

Report to Sustainable development panel

Item

9 January 2013

Report of Deputy chief executive (operations)

Subject Joint Core Strategy for Broadland, Norwich and South
Norfolk – Proposed submission of the remitted parts
following the legal challenge

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Purpose

To consider representations made on the pre – submission version of the remitted parts of the Joint Core Strategy (JCS). Following this consideration, to recommend that cabinet and council submit the remitted parts of the JCS to the Secretary of State unchanged from the originally submitted version.

Recommendation

This report will be considered by cabinet on 14 January 2013. The recommendation cabinet is being asked to make is as follows:

Having taken account of the information in this report and representations received during the publication period, the Sustainable Development Panel considers it appropriate for cabinet and council to submit the remitted parts of the Joint Core Strategy to the Secretary of State unchanged from the originally submitted version. The Sustainable Development Panel recommends to cabinet and council;

- (1) That the Proposed Submission Document is considered to be legally compliant and sound; and
- (2) That the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and supporting documents should be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (3) To delegate authority for the deputy chief executive (operations) in consultation with the portfolio holder for the environment and development to approve, in partnership with GNDP partners, the detail of technical documents required to be submitted alongside the JCS.

Members of the sustainable development panel are asked to note and comment on the above recommendation.

Corporate and service priorities

The report helps to meet the corporate priority “A prosperous city” and the service plan priority to deliver the JCS.

Financial implications

There are no direct financial implications to this report.

Ward/s: All wards

Cabinet member: Councillor Bremner – Environment and development

Contact officers

Mike Burrell, Policy team leader (planning)	01603 212525
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Graham Nelson, Head of planning services	01603 212530
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Background documents

None

Report

1. To avoid unnecessary duplication, the main body of this report to the sustainable development panel consists of the report on the remitted parts of the following the legal challenge to the Joint Core Strategy (JCS) approved by the Greater Norwich Development Partnership (GNDP) Board on 13 December 2012 and its appendices. The GNDP Board report and its appendices are in annex 1 below.
2. All technical background documents referred to in the GNDP Board report and its appendices are available at www.gndp.org.uk/about-us/gndp-board/ . Printed hard copies of any of these documents are available to elected members on request from Mike Burrell (tel: 01603 212525 email mikeburrell@norwich.gov.uk).
3. In compliance with the recommendations approved by the GNDP Board, minor amendments are being made to some of these technical documents to ensure accuracy. Any changes made to appendix 1 of annex 1, the Report on Representations, will be reported to members at the panel meeting.
4. The recommendations of attached report were approved by the GNDP Board. Cabinet will consider it on 14 January 2013. The recommendations and comments of the sustainable development panel will be reported to cabinet at its meeting.
5. Appendix 8 of the GNDP Board report at annex 1 contains the proposed submission content of the remitted parts of the JCS which will be submitted to the Secretary of State for examination if it is approved by Norwich City Council, South Norfolk Council and Broadland District Council. This proposed submission content can be read in context with the adopted parts of the JCS at <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2012/12/1.JCSSubmissiontext.pdf>>
6. The government recently announced its intention to revoke the Regional Spatial Strategy (the East of England Plan) on 3 January 2013. This announcement, made subsequent to the drafting of GNDP Board papers, was reported to the GNDP Board at its meeting on 13 December 2012. Officers explained that the demise of the housing requirements in the regional plan does not affect the JCS. This is because evidence of locally assessed housing needs has confirmed that the JCS housing targets based on the regional plan remain valid. This evidence is set out in the Homes and Housing Topic Paper which has been updated as part of the reconsideration of the remitted part of the plan and is available at: <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2012/12/14.TopicPaperHomesHousing.pdf>>

Joint Core Strategy
Proposed submission of the remitted parts following the legal challenge
to the Joint Core Strategy

