership Board

Agenda

Date

Thursday 24 May 2012

Members of the Greater Norwich Development Partnership Board

Representing Broadland District Council

Cllr Stuart Clancy
Cllr Andrew Proctor
Cllr Shaun Vincent

Representing Norwich City Council

Cllr Brenda Arthur
Cllr Bert Bremner
Cllr Alan Waters

Representing South Norfolk Council

Cllr Yvonne Bendle
Cllr Derek Blake
Cllr John Fuller

Representing Norfolk County Council

Cllr Derrick Murphy
Cllr Graham Plant
Cllr Ann Steward

Representing Broads Authority

Mr Alan Mallett

Representing Homes & Communities Agency

Scott Bailey

Representing New Anglia Local Enterprise Partnership

Andy Wood

Officers

Roger Burroughs	Broadland District Council
Phil Kirby	Broadland District Council
Andrea Long	Broads Authority
Sandra Eastaugh	GND Partnership Manager
Chris Starkie	New Anglia Local Enterprise Partnership
Richard Doleman	Norfolk County Council
Mike Jackson	Norfolk County Council
Phil Morris	Norfolk County Council
Mike Burrell	Norwich City Council
Jerry Massey	Norwich City Council
Graham Nelson	Norwich City Council
Tim Horspole	South Norfolk Council
Andy Radford	South Norfolk Council

Time

2pm

Place

Council Chamber
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

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A G E N D A

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- 1 **To receive declarations of interest under Procedural Rule no 8**
- 2 **Apologies for absence**
- 3 **Minutes of meeting held on 15 March 2012** 1 - 7
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To receive a presentation by Ben Binns from the UEA
- 6 **Financial Advisor Support**
To receive a progress update from Price Waterhouse Coopers
- 7 **Joint Core Strategy – Update** 8 - 26
To receive a report following the outcome of the legal challenge into the JCS
- 8 **Community Infrastructure Levy (CIL) – Consultation Update and Next Steps**
To receive an update on progress with the draft charging schedules for Broadland, Norwich and South Norfolk
- 9 **Growing Places Fund**
To receive an update on the bidding process from New Anglia LEP
- 10 **Date of Next Meeting**
To note the date of the next meeting – 21 June 2012 at 2pm at County Hall

Greater Norwich Development Partnership Board

Minutes of a meeting of the **Greater Norwich Development Partnership Board** at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Thursday 15 March 2012** at **2pm** when there were present:

Cllr Andrew Proctor – Chairman

Cllr Stuart Clancy
Cllr Roger Foulger
Cllr Brenda Arthur
Cllr Bert Bremner
Cllr Yvonne Bendle
Cllr Derek Blake
Cllr John Fuller
Cllr Derrick Murphy
Cllr Graham Plant
Alan Mallett

Officers

Roger Burroughs
Phil Kirby
Sara Utting (Committee Officer)
Sandra Eastaugh
Richard Doleman
Mike Jackson
Phil Morris
Mike Burrell
Jerry Massey
Graham Nelson
Tim Horspole
Andy Radford

Representing

Broadland District Council
Broadland District Council
Norwich City Council
Norwich City Council
South Norfolk Council
South Norfolk Council
South Norfolk Council
Norfolk County Council
Norfolk County Council
Broads Authority

Broadland District Council
Broadland District Council
Broadland District Council
GND Partnership Manager
Norfolk County Council
Norfolk County Council
Norfolk County Council
Norwich City Council
Norwich City Council
Norwich City Council
South Norfolk Council
South Norfolk Council

Damien Ashford of Price Waterhouse Coopers also attended the meeting for its duration.

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Alan Waters (Norwich CC); Cllr Ann Steward (Norfolk CC); Scott Bailey (H&CA); Andy Wood (New Anglia LEP); Andrea Long (BA) and Chris Starkie (New Anglia LEP).

12 MINUTES

The Minutes of the meeting held on 15 December 2011 were confirmed and signed by the Chairman as a correct record, subject to the following amendment:

Minute no: 4 – JCS – Legal Challenge

2nd bullet point to read “Ground 2”

13 JOINT CORE STRATEGY - UPDATE

Phil Kirby circulated a report summarising the latest position with the legal challenge to the adoption of the JCS and the implications of it, together with a copy of the Court Judgment.

