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Dear Mr Foster and Mr Fox

Response to Inspector's Changes to the GNDP Joint Core Strategy on Behalf of Hethersett Land (Jan 2011)

Bidwells and Housing Expectations have been instructed to submit representations to the JCS Inspectors' Changes on behalf of Hethersett Land Ltd.

Hethersett Land Ltd have the following comments to make:

1 Inspector's Change IC1: Flexibility/Resilience of the JCS in relation to the Northern Distributor Road.

Hethersett Land Ltd support the packages of changes put forward in RF117, clarifying the contingency and flexibility built into the JCS to deal with delays in the delivery of the NDR. In particular, Hethersett Land Ltd supports the acknowledgement in proposed new Contingency paragraph (JCS Policy 20, page 63) that "*Delay in the delivery of the NDR does not prevent JCS provision of housing or employment development within Norwich City or South Norfolk Council areas...*".

2 Inspector's Change IC2 and IC3: Policy 3 and Paragraphs 5.13-5.18

Hethersett Land Ltd supports the Inspectors' suggested change which would remove the JCS (Policy 3) requirement for all major development to be supplied with all their energy needs from dedicated, contractually linked renewable sources.

Hethersett Land Ltd acknowledges the Inspector's suggested change to Policy 3 requiring all qualifying development to provide for 10% of energy needs to come from on-site renewable energy sources, but suggests that in light of the currently extant East of England Plan, specifically the requirements of Policy ENG1, the JCS Policy is currently unnecessary.

Hethersett Land Ltd accepts that it is the Government's intention to revoke Regional Spatial Strategies, including the East of England Plan. However, the requirements of the recently amended Building Regulation Part L which addresses the conservation of fuel and power in dwellings, and programmed future updates of the Building Regulations will have the effect of making homes more energy efficient and over time as the Regulations are updated are likely to require the installation of renewable energy equipment in order that standards equivalent to meeting CfSH can be met. The policy's suggested renewable energy requirement is, therefore, likely to be delivered through compliance with the relevant Building Regulations in any case, and a development plan policy requirement, which is likely to become out of date relatively quickly may not be necessary.

Also, the suggest requirement for proposals to be supported by separate Sustainable Energy Statements seems to go beyond the guidance in the PPS1 supplement on Planning and Climate Change, 2007 (paragraphs 11 and 41).

The PPS supplement suggests that in terms of delivering the objectives of the PPS 1, specific and standalone assessments of new development should not be required where the requisite information can be made available through Design and Access Statements.

Hethersett Land Ltd, therefore, suggest that instead of the revised policy requiring separate Sustainable Energy Statements, it requires Design and Access Statements to include information on how proposed development will contribute to the key planning objectives set out in PPS 1, its supplement and relevant RSS and DPD policies.

Hethersett Land Ltd are also concerned that the Inspectors' suggested changes requires qualifying schemes to demonstrate that as well as meeting the 10% renewable energy requirement, they have to demonstrate that they will provide the maximum viable proportion of their expected energy requirements from decentralised and renewable or low carbon energy sources. It is not clear whether this assessment takes into account the cost and economic viability of achieving the maximum technically viable proportion, when considered against other development and related costs. Hethersett Land Ltd, therefore, suggests that if such a requirement is to remain in the JCS, the policy and/or its reasoned justification is clear that the economic and financial viability of achieving the technically viable decentralised and/or low carbon energy sources is also considered, with the potential for the requirement to be relaxed if necessary, to ensure overall scheme financial viability and the delivery of other aspirations, such as affordable housing, community facilities etc.

Also, Hethersett Land Ltd suggest that instead of the revised policy requiring the submission of a Sustainable Construction Statement alongside planning applications, it requires that Design and Access Statements include information that practicable steps have been taken to achieve nationally described sustainable buildings standards, in line with paragraph 32 of the PPS 1 supplement (2007).

3 Inspector's Change IC4: Monitoring Framework

No Comment

4 Inspector's Change IC5: Glossary

No Comment

5 Inspector's Change IC6: Affordable Housing

Whilst it is noted that the Inspector has further considered the JCS's proposed affordable housing policy and the evidence provided by Drivas Jonas Delloitte, (DJD), Hethersett Land Ltd continue to believe that the Policy is based on less than robust and credible evidence, and that there is insufficient evidence to maintain and support a policy target of 40% provision of affordable housing (notwithstanding the additional suggested text that provides the ability for the target to be reduced through negotiation where achieving the target is financially unviable).

It is accepted that there is a current justifiable need for 33% affordable housing across the GNDP area, based on existing need assessments.

It is noted that with a 33% affordable requirement, the DJD Affordable Housing Viability Statistics document dated 16th December 2010 states that only 55% of all schemes will remain viable without the

assistance of any public subsidy. Even with the assistance of public subsidy only 77% prove to be viable.

In light of these findings, we therefore continue to question how a target of 40% affordable home provision can still be justified, where the Council's own evidence (which we have serious doubts about) suggests that in most cases, schemes providing 40% affordable homes would be unviable without public subsidy.

The Inspector's changes to the Policy are noted, and the intention to allow for some flexibility in provision and tenure split, based on site characteristics and overall financial is welcomed. However, our concern continues to be that by setting an initial unrealistic target of 40% affordable home provision, the starting point for any negotiations with the Council about the level of affordable homes to be provided, in light of scheme viability is far too high. We make this comment in light of the Council's evidence in the DJD report, which in our experience makes unrealistic assumptions on costs, land values and developer profit. Using more realistic assumptions will have significant impact on the level of affordable housing that can reasonably be provided. We are concerned that the Council's perception is likely to be that it will be seen to be giving too much away by reducing the affordable housing requirement from the suggested 40% level to more realistic levels. This may lead to refusals at a time when housing is most needed, or at the very least protracted debates about what costs, land values and profits are deemed 'reasonable' by the Council concerned (as recent case history has proved). It also seems perverse to require higher levels of affordable housing than the current need suggests (i.e. 33%) to make up for past shortfalls in provision at a time where scheme viability is under significant pressure due to falling house prices and increasing construction costs.

Also, in relation to paragraph 5.28B, the tenure split of 85% social rented / 15% intermediate tenures continues to be questioned as it appears to be based on the justification of the higher social rented needs within the Norwich Council area only.

This does not allow for the increased requirements for other intermediate tenures elsewhere in the GNDP area. We would therefore propose that whilst an 85/15 tenure split may be justifiable within the Norwich Council area that a 60/40 tenure split would be more appropriate outside of the Norwich Council area, and would assist in the delivery of affordable homes elsewhere within the GNDP area that better meet the requirements of those in need.

Summary Conclusions

In summary, we are not convinced that the DJD evidence is robust, and some of the assumptions made within it continue to be called into question (please refer to our hearing statement for more details). Notwithstanding these concerns, we do not agree that the evidence properly justifies the maintenance of the 40% affordable housing target. Such a target is undeliverable in most cases and will continue to be so in the foreseeable future.

Instead, we suggest that the JCS overall affordable housing target for schemes of over 16 dwellings be amended to 33% to meet the current need, with a tenure split of 85/15 within the Norwich Council boundary but 60/40 split elsewhere within the GNDP area. This approach would better reflect the evidence and provide better prospects of meeting the requirements of those in need as well as help maintain an ongoing supply of deliverable development sites. We also suggest that the JCS maintains the ability for these requirements to be adjusted in light of overall scheme viability.

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BIDWELLS

Yours sincerely



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