Summary

The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011. A legal challenge to the adoption of the JCS was received from Stephen Heard, Chairman of Stop Norwich Urbanisation. High Court Judge Mr Justice Ouseley ruled that parts of the Joint Core Strategy concerning the Broadland part of the Norwich Policy Area, including the North East Growth Triangle (a total of 9,000 dwellings) should be remitted for further consideration and that a new Sustainability Appraisal for that part of Broadland in the NPA be prepared. Following the remittal of that part of the adopted Joint Core Strategy, Broadland District Council, Norfolk County Council, Norwich City Council and South Norfolk Council considered a range of reasonable alternatives to the growth strategy and resolved that one of these alternatives be taken forward to pre-submission. Members must now consider the representations made on the document. Taking account of all the issues raised in the representations, it is considered that none have been made that demonstrate that the document is not legally compliant and sound. It is therefore recommended that the text published at the pre-submission stage be submitted unaltered to the Secretary of State for independent examination.

Recommendation

Having taken account of the information in this report and representations received during the publication period, the Greater Norwich Development Partnership Board considers it appropriate for the local planning authorities to submit the remitted parts of the Joint Core Strategy to the Secretary of State unchanged from the originally submitted version. The Greater Norwich Development Partnership Board recommends to the constituent authorities;

- 1. That the Proposed Submission Document is considered to be legally compliant and sound; and**
- 2. That the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and supporting documents should be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- 3. To delegate authority to an appropriate Director, in consultation with the appropriate portfolio holder, to approve the detail of technical documents required to be submitted alongside the JCS.**

1. Background

- 1.1 The Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) was adopted in March 2011. A legal challenge to the adoption of the JCS was received on 3 May 2011 from Stephen Heard, Chairman of Stop Norwich Urbanisation. High Court Judge, Mr Justice Ouseley made his judgment on 24 February 2012 and

published his final Court Order on 25 April 2012.

- 1.2 Mr Justice Ouseley found that parts of the Joint Core Strategy concerning the Broadland part of the Norwich Policy Area (the NPA), including the North East Growth Triangle (a total of 9,000 dwellings) should be remitted for further consideration and that a new Sustainability Appraisal for that part of Broadland in the NPA be prepared.
- 1.3 On 19 July 2012 the Greater Norwich Development Partnership (GNDP) Board considered a report on a draft “proposed submission” version of the proposed submission content of the Joint Core Strategy (JCS). That report set out the result of the legal challenge to the adopted JCS and the work undertaken to address the judgment. It described the process of considering for pre-submission publication the proposed submission content, including selection of reasonable alternatives within the Sustainability Appraisal (SA) and the comparable assessment of the reasonable alternatives.

It was recommended that constituent authorities approve the JCS proposed submission documents. The constituent authorities subsequently approved these, and agreed it for publication under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to allow representations on legal compliance and soundness to be made.

- 1.4 The consultation period has now ended and the representations received have been considered. The GNDP authorities must now consider whether any of the representations to the proposed submission and the supporting background evidence including the draft SA or new evidence that has emerged call into question the legal compliance or soundness of the document.
- 1.5 The remainder of this report outlines the proposed submission publication process, issues and evidence from representations received to the Proposed Submission document. More detail is included in Appendix 1 and a complete set of Submission documents is available in the Members’ Rooms. All documentation is also available at www.gndp.org.uk.

Representations under Regulation 20 (pre-submission publication)

- 1.6 The Regulation 19 Publication representations period ran from 10 August 2012 until 8 October 2012 (a period of 8 weeks), and was then extended further to 2 November 2012 (a total period of 12 weeks). During this period, copies of the Proposed Submission content and all accompanying documents were made available on the GNDP website and for inspection at the offices of the local planning authorities and Norfolk County Council.
- 1.7 It was drawn to officers’ attention that Hoveton Parish Council’s contact details were out of date and as a result they had not received notification of the consultation. Separate arrangements were made with Hoveton Parish Council to extend the period within which they could respond to ensure that they were given the statutory minimum 6 week period from their notification to provide a response. Support was offered to discuss and explain the consultation material. A representation has been received from Hoveton Parish Council and taken account in recommendation to the GNDP Board.
- 1.8 In total, 478 organisations and individuals made a total of 99 different representations on the JCS proposed submission document. 401 individuals made an identical representation regarding the impacts of increased traffic in Wroxham

and these have been treated as a single issue for the purposes of this report. 13 representations were received outside the specified period. In the circumstances, it was considered appropriate to take these late representations into account as well.

- 1.9 Issues beyond the scope of the JCS raised through the representations, for example in relation to locally specific subjects more appropriately dealt with in other plans, have not been reported. Issues relating to the adopted JCS are covered where directly related to the proposed submission version of the plan or the SA.

2 Key issues raised

- 2.1 A wide range of issues relating to the Joint Core Strategy (JCS) were raised in the representations. This section of the report provides Members with a brief summary of the important issues raised in the representations and an officer response. Appendix 1, the Report of Representations (including the Regulation 22 (1) (c) Statement), sets out, amongst other things, a more detailed analysis of the issues in Table 3 of that document. A comprehensive list of representations with an officer response and the original representations are available for inspection via the GNDP website (www.gndp.org.uk). A hard copy of the representations will also be placed in the Members' room at each of the three GNDP local planning authorities.
- 2.2 A number of representations stated that the proposed submission version of the plan does not effectively address the issue of overall **housing numbers**. This consideration is dealt with as Issue 5 in Table 3 in the Report of Representations. The judgment did not remit the housing numbers and no alternative analysis supported by evidence has been submitted to demonstrate that a lower level of housing provision is justified. In addition, a Homes and Housing Topic Paper was prepared as part of the reconsideration of the remitted part of the plan and is available on the GNDP website, www.gndp.org.uk and in Members' rooms. This confirmed that the JCS housing targets remain valid. This Topic Paper was provided as a supporting document at the publication stage, and it has been further revised since then to take account of emerging information and clarified where necessary. These updates have not affected the overall conclusion that the adopted JCS housing targets remain appropriate and justified. The RSS currently remains in force and despite the recent history of disappointing housing delivery it would be inappropriate to pursue a full review and increase uncertainty without good reason to do so.
- 2.3 In relation to **housing delivery**, which is dealt with as Issue 6 in table 3 in the Report of Representations, respondents have raised concerns that the plan does not provide sufficient certainty about housing delivery in the first five years. The JCS, and the stance taken by the Greater Norwich Development Partnership (GNDP) authorities when planning applications are submitted, is considered to support the release of sustainable sites. Changes to the JCS in this respect would add considerable delay to adoption without significantly improving the likelihood of early delivery of housing and timely delivery of infrastructure within the plan period.
- 2.4 Some representations raised issues relating to **local democracy**, relating to compliance with the High Court judgement; the consultation process and transparency in decision making. These are dealt with as Issues 1, 2 & 3 in table 3 in the Report of Representations. Officers, having taken legal advice, are confident that the requirements of the High Court judgment have been met and appropriate consultation undertaken, following the requirements of planning regulations. The

decisions to publish, submit and adopt the JCS will continue to be considered by locally elected councillors who are directly accountable to their constituents.

- 2.5 Issues of **legal probity** have been made in representations. These are not considered to be substantiated and do not affect the basis of the decision on the content of the plan. Although this is referenced as Issue 4 in the Report of Representations, issues of probity are being addressed separately.
- 2.6 A number of **new alternative strategies for growth** have been proposed in representations. These alternatives are varied, providing different views on the concentration of growth and on its potential location. The alternatives proposed are:
- Disperse growth more widely across the area;
 - Focus more growth in Norwich;
 - Use potential development sites along the Drayton Road
 - Focus more of the development south/south west of Norwich (either in combination with a reduced scale development to the north east or with no development to the north east).
 - Relocate Norwich airport and develop it for housing;
 - Focus growth around Acle.

These alternatives are considered as Issues 7 to 13 in table 3 in the Report of Representations. None of these could be considered to have raised new Reasonable Alternatives that should have been tested through SA.

- 2.7 The **Sustainability Appraisal** itself was criticised for lacking proportionate evidence and for not dealing with all options equally, as required by the SEA Directive. These are considered as Issues 14 & 15, found in table 3 in the Report of Representations. The SA was carried out by independent specialist consultants, with input from legal advisors. Officers consider the work carried out by the SA consultants to be comprehensive and in compliance with the requirements of the SEA Directive.

2.8 **Conclusions from representations**

Having considered all the representations, it is considered that the joint approach set out in the JCS is the most appropriate means of dealing with development pressures locally to 2026. The adoption process for the remitted part of the JCS should be continued, and there is no case to review or withdraw the JCS at this time. Therefore there is no need to alter the conclusion previously reached by Members that the proposed submission content represents the most appropriate strategy when considered against all reasonable alternatives. Appendix 1 to this report, the Report of Representations (including the Regulation 22 (1) (c) Statement) includes, as Appendix 8, a schedule of the Submission Content.

2.9 **Examining Local Plans**

The National Planning Policy Framework sets out requirements for preparation of a development plan in relation to;

- Duty to Cooperate
- Legal and procedural requirements
- Soundness.

2.10 **Duty to Cooperate**

The Duty only applies to the parts of the JCS which were remitted by the High Court Order. The Submission Content is considered to have been prepared consistent with the Duty. A Statement of Compliance with the Duty to Co-operate has been produced and is included in the submission documents listed in paragraph 3.2.

2.11 **Legal and procedural requirements**

The submission content has been prepared in accordance with all relevant legal and procedural requirements. Legal advice has guided preparation of the submission.

2.12 **Soundness**

The NPPF sets out 4 tests of soundness.

Positively Prepared

A positively prepared plan must be evidence based. The JCS is supported by a wider evidence base. The evidence related to the remitted parts has been reviewed and updated where necessary, including consideration of overall housing and employment requirements in the NPA and the distribution of growth.

Justified

To be justified the strategy must be the most appropriate when considered against reasonable alternatives. The Sustainability Appraisal report details the staged approach to establish and evaluate reasonable alternatives. The SA together with the other parts of the evidence base informed the decision to select the most appropriate strategy.

Effective

To be effective the plan must be deliverable. The JCS was informed by evidence that looked at infrastructure requirement and delivery. Policy 20 and Appendix 7 provide for the implementation of the key infrastructure requirements necessary to support development.

The local infrastructure plan & programme (LIPP) provides a means of updating and identifying any changes to infrastructure and how it will be delivered. The most recent update of the Infrastructure Plan and Programme, February 2012, is available as part of the evidence base of the Joint Core Strategy Submission Content.

Consistent with National Policy

The Joint Core Strategy Submission Content is consistent with national policy including the current requirement to be in compliance with the East of England Plan. An NPPF Compatibility Self Assessment Checklist has been produced to evidence this and is included in the submission documents listed in paragraph 3.2.

3. **Submission documents**

3.1 The submission comprises the documents listed in paragraph 3.2. Where necessary the documents have been updated to reflect moving from the pre-submission publication stage to submission. The Joint Core Strategy Proposed Submission remains as published at the pre-submission stage and no modifications are proposed.

3.2 The submission documents are:

1. Joint Core Strategy for Broadland, Norwich and South Norfolk, highlighting

the submission content.

2. Regulation 19 Publication and Sustainability Appraisal Consultation Document (including the schedule of proposed submission content)
3. Sustainability Appraisal Report
4. Policies Maps
5. Statement of Compliance with Statements of Community Involvement and Position Statement
6. Statement of Consultation and Position Statement
7. Report on representations – (including Regulation 22 (1) (c) Statement)
8. Summary of Representations made under Regulation 20 with Officer Response
9. Copies of all Representations made in accordance with Regulation 20
10. Habitats Regulation Assessment and Position Statement
11. Diversity and Equality Impact Assessment and Position Statement
12. Local Development Schemes for Broadland, Norwich and South Norfolk
13. Community Strategies Position Statement
14. Homes and Housing Topic Paper
15. NPPF Compatibility Self Assessment Checklist
16. Statement of Compliance with the Duty to Co-operate

3.3 Copies of these documents are available in the Members' rooms and on the GNDP website, www.gndp.org.uk. Also available on the GNDP website is the evidence base for the Joint Core Strategy.

4. Alternative Options

4.1 Members could agree to recommend that the JCS is not submitted. This is not recommended as

- The JCS is already supported by a significant body of evidence and it is never possible to resolve all areas of uncertainty.
- No significant new issues have emerged from representations.
- It would cause significant delay in the implementation of much needed policies and the delivery of housing and economic growth.
- It would leave the area open to speculative applications.

5 Conclusion

5.1 Having considered and taken account of all the implications of recent evidence and representations, Members need to confirm that the JCS proposed submission is sound. The GNDP can then advise the constituent authorities that the JCS proposed submission content should be submitted to the Secretary of State. While it is the statutory responsibility of the three Local Planning Authorities to submit the document, the Recommendation of this report includes specific reference to the County Council to ensure that it is clear that submission is supported by all four

Councils involved in the production of the JCS.

- 5.2 The decision to submit must be based on the existing evidence. This is considered to be sufficiently robust to demonstrate the soundness of the overall strategy.

6 Next Steps

- 6.1 The indicative timetable for the next steps is outlined below:

Cabinets and Councils consider Submission	
8 January 2013	Broadland District Council Cabinet
15 January 2013	Broadland District Council
14 January 2013	Norwich City Council Cabinet
29 January 2013	Norwich City Council
To be confirmed	South Norfolk Council Cabinet
To be confirmed	South Norfolk Council
7 January 2013	Norfolk County Council Cabinet
4 February 2013	Submission
w/c 1 April 2013	Pre-Hearing meeting
w/c 13 May 2013	Examination in Public Hearings
w/c 14 June 2013	Inspectors' report
July/ August 2013	Adoption

7 Resource Implications

- 7.1 **Finance:** Costs of preparing the JCS proposed submission content are shared by the three local planning authorities. This report has no additional direct financial implications beyond existing budgets. However, the Public Examination in summer 2013 will have costs associated with the Inspector(s), support and accommodation.
- 7.2 **Staff:** The JCS proposed submission content is being developed with existing staffing resources in the four authorities and the GNDP.
- 7.3 **Property:** Some of the authorities' land holdings could be affected by the JCS but this must not influence planning decisions.
- 7.4 **IT:** None

8. Other Implications

- 8.1 **Legal Implications:** The Regulations which accompany the preparation of a Development Plan Document are being adhered to. Failure to consider the Regulations and proceed in accordance with them could result in either the document being found unsound or a legal challenge.
- 8.2 **Human Rights:** The process of engagement undertaken throughout the JCS process has ensured that any potential impacts have been properly considered.
- 8.3 **Equality Impact Assessment (EqIA):** An Equalities Impact Assessment of the JCS proposed submission has been completed, and no detrimental impacts identified.
- 8.4 **Communications :** The GNDP has developed a Communications Strategy. In line

with this, the GNDDP has kept relevant parties informed of progress throughout the process of developing the Joint Core Strategy and the proposed submission content, and has invited responses at each key stage of the process. The evidence studies and supporting information has been made available on the GNDDP web-site and at each of the Council's offices. All respondents to the Proposed Submission Document and all the general and specific bodies will be kept informed of the next stages of the JCS process.

8.5 **Health and safety implications** : None

8.6 **Section 40, Natural Environment & Rural Communities Act 2006:** The JCS has to deliver significant growth within an environmentally sensitive context. The implications for the local environment are addressed in the Strategy and through the evidence base including the Sustainability Appraisal and Appropriate Assessment.

8.7 **Section 17 – Crime and Disorder Act** As a high level strategy the JCS proposed submission content has limited direct impact on crime and disorder.