It was noted that, on 24 February 2012, Judgment was handed down on the legal challenge made to the JCS. Of the two claims heard at the hearing in December, the one relating to the NDR was dismissed; the one relating to the Strategic Environmental Assessment and the alternatives for growth to the North East Growth Triangle (NEGT) was successful. The Judge had concluded that the rejection of alternatives to significant growth in the NEGT had not been adequately explained in the published material, with the lack of explanation on this matter in the Sustainability Appraisal (SA) report of 2009 being critical.

A further hearing had taken place on 29 February to establish the nature of the relief to be given to the claimant. The Judge heard argument as to why parts of the JCS should be quashed and the alternative of only being remitted. He had concluded that the powers given to him under the Planning Acts had been deliberately designed to avoid the need to put plans back to square one in such circumstances and, therefore, indicated that he would not quash the affected parts of the Plan but order remittal to the pre-submission stage.

The Judge had determined that remittal was to be limited to the NEGT and housing proposals within the Broadland part of the Norwich Policy Area. The rest of the JCS remained intact. He instructed the Council’s advocate to prepare a draft Order and schedule of those parts of the JCS text to be remitted and seek to agree this with the claimant. Those discussions were ongoing.

It was anticipated that the Order would set out how the remitted parts of the Plan were to be treated; a process for how those remitted parts were to be taken forward and how the remainder of the Plan should be treated. It was likely that this would require a revised SA to be prepared of the remitted parts of the JCS and, as detailed in the report under consideration, it was being recommended that work was started on this immediately in order to minimise further delay.

On the issue of costs, it had been agreed that the reciprocal cap limit would

be met, with a £1,000 reduction to offset the award to the Councils. Permission to appeal by the Councils was denied by the Judge, however further advice was being sought on this matter.

Board members concurred that a revised SA would minimise the period of uncertainty created by the Judgment and the risk of speculative planning applications being received for major housing developments which were either contrary to the JCS or premature in relation to the adoption of remitted parts.

Accordingly, it was

AGREED:

that each partner Council be recommended:

- (1)
 - (a) through the GNDP, to collectively commence the process of producing a Sustainability Appraisal of the parts of the JCS to be remitted following the High Court Judgment of 24 February and this SA examines in particular the strategic growth in the North East Growth Triangle and the reasonable alternatives (if any) to this;
 - (b) to arrange for the publication of the adopted JCS as soon as practicable and
 - (c) to continue to work together through the GNDP to implement the adopted JCS and prepare the SA and bring forward appropriate proposals regarding remitted parts of the Plan.
- (2) to authorise the GNDP Directors be instructed to agree the details.

14 COMMUNITY INFRASTRUCTURE LEVY (CIL) – CONSULTATION UPDATE AND NEXT STEPS

Further to Minute no; 7 of the meeting held on 15 December 2011, the Board considered a report providing an update on the Regulation 16 Publication of the Draft Charging Schedules for Broadland, Norwich and South Norfolk.

Numerous publication methods had been utilised (eg copy sent to all parish / town councils in the 3 council areas, public notices in EDP and other local papers and over 4,000 individual letters to addressees on the LDP

consultation database). A total of 34 responses had been received, with the main themes focusing on: the viability of residential development; viability of commercial development; boundary of the charging zones and the provision of infrastructure.

It was noted that, following the Judgment to the challenge on the JCS, officers were working to assess the impact on the CIL process and had advised delaying submission for the time being (previously anticipated to be 26 March). A revised timetable would be published once the assessment was complete.

The Leader of South Norfolk Council stated that his Council's area was under immediate development pressure and therefore, it was critical that the CIL was resolved quickly. Currently, the proposed implementation date was 1 September 2012 but if this was delayed to January / February 2013, it would prejudice the provision of infrastructure for the South Norfolk area. Therefore, any delay in the implementation of the CIL could not be entertained by South Norfolk Council.

The Chairman responded that he shared those concerns but it was essential for the Partnership to be very clear on the legal advice and it had to be recognised that there may be a short delay. He stressed that it was important for all the partner authorities to move together jointly.

Mr Plant endorsed the Chairman's comments, whilst expressing empathy with Mr Fuller's concerns. However, it was essential for work on the CIL to be expedited as quickly as possible with all partners involved. Officers at both Norwich City and Broadland District Councils were working hard to keep it progressing. These comments were supported by Brenda Arthur.

Derek Blake reiterated the concerns for South Norfolk and requested frequent updates on progress with the CIL.

In conclusion, Phil Kirby assured the Board that officers were fully aware of the concerns being expressed and would work expeditiously to ensure the original timetable was adhered to as much as possible. However, it was essential for the legal advice to be sought first.

AGREED:

to note progress on the CIL and that Board members would be kept updated on a frequent basis.

15 CITY DEALS PROPOSAL

Jerry Massey presented the report on the Government's recent "city deals" initiative and how it could relate to the greater Norwich area.

It was noted that, in December 2011, the Government had announced "city deals" which were intended to recognise cities as "engines of growth" and offer an opportunity for cities to enter into a partnership with Government involving devolution of power in return for meeting certain conditions. Initiatives the Government would be willing to negotiate included: greater freedoms to invest in growth; the power to drive critical infrastructure development and new tools to help people get the skills and jobs they needed. It appeared that the intention was for city deals to be based on rounded packages of proposals to support economic growth in functional urban areas. There was also an expectation that they would reflect LEP boundaries.

The report highlighted a number of issues, such as non-metropolitan areas where there was more than one town or city in the LEP area, difficulties with geographical and political boundaries etc. The current arrangement appeared to favour large unitary and metropolitan areas. However, the principle of a package based deal which provided incentives and transformative powers for the local area in return for meeting conditions agreed with Government appeared to be an attractive proposal. What was unclear at this stage was how the present arrangement could be delivered in practice, given the size of the area and the two tier structure. Therefore, it was suggested that the Partnership should lobby Government about the key role that shire cities could play in delivering growth.

The report concluded that an expression of interest be submitted at this stage, with ongoing dialogue with the Government on a general basis, together with the suggestion above.

Each of the partner authorities expressed their support for the initiative and their willingness to be involved, recognising the benefits which could be accrued to the wider area. Accordingly, it was

AGREED:

to respond to the Government on the city deals offer to ensure that the Government recognised the positive appetite towards the arrangements and to draw attention to the practical issues of implementing the current model in a two tier non metropolitan area.

16 INFRASTRUCTURE PLANNING, DELIVERY AND FUNDING

Phil Morris gave a brief presentation on the 5 year investment plan (a copy of

which was available on the GNDP website). It was noted that the majority of the CIL would be used on small scale infrastructure.

Key points to note were:

- Three strategic green infrastructure sites had been identified (based on the adopted JCS) – the Broads buffer zone, Mousehold Heath and the Yare Valley.
- Junction improvement would take place at: Longwater, Thickthorn, Postwick and Long Stratton
- Public transport improvements – BRT corridors and the city centre tie-in
- Primary school provision – 4 in total, with 2 needed in the 2nd five year period
- Pre-school provision – 2 needed
- Community facilities – **not** small scale
- North east Growth Area Triangle.
- NDR provision 2012/13 to 2016/17
- Long Stratton bypass

Damien Ashford of Price Waterhouse Coopers then gave a brief presentation (a copy of which was available on the GNDP website), referring to the other sources of income. He stressed that there was daily interaction with the GNDP.

Mr Fuller referred to the three different elements of project:

- Strategic in nature – therefore all partners would contribute
- Those within each local authority's area
- Those at parish level

He stressed that prioritisation was key to ensure infrastructure was delivered to support growth. Mr Fuller added that CIL was not the only borrowing mechanism and he also had concerns regarding the cash flow, eg who would be the accountable body? Would it be a governance model or a limited company? Ground rules needed to be established as quickly as possible.

The Chairman acknowledged that it was a very complex project to complete in a relatively short timeframe. However, from a joint perspective, this would be met.

Mike Jackson stated that all issues were being addressed through the work

with PWC. He referred to the statement made by Phil Morris during his presentation, that other funding opportunities were available. The first phase of improvements on parts of the BRT routes had been completed demonstrating that implementation and the programme of delivery had been started. Other initiatives included the submission of a bid to the Better Bus Area Fund for £2.6m, which was particularly relevant to the City Centre improvements.

Mr Clancy commented that deliverability was key and guidelines were needed on how the CIL would be allocated. The priorities had been agreed over the past five years and it was essential for the timetable to be kept on track.

Mr Ashford responded that he agreed with all the comments which had been made. The challenge would be how to make it work together as a whole to get the benefits. Issues such as the delivery model, banking procedures etc would all be included in the PWC's final report.

AGREED:

to note the current situation and recognise that it was key work in progress.

17 DATE OF NEXT MEETING

AGREED:

to note the date of the next meeting as 24 May 2012 at 2pm.

The meeting closed at 2.45pm

Joint Core Strategy – Process to address requirement of
High Court Order

Report by: GNDP Directors

Summary

Following receipt of the High Court Order specifying work to be done to address its requirements, a process and provisional timetable for the work has been drawn up. This report updates Members.

Recommendation

Members are asked to note and endorse the approach.

1. Introduction

- 1.1. Members will be aware of the successful legal challenge to aspects of the joint core strategy for Broadland, Norwich and South Norfolk (JCS). Following a subsequent hearing to consider the work needed to “repair” the damage, and address the deficiencies highlighted by the claim, a formal Judgment and Order has been published by the High Court (Appendix 1).
- 1.2. This requires certain steps to be undertaken to ensure that the core strategy is re-adopted, either as originally adopted, or as modified.

2. The Issues

- 2.1. The Order has specified that parts of the JCS concerned with the distribution of housing and related development within the Broadland part of the Norwich policy area (NPA) should be remitted. The affected parts are treated as if they had been taken up to pre-submission publication, as a precursor to submission for examination by an independent inspector, but not progressed beyond that stage.
- 2.2. The other parts of the plan remain adopted.
- 2.3. It is generally helpful to see such changes in context, and a version of the JCS with the remitted parts highlighted has been prepared which is available on the GNDP website www.gndp.org.uk.
- 2.4. The Order (Appendix 1) includes a schedule identifying the parts of the JCS to be remitted.
- 2.5. Members will see from the Order (paras 2 and 4) that the remitted text is treated as not having been adopted, and is treated as having been taken up to the pre-submission stage.

- 2.6. The work to be undertaken to restore the JCS is set out in paragraphs 5 to 9 of the Order. In brief this consists of conducting a Sustainability Appraisal of the remitted text taking into account in particular the strategic growth in the north east growth triangle and the reasonable alternatives (if any) to such growth.
- 2.7. Having considered the sustainability appraisal work, the Councils must publish the remitted parts of the JCS, (subject to amendments, if any) and the other documents required at pre-submission stage, which include a sustainability appraisal report. This stage gives an opportunity for interested parties to make representations on the draft text and to comment on the Sustainability Appraisal response.
- 2.8. The Councils must then consider the representations received and either submit the published parts of the JCS, along with other submission documents, including the sustainability appraisal and representations received, or alternatively withdraw the remitted parts of the JCS. If the latter course of action were to be followed, implicitly it would necessitate a further round of plan making.

3 Proposed Action

- 3.1 Members should be aware that this could well be the first example of an adopted plan being a partially remitted with the consequent need to make “repairs” to parts of the document, from an intermediate stage in the process. The work needed to bring this about has therefore been the subject of discussion with legal advisers, and with other external advisers, notably a “critical friend” from POS Enterprises, and advice from external consultants URS (formerly Scott Wilson) who specialise in a number of fields including sustainability appraisal.
- 3.2 Based on this, appendix 2 to this report shows the stages in the process.
- 3.3 There is an urgent need to restore the planning framework for the area, and the intention is to approach the work as quickly as possible, commensurate with ensuring the process is robust enough to withstand challenge in the future.

