

Norwich and Norfolk Transport Action Group

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Ms Sandra Easthaugh
Greater Norwich Development Partnership
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Dear Sandra,

Focused Changes consultation from 19 July to 30 August – Joint Core Strategy for Broadland, Norwich and South Norfolk

Thank you for your letter of response dated 20 September to NNTAG's letter of 27 August concerning criticisms about the process for the GNDP consultation on Focused Changes. We wish to reply as follows:

NNTAG Point 1 Consultation does not give statutory six weeks objection period

The position you set out is incorrect in law.

According to the Civil Procedure Rules of the High Court (copy attached), you are wrong in law to say that a six week period having started on a Monday therefore ends on a Sunday. Legal rulings have long established that when a period is set, the day of publication of a statutory notice does not count as one of the days. Publication on a Monday meant that the last day was Monday 6 weeks (42 days) later. However, where the day is a Bank Holiday, the Courts would regard it as invalid as a closing date and the closing date is the next working day when the relevant offices are open.

We cannot agree that posting a notice on the doors of the GNDP offices and on the GNDP website on 30 August, the last advertised day of the consultation period, can be said to constitute adequate notice of the extension to the deadline.

Therefore, NNTAG maintains that the statutory notice for the Proposed Focused Changes is invalid and the consultation should be re-run.

NNTAG Point 2: Misleading instruction to use GNDP response form

You acknowledge that the GNDP wording is misleading.

NNTAG Point 3: Misleading definition of soundness given on GNDP DPD response form

You acknowledge that the definition of soundness given under Q4 on the GNDP response form does not match that in PPS12.

NNTAG Point 4. Lack of effective public participation arrangements.

You do not dispute the amount of time given to people for responding to the Focused Changes consultation was limited and therefore inadequate.

It is the GNDP and not the Inspectors who have set the examination timetable. We note that the report to GNDP Policy Group meeting on 23 September proposes the withdrawal of Focused Changes on the growth triangle. We imagine that the limited consultation arrangements for consulting on controversial and detailed proposals form part of the reason for this.

On the subject of GNDP policy papers, we note that the GNDP may post agenda papers on the web before a GNDP meeting takes place if it so chooses, contrary to your previous assertion that “there is no requirement to put the papers on the GNDP website as they are published on the individual councils website when they are endorsed at the Cabinet/Executive meetings.”

NNTAG will present a more detailed case on the GNDP’s lack of transparency over its activities contrary to PPS12 at the public examination.

Yours sincerely,

Denise Carlo
Chair, NNTAG

cc. Inspectors
Rynd Smith, Planning Inspectorate

Civil Procedure Rules

Part 2

APPLICATION AND INTERPRETATION OF THE RULES

TIME

- 2.8 (1) This rule shows how to calculate any period of time for doing any act which is specified ---
- (a) by these [Rules](#);
 - (b) by a practice direction; or
 - (c) by a [judgment or order](#) of the court.
- (2) A period of time expressed as a number of days shall be computed as [clear days](#).
- (3) In this rule 'clear days' means that in computing the number of days ---
- (a) the day on which the period begins; and
 - (b) if the end of the period is defined by [reference](#) to an event, the day on which that event occurs

are not included.

Examples

- (i) Notice of an application must be served at least 3 days before the hearing.

An application is to be heard on Friday 20 October.

The last date for service is Monday 16 October.

- (ii) The court is to fix a date for a hearing.

The hearing must be at least 28 days after the date of notice.

If the court gives notice of the date of the hearing on 1 October, the earliest date for the hearing is 30 October.

- (iii) Particulars of claim must be served within 14 days of service of the [claim form](#).

The [claim form](#) is served on 2 October.

The last day for service of the particulars of claim is 16 October.

- (4) Where the specified period ---
 - (a) is 5 days or less; and

- (b) includes ---
 - (i) a Saturday or Sunday; or
 - (ii) a Bank Holiday, Christmas Day or Good Friday,

that day does not count.

Example

Notice of an application must be served at least 3 days before the hearing.

An application is to be heard on Monday 20 October.

The last date for service is Tuesday 14 October.

- (5) When the period specified ---
 - (a) by these [Rules](#) or a practice direction; or
 - (b) by any judgment or court order,

for doing any act at the court office ends on a day on which the office is closed, that act shall be in time if done on the next day on which the court office is open.