9. Risk Implications

9.1 A further legal challenge could be made to the document. However, it is believed that the process followed is legally compliant and sound, and so a challenge should not be successful.

Recommendation

Recommendation

Having taken account of the information in this report and representations received during the publication period, the Greater Norwich Development Partnership Board consider it appropriate for the local planning authorities to submit the remitted parts of the Joint Core Strategy to the Secretary of State unchanged from the originally submitted version. The Greater Norwich Development Partnership Board recommend to the constituent authorities;

1. That the Proposed Submission Document is considered to be legally compliant and sound; and
2. That the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and supporting documents should be submitted to the Secretary of State under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
3. To delegate authority to an appropriate Director, in consultation with the appropriate portfolio holder, to approve the detail of technical documents required to be submitted alongside the JCS.

Appendices

Appendix 1 Report on Representations – (Including Regulation 22 (1) (c) Statement)

Officer Contact

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

Name	Telephone Number	Email address
Richard Doleman	01603 223263	richard.doleman@norfolk.gov.uk

Item 5: Appendix 1

Joint Core Strategy for Broadland, Norwich and South Norfolk
Addressing the Judgement of Mr Justice Ouseley in Heard v
Broadland District Council, South Norfolk District Council and
Norwich City Council

Report on Representations – (including Regulation 22
(1) (c) Statement)

DRAFT

Contents

- Purpose of this document
- Introduction
- Joint Core Strategy Proposed Submission Publication
- Statement of the total number of representations
- Summary of the main issues raised
- Representations not duly made
- GNDP responses to the main issues raised in representations

Purpose of this document

- i. To comply with planning regulations, a statement must be produced setting out who has been invited to comment on the plan at its stages of preparation and how these have shaped the preparation of a plan. This is called a Regulation 22 (1) (c) statement and has to be submitted alongside the plan.
- ii. This is the statement to accompany the submission of the remitted parts of the Joint Core Strategy for Broadland, Norwich and South Norfolk. As this statement deals with the representations on the plan made at the pre-submission stage, it only sets out those things which were required at that stage under Regulation 22 (1) (c) (v) and (vi).
- iii. In addition to the requirements of the regulations, this statement includes the Councils' responses to the main issues raised. The responses have been included to demonstrate transparency and allow others to understand the Councils' considerations of the issues raised. These responses can be found in Table 3 on page 11 of this document.

Introduction

1. This statement forms part of a suite of documents which must be submitted to the Secretary of State to comply with Regulation 22 (1) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
2. The requirements in Regulation 22 (1) (c) relate to both consultations undertaken during the preparation of the plan (Regulation 18) and the proposed submission publication (undertaken in accordance with Regulations 19 and 20). However, this is a unique situation in that the Submission content of the Joint Core Strategy (JCS) addresses the order of High Court Judge Mr Justice Ouseley which remitted parts of the JCS to the Regulation 19, Publication stage. Therefore the Regulation 18 (formerly Regulation 25) consultation is outside the scope of this Statement, having been reported on at earlier stages in the preparation of the JCS and taken through examination in November/December 2010.
3. Under Regulation 22 (1) (c) this statement will set out:
 - If representations were made in accordance with Regulation 20
 - The number of representations made
 - A summary of the main issues raised in the representations.
4. The Greater Norwich Development Partnership (GNDP), although not required by regulation, has produced responses to the main issues raised. A summary of the main issues and responses can be found in Table 3 on page 11.
5. Under Regulation 22 (1) (d) the local planning authorities are also required to submit copies of any representations made in accordance with Regulation 20 to the Secretary of State. Copies of all representations received will be submitted as part of the submission documentation. Additionally, all representations are available to view on the GNDP online consultation system, which is accessible from the GNDP website.
6. A copy of this statement is available on the GNDP website at www.gndp.org.uk and at the offices of Broadland District Council, Norfolk County Council, Norwich City Council and South Norfolk Council.
7. The submission content of the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS) will be formally submitted to the Secretary of State on the 4th February 2013.