3. Indicative Timetable

3.1.

Stage	Dates
Pre-submission Publication	August – September 2012
Submission	November 2012
Examination in Public	January 2013

4. Resource Implications

- 4.1 The estimated cost of the process to the constituent authorities is just over £120,000. This is mainly taken up with legal advice from the barrister who has represented the authorities, the plan-making process including printing, advertisements, and the costs associated with a public examination. The costs of the external advice are being met from the Greater Norwich Development Partnership budget.

5. Legal Implications

- 5.1. The process is the result of a legal challenge, and legal advice has been obtained on the scope of the work to be undertaken and of the intended approach. Because the position the Councils find themselves in is a highly unusual one, legal advice will be taken at appropriate junctures in the remainder of the process. While the “critical friends” are not legal advisers, their experience of the process should help in ensuring compliance.

Recommendation / Action Required

Members are asked to note and endorse the approach.

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

Name	Telephone Number	Email address
Roger Burroughs	01603 430558	roger.burroughs@broadland.gov.uk
Graham Nelson	01603 212530	grahamnelson@norwich.gov.uk
Tim Horspole	01508 533806	thorspole@s-norfolk.gov.uk
Phil Morris	01603 223730	phil.morris@norfolk.gov.uk

Appendices

- 1) Order of the High Court and Schedule indicating parts of the Joint Core Strategy that have been remitted
- 2) Proposed stages of work

Appendix 1

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT**

**In the matter of
Planning and Compulsory Purchase Act 2004, s.113**

**Before Mr Justice Ouseley
29th February 2012**

BETWEEN

HEARD

Claimant

- and -

**BROADLAND DISTRICT COUNCIL
SOUTH NORFOLK DISTRICT COUNCIL
NORWICH CITY COUNCIL**

Defendants

ORDER

UPON hearing Mr Richard Harwood of Counsel for the Claimant and Mr William Upton of Counsel for the Defendants

IT IS ORDERED THAT:

1. The Claim be allowed;
2. The parts of the policies and text of the Joint Core Strategy for Broadland, Norwich and South Norfolk (hereafter referred to as the "JCS") set out in the schedule attached to this Order shall be remitted and be treated as not having been adopted;
3. The steps in the process that have resulted in the adoption of the remainder of the policies and text of the JCS shall be treated as having been taken;

*Approved
as amended in
para 8 & 9
DJB
25.4.12*

4. The steps in the plan preparation process of those parts of the JCS set out in schedule attached to this Order shall be treated as having been taken up until the pre-submission stage and not having been taken thereafter;
5. The Defendants shall prepare a Sustainability Appraisal ("SA") of those parts of the JCS identified in the schedule attached to this Order, taking into account in particular the strategic growth in the North-East Growth Triangle and the reasonable alternatives (if any) to this;
6. Following their consideration of the SA, the Defendants shall publish the relevant parts of JCS (subject to amendments, if any) and its submission documents (including the SA) under regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended, or as repealed and replaced) before submitting the relevant parts of the JCS to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations;
7. Following consideration of the representations received to the Regulation 27 Publication the Defendants shall submit the relevant parts of JCS and its submission documents (including the SA and the representations received) to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations; alternatively, the Defendants may withdraw the remitted parts of the JCS.
8. The Secretary of State (or his appointed Inspector) shall re-examine the relevant parts of the JCS, pursuant to section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations, provided that the Defendants have carried out the steps set out in (5), (6) and (7) above.
9. The Defendant Councils shall ~~thereafter~~ ^{after that examination} consider whether or not to adopt the relevant parts of the policies and text of the JCS in the light of the Secretary of State's or Inspector's report and recommendations, pursuant to the Planning and Compulsory Purchase Act 2004 and the relevant regulations.

