

# Norwich and Norfolk Transport Action Group

c/o 213 College Road  
Norwich NR2 3JD  
01603 504563  
denise.carlo@btinternet.com

Greater Norwich Development Partnership  
PO Box 3466  
Norwich NR7 7NX

27 August 2010

Dear GNDP,

## **Focused Changes – Joint Core Strategy for Broadland, Norwich and South Norfolk**

Please see attached NNTAG's responses to the GNDP consultation on Focused Changes.

We are submitting our comments in letter format as we have had difficulty in using the on-line response form. We should like to participate in the oral examination.

We also have several general criticisms about the consultation:

### **1. Consultation does not give statutory six weeks objection period**

For people responding to the consultation by post, the consultation period of 19 July to 30 August does not meet statutory requirement of a six week objection period as set out in the 2004 Statutory Instrument. The 'deadline' of Monday 30 August is a Bank Holiday. Objections cannot reach the GNDP office by '5 pm' as there are no postal deliveries on a bank holiday and be no-one would be there to receive them.

### **2. Misleading instruction to use GNDP response form**

The statement on GNDP website that responses 'must' be made on the form is misleading as a planning authority cannot prescribe how people may respond other than that objections must be made in writing, provided that they give the necessary information in their response (personal details, why the Changes are not 'sound' and whether they wish to appear at the EIP). The cumbersome electronic response form, with the instruction that responses 'must' be submitted using the form may deter people from objecting.

### **3. Misleading definition of soundness given on GNDP DPD response form**

Q4 (2) defines soundness as: *“‘Sound’ may be considered in this context within its ordinary meaning of ‘fit for purpose’, ‘showing good judgement’ and ‘able to be trusted’ and within the context of fulfilling the expectations of legislation.”*

This is *not* the legal or technical definition of “Soundness” in accordance with PPS12 which defines soundness as:

- *Justified*
- *Effective*
- *Consistent with National Policy*

This is made slightly clearer in the next question (Question 5) and also refers readers to a better definition of soundness within the attached “Guidance notes”.

However, a respondent only goes to Q5 if s/he answered “no” to the ill-defined question 4 (2). If someone answered “yes” that the plan was ‘fit for purpose’, ‘showing good judgement’ and ‘able to be trusted’ they were instructed to *skip* question 5, where the true definition of soundness is shown.

The Pre-Submission consultation form also contained this misleading definition of “soundness”. This raises the question whether the consultations meet the requirements of PPS12 and Planning and Compulsory Purchase Act 2004.

#### **4. Lack of effective public participation arrangements.**

The SEA Directive (Article 6(2)) requires that “*the public... shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme*”. We consider that this has not happened. The public consultation is little more than a paper exercise and the GNDD has not sought to hold any public exhibitions on their detailed proposals for the north-east growth triangle concept statement.

**Overall**, the number of incorrect procedures regarding the Focused Changes consultation suggests a lack of legal oversight. We suggest a re-run of the consultation to avoid the possibility that some people may have been deterred.

We look forward to hearing from you.

Yours faithfully,

Denise Carlo,  
Chair, NNTAG

Please reply to Sandra Eastaugh  
e: s.eastaugh@gndp.org.uk  
t: 01603 638301

Reply sent by email

20 September 2010

Ms D Carlo  
Norwich and Norfolk Transport Action Group  
c/o 213 College Road  
Norwich  
NR2 3JD

Dear Denise

## **Focused changes to the joint core strategy for Broadland Norwich and South Norfolk**

Thank you for your letter dated the 27<sup>th</sup> of August, I apologise for the delay in replying. I will respond to each of your points in turn:

1. The Regulations do not really cover the issue of focused changes. However we based the period for comment on the pre submission stage. That requires a period of "not less than six weeks" but without reference to Sundays (when offices would be closed) or bank holidays. In any event, the period for comments commenced on Monday 19<sup>th</sup> July, and the first week and all subsequent weeks would therefore end on the Sunday. In this respect the bank holiday is not relevant. Electronic submissions would be possible irrespective of the weekend or bank holiday, but in order to give people wishing to deliver by hand the same opportunity as people submitting electronically, we did indicate on the web site and by notices on the doors of the GNDP office and constituent districts that the representations delivered by 17:00 on Tuesday the 31<sup>st</sup> would be accepted.
2. The website Included advice that "representations should be made on the statement of focused changes representation form" and submitted by email or by post. I acknowledge however that it also includes the statement "hard copy representations must be completed on the representations form and submitted to the GNDP office by no later than 17:00 on" the deadline day. The use of the word "must" in this context was intended to signify the importance of meeting the deadline rather than limit the medium of a response, and I can confirm that many responses in the form of letters have been received and accepted. I would also point out that many of these were

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not sent to the address indicated and therefore under the strict terms of regulations could be regarded as invalid. Furthermore, many do not include much of the information which the use of the form would prompt and which may be useful to the inspector in considering their response. While I can accept that the wording on the web site could be misinterpreted, I do not accept that people were disadvantaged. The address for hard copy submissions is clear on the web site and I cannot accept that there is any implication that people must submit using the online consultation portal.

3. I must acknowledge that under question 4 on the downloadable response form there is a definition of sound which does not match that in PPS 12. The form itself was modelled on a sample available from the Planning Advisory Service, but a different section of text in the footnote to question 4 had inadvertently been included ( in fact this came from a form used by Colchester Borough Council) . However, as you point out, the correct definition is given in the guidance notes referred to under question 5. While I acknowledge that the footnote to question 4 is inaccurate, I cannot see how anybody could be disadvantaged – any one unhappy about the proposals would be unlikely to consider them “fit for purpose, showing good judgment, and able to be trusted” and tick the box “sound” based purely on the definition in the footnote, and skip question five.
  
4. I note your quotation from the SEA directive concerning the need to give people an opportunity to respond “within appropriate time frames”. Given the position we are in relation to the public examination, timeframes at this stage are set by the inspectors who have indicated the start date for the examination. Even at the exploratory meeting, the inspectors made it clear that they expected the examination to reconvene around October/November.

I am sorry you feel the process has been flawed, but, while I would acknowledge that there is always room for improvement, I cannot agree that people have been disadvantaged to any actions or inactions on the part of the GNDP or its constituent members.

Yours sincerely

Sandra Eastaugh  
GNDP Manager