Joint Core Strategy Proposed Submission Publication

Background

8. The proposed submission document was produced to address the Judgment made by Mr Justice Ouseley in the High Court on 24 February 2012, in the case of Heard v Broadland District Council, South Norfolk Council and Norwich City Council. It is important to understand that this was not a review of the whole JCS; it was a reconsideration of only those parts of the JCS which were remitted by the Judgment and Court Order.
9. The JCS was adopted in March 2011. A legal challenge to the adoption of the JCS was received on 3 May 2011 from Stephen Heard, Chairman of Stop Norwich Urbanisation. High Court Judge Mr Justice Ouseley made his judgment on 24 February 2012 (Appendix 1) and published his final order on 25 April 2012 (Appendix 2).
10. Mr Justice Ouseley found that those parts of the JCS concerning the Broadland part of the Norwich Policy Area (NPA) including the North East Growth Triangle (a total of 9,000 dwellings) should be remitted for further consideration and that a new Sustainability Appraisal for that part of Broadland in the NPA be prepared.
11. The remitted parts of the JCS were treated as only having been taken up to the Regulation 19: Publication of a Local Plan Stage (previously known as the 'pre-submission stage'), and not having been examined or adopted. Broadland District Council, Norwich City Council and South Norfolk Council, together with Norfolk County Council, have continued to work together as the Greater Norwich Development Partnership (GNDP) to undertake further work to reconsider the remitted parts of the JCS.
12. The Regulation 19 Publication representations period ran from 10 August 2012 until 8 October 2012 (a period of 8 weeks), and was then extended further to 2 November 2012 (a total period of 12 weeks). During this period, copies of the Proposed Submission content and all accompanying documents were made available for inspection at the offices of the local planning authorities, Norfolk County Council, and at all libraries in the three districts
13. It was drawn to the GNDP's attention that Hoveton Parish Council's contact details were out of date and as a result they had not received notification of the consultation. Separate arrangements were made with Hoveton Parish Council to extend the period within which they could respond to ensure that they were given the statutory minimum 6 week period from their notification to provide a response. Support was offered to discuss and explain the

consultation material. A representation has been received from the Hoveton Parish Council and taken account in recommendation to the GNDP Board.

14. The consultation methods used for the Regulation 19 Proposed Submission Publication are set out in Table 1 below. In compliance with regulations, the table also sets out who has been invited to comment on the plan. A soundness self assessment of the Regulation 19 Publication, using the Planning Advisory Service (PAS) toolkit format, can be found at Appendix 3.

Table 1

Consultation method, audience and purpose	Availability
Joint Core Strategy Proposed Submission Content The Proposed Submission document sets out the work done to address the High Court Judgment and Order. It includes the schedule of content and is supported by the other publication documents	A Statement of Representations Procedure including a list of all Regulation 19 Publication documents, and details of where they were available to view, is at Appendix 4 All documents and the full evidence base can be viewed at www.gndp.org.uk
Press Notices and Advertisements Notices and adverts were placed in local papers on 10 August 2012 to announce the commencement of the publication period to the general public. Further adverts were placed on 14 September 2012 to raise awareness of the extension to the deadline for comments.	Appendix 5 details the papers and dates of publication, as well as including scanned copies of each notice/advert.
Letters / Emails To inform people already on the database of the Regulation 19 Publication, and to fulfil the Councils' obligations to consult specific and general consultation bodies under Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012. A letter went to all parish and town councils in the three districts, all	Copy of letters at Appendix 6

neighbouring authorities, statutory consultees and a range of other interest groups including site promoters and landowners, housing associations, local businesses, service providers and other previously identified interested parties. In total approx 9,000 organisation and individuals were notified. Due to a delay in the date of publication of the notice in the local press, the deadline for responses was extended. A further letter was sent to all contacts advising of this.	
Libraries Copies of all publication documents were available to view at all libraries in the three districts	A list of all libraries is at Appendix 7

15. Throughout the Publication period a dedicated web page was available for information. All publication documents were available to view and download via this page.