IT IS FURTHER ORDERED THAT

10. The Defendants shall pay the costs of the Claimant in the sum of £29,000 (including VAT).

11. For the avoidance of doubt, this order encompasses the costs previously reserved in this case.

12. Permission to appeal is refused to the Defendants.

By the Court

**IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT**

In the matter of Planning and Compulsory Purchase Act 2004, s.113

Before Mr Justice Ouseley, 29th February 2012

BETWEEN

HEARD

Claimant

- and -

**BROADLAND DISTRICT COUNCIL
SOUTH NORFOLK DISTRICT COUNCIL
NORWICH CITY COUNCIL**

Defendants

SCHEDULE TO THE ORDER

The parts of the Joint Core Strategy for Broadland, Norwich and South Norfolk (“the plan”) to be remitted following the High Court Judgment:

Reference	Part of plan	Text/diagram for remittance (in italics) [N.B. the words in square brackets are not remitted, and are included for clarification purposes only]
1	01 Our Strategy – fourth paragraph under heading “The dilemmas”	<p><i>the area to the north east of the city</i></p> <p>and</p> <p><i>for a concentration of new</i> [development]</p>

2	01 Our Strategy – fifth paragraph under heading “the dilemmas”	<p><u>In the case of Broadland, the historical pattern of development lends itself to further expansion with new growth locations in the parishes of Old Catton, Sprowston and Thorpe St Andrew, and the development of a low carbon community focussing on Rackheath, given its existing employment opportunities and railway line. The growth in these locations relies on the implementation of NATS.</u></p> <p>and</p> <p><u>By contrast,</u></p>
3	04 Spatial vision: third paragraph under the heading “The spatial vision”	<p>[Growth will be ...] <u>and in a very large mixed use urban extension within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle (Appendix 5)</u></p>
4	04 Spatial vision: under the heading “Climate change and sustainability” 3 rd bullet point	<p><u>inspired by the proposed exemplar at Rackheath,</u></p>
5	04 Spatial vision: under the heading “Working and getting around” Second bullet point	<p><u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u></p>
6	Key diagram –and under objective 3	<p>The notation of the area to the northeast of the urban area as one of the “<i>strategic employment sites</i>” and “<i>major housing growth and associated facilities</i>”</p>

7	05 Area-wide policies, Policy 4 Housing Delivery: under the heading “Housing with care”	<u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle.</u>
8	05 Area-wide policies, Policy 4 Housing Delivery: Table following paragraph 5.25	<u>The figure of ‘9,000’ for the ‘New Allocations to 2026’ in the Broadland (NPA) and the total of ‘11,099’ recorded in the table for the ‘New Commitment to 2026’ in the Broadland (NPA).</u> [The total recorded for the NPA is not remitted.]
9	06 Policies for Places : Introduction paragraph 6.3	[Large-scale mixed-use developments in the Norwich Policy Area are provided... <u>in a major urban extension in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and ...</u>
10	06 Policies for places, Policy 9 Strategy for growth in the Norwich Policy Area: 2 nd & 8 th bullet points	<u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle: 7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually</u> <u>Broadland smaller sites in the NPA: 2,000 dwellings</u>
11	06 Policies for places, Policy 9 Strategy for growth in the Norwich Policy Area:	

	Final bullet point:	<i>including around 25ha of new employment land at Rackheath</i>
12	06 Policies for places, Policy 9 Para 6.7	<i><u>The Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle incorporates land at Rackheath promoted for an eco-community under the governments Eco-towns programme and development of the rest of the area will be expected to reflect similar high standards.</u></i>
13	Para 6.12 4 th bullet point	<i><u>Rackheath: around 25ha of new employment land for a range of employment uses to strengthen the employment role of this location and provide local opportunities for the new community in this area</u></i>
14	Diagram after the end of the paragraph 6.12 – Relationship between strategic growth locations within the Norwich Policy Area	Notation for major housing growth and associated facilities and strategic employment location entitled “ <i>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i> ”.
15	Diagram on the following page after para 6.12, entitled “Main Housing Allocations”	<i>The notation showing 10,000 new houses to the north east of the urban area within the Norwich policy area, and The notation for 2,000 houses in the NPA part of Broadland. and The notation for the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i>
16	Policy 10 -- Locations for major new or expanded communities in	<i>[Major growth] in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and</i>

	the Norwich Policy Area: first sentence	
17	Policy 10 Paragraph headed “Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle”	Heading and the two paragraphs headed <u>“Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle”</u>
18	Policy 10: Para 6.15	<u>The major urban extension in the Old Catton, Sprowston, Rackheath, and Thorpe St Andrew growth triangle will provide a concentration of growth which can support local services, facilities, and infrastructure including secondary education, high quality public transport links and significant green infrastructure. An Area Action Plan and a sustainable development code are being developed. The growth triangle is proposed to accommodate 10,000 dwellings after 2026. A large part of the [development at Rackheath ...]</u> and then <u>The Rackheath low carbon development remains part of this strategy.</u>
19	Para 6.16 second line	<u>similar</u>
20	Para 6.19	<u>significant development in the growth triangle and</u> and <u>in the Old Catton, Sprowston, Thorpe St Andrew growth triangle</u> and

		<i>(see supporting text for Policy 20).</i>
21	Para 6.20 fourth sentence	<i>in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew area</i> and <i>'a' and 'route which may be via Gurney Road/Salhouse Road'</i>
22	Paragraph 6.22	<i>A new secondary school is needed to serve the new community in the north east.</i> and, in the second sentence <i>'more'</i>
23	Diagram following policy 10, entitled "Green infrastructure priority areas supporting key growth locations"	The growth location and green infrastructure priority area to the northeast of the urban area and priority corridor A entitled "Norwich to the Broads"
24	Policy 12 : The remainder of the Norwich urban area, including the fringe parishes: introductory paragraph	<i>[It will be expanded] through significant growth in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and smaller</i>
25	Policy 15 Service Villages third paragraph	<i>and Rackheath</i>

26	Paragraph 6.77	<u>The Old Catton, Rackheath, Sprowston and Thorpe St Andrew growth triangle in particular will be sufficiently large to require a district centre. Preferably this will include a food store as an anchor and sufficient leisure and ancillary activities to provide for the attraction of a range of trips. This may be through building on the proposed centre at Blue Boar Lane or the creation of a second district centre elsewhere in the Growth Triangle. This will be determined through the Area Action Plan for the area.</u>
27	Policy 19, The hierarchy of centres Point 3.	<u>within the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle,</u> and <u>The Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle will be served by a district centre. This may be provided by building on the proposed district centre at Blue Boar Lane or the creation of a second district centre elsewhere in the Triangle as determined through the Area Action Plan for the Growth Triangle.</u>
28	07 Implementation and monitoring, Paragraph 7.16	<u>in the growth triangle</u>
29	Table in paragraph 7.16 first line	<u>Growth Triangle</u> and <u>New employment allocation at Rackheath</u> and <u>Smaller sites in Broadland NPA</u>
30	Para 7.17	<u>Broadland District Council is committed to preparing an Area Action Plan (AAP) for the growth triangle. As part of the preparation of this AAP there will be an investigation of any potential that may exist for further growth to take place (in addition to that shown in table 1 above) without</u>

		<u>confirmation of the delivery of the NDR. This will include testing whether interim schemes and/or alternatives to the NDR could help to facilitate growth without compromising the spatial vision and objectives of the JCS. Therefore, the analysis would need to cover capacity of all infrastructure, not just road capacity, the implications of particular sites, and the nature of the proposed development</u>
31	Para 7.18	<u>established through the AAP process</u> and <u>for the growth triangle</u>
32	Appendix 5 <i>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i>	The whole appendix, including map
33	Appendix 6 housing trajectory -- table entitled "Growth locations"	The figures in the second to fourth rows are remitted, namely the lines entitled " <i>Rackheath</i> ", " <i>Remainder of Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle (inside NDR)</i> ", and " <i>Additional smaller sites around Broadland NPA (2000)</i> ". The totals derived for Broadland in the first row and the Total in the last row of the table shall be read in the light of this remittal
34	Appendix 7 Table 1 Implementation Framework	The implementation framework lists the infrastructure required to facilitate the development promoted in the plan – so the inclusion in the list in relation to the North East Growth Triangle and the strategic housing growth identified in the part of the Norwich Policy Area in Broadland District is remitted. This applies where: <u>In Column 2 (headed "Scheme")</u> where there is a reference to <u>Rackheath</u> <u>In Column 3 (headed "Required for growth in")</u> where there is a reference to <u>Old Catton, Sprowston,</u>

		<p><u>Rackheath and Thorpe St Andrew Growth Triangle, or to 'Broadland: smaller sites in the NPA (2000 dwellings)'</u>.</p> <p>The mention of <u>"Including in the growth triangle where 3,000 dwellings are proposed after 2026"</u> in the introduction to Appendix 7 .</p>
35	Submission proposals map amending the Broadland Proposals Map	<p><u>Remit the 'Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle' boundary, hatching and notation on the Amended Proposals Map for Joint Core Strategy and the 'Changes to Local Plan Proposals Map for Joint Core Strategy' for Old Catton (32A), Rackheath (33), Rackheath (34), Salhouse – Station Road (38), Spixworth (40), Sprowston (41A), (41D), (41E), Thorpe End (19), Thorpe St Andrew (44A), (44B), (44D), (44F).</u></p>

Norwich Development Partnership to show the final text approved by Mr Justice Ouseley. Mr Justice Ouseley's Order, and the Schedule to the Order, can be seen on the preceding pages

Case ref CO/3983/2011

IN THE HIGH COURT OF JUSTICE
QUEENS BENCH DIVISION
ADMINISTRATIVE COURT

In the matter of
Planning and Compulsory Purchase Act 2004, s.113

Before Mr Justice Ouseley
29th February 2012

BETWEEN

HEARD

Claimant

- and -

BROADLAND DISTRICT COUNCIL
SOUTH NORFOLK DISTRICT COUNCIL
NORWICH CITY COUNCIL

Defendants

ORDER

UPON hearing Mr Richard Harwood of Counsel for the Claimant and Mr William Upton of Counsel for the Defendants

IT IS ORDERED THAT:

1. The Claim be allowed;
2. The parts of the policies and text of the Joint Core Strategy for Broadland, Norwich and South Norfolk (hereafter referred to as the "JCS") set out in the schedule attached to this Order shall be remitted and be treated as not having been adopted;

Norwich Development Partnership to show the final text approved by Mr Justice Ouseley. Mr Justice Ouseley's Order, and the Schedule to the Order, can be seen on the preceding pages

3. The steps in the process that have resulted in the adoption of the remainder of the policies and text of the JCS shall be treated as having been taken;
4. The steps in the plan preparation process of those parts of the JCS set out in schedule attached to this Order shall be treated as having been taken up until the pre-submission stage and not having been taken thereafter;
5. The Defendants shall prepare a Sustainability Appraisal ("SA") of those parts of the JCS identified in the schedule attached to this Order, taking into account in particular the strategic growth in the North-East Growth Triangle and the reasonable alternatives (if any) to this;
6. Following their consideration of the SA, the Defendants shall publish the relevant parts of JCS (subject to amendments, if any) and its submission documents (including the SA) under regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended, or as repealed and replaced) before submitting the relevant parts of the JCS to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations;
7. Following consideration of the representations received to the Regulation 27 Publication the Defendants shall submit the relevant parts of JCS and its submission documents (including the SA and the representations received) to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations; alternatively, the Defendants may withdraw the remitted parts of the JCS.
8. The Defendant Councils shall consider after that examination whether or not to adopt the relevant parts of the policies and text of the JCS in the light of the

Note: For clarity the below Order has been produced by the Greater Norwich Development Partnership to show the final text approved by Mr Justice Ouseley. Mr Justice Ouseley's Order, and the Schedule to the Order, can be seen on the preceding pages

Secretary of State's or Inspector's report and recommendations, pursuant to the Planning and Compulsory Purchase Act 2004 and the relevant regulations.

IT IS FURTHER ORDERED THAT

9. The Defendants shall pay the costs of the Claimant in the sum of £29,000 (including VAT).
10. For the avoidance of doubt, this order encompasses the costs previously reserved in this case.
11. Permission to appeal is refused to the Defendants.

By the Court

Appendix 2

Joint Core Strategy: work programme approach