Statement of The Total Number Of Representations Made As Required Under Regulation 22 (1) (c) (v)

16. In total, 478 organisations and individuals made a total of 99 different representations on the JCS proposed submission document. 401 individuals made an identical representation regarding the impacts of increased traffic in Wroxham and these have been treated as a single issue for the purposes of this report.
17. This submission consists of wording and diagrams that were remitted from the adopted joint core strategy. These are captured in a schedule attached as Appendix 8) Table 2 below summarises by schedule reference the number and nature of representations received. As can be seen from the table the majority of representations are in the 'other' category as they did not directly relate to the proposed parts for submission.

Table 2

Schedule Reference	Support	Object	Comment	Total Reps
PS-1	1			1
PS-2			1	1
PS-4	1			1
PS-7	1	1		2
PS-8		1		1
PS-9	1			1
PS-10	1	1		2
PS-11			1	1
PS-13		1		1
PS-14		1		1
PS-15	1			1
PS-18	1	1		2
PS-19	1	1		2
PS-21		1		1
PS-25	1			1
PS-31		1	1	2
Other	21	42	15	78
TOTAL	30	51	18	99

18. This statement covers representations directly related to the plan making process, proposed submission content and its Sustainability Appraisal (SA). Issues beyond the scope of the JCS raised through the representations, for example in relation to locally specific subjects more appropriately dealt with in other plans, have not been reported. Issues relating to the adopted JCS are covered where directly related to the proposed submission version of the plan or the SA.

Summary of main issues raised in the Representations as required under Regulation 22 (1) (c) (v)

19. Paragraphs 19 to 27 of this report set out the issues raised in representations. GNDP responses to these issues are in table 3 on page 11 below.

Local Democracy

20. A number of representations challenge the legal compliance of the proposed submission content raising issues relating to local democracy. These challenges relate to:
- Compliance with the High Court Judgment

- The consultation process
- Transparency in the decision making structures.
- Legal probity

Housing numbers

21. A number of representations stated that the proposed submission version of the plan does not effectively address the requirements of the High Court judgement, most importantly in relation to the retention of the overall housing numbers and by implication the figure of 9,000 dwellings for Broadland. Some have stated that changes in the economy should have been reflected in reduced housing targets and that forecasts for new housing demand have been consistently wrong as evidenced by the lack of delivery of housing numbers in comparison with targets since 2008. Respondents have suggested that a review or withdrawal of the JCS is required as a result of this.

Housing Delivery

22. Some respondents have raised concerns that the plan does not provide sufficient certainty about housing delivery in the early years of the plan. As a consequence, respondents have suggested that additional policy wording needs to be added to the plan to explain under what circumstances sites will be released to stimulate the delivery of housing early in the plan period.

The distribution of housing growth

The choice of Alternative 1

23. A number of respondents expressed the view that Alternative 1 (a major location for sustainable growth to the North-East of Norwich, with a lesser allowance for smaller sites across the remainder of the Broadland part of the Norwich Policy Area) is not the most sustainable strategy possible. The scale and location of development are stated as having been pre-determined in order to improve the traffic case and provide a source of funding for the Northern Distributor Road (NDR) and Postwick Hub.
24. Some have stated that Alternative 2 (as Alternative 1 but with major growth to the north-east of Norwich confined within the route of the NDR) is more appropriate than Alternative 1, mainly because it would extend less into the countryside and have less of a negative effect on the Broads. Others have stated that alternative strategies (see below) would be more effective. A number of respondents have stated that particular alternatives of their own

suggestion, would perform better in relation to minimising greenhouse gas emissions.

Alternative Strategies for Growth

25. A number of alternatives strategies for growth have been proposed in representations. These alternatives are varied, providing different views on the concentration of growth and on its potential location. The alternatives proposed are:
- Disperse growth more widely across the area;
 - Focus more growth in Norwich;
 - Use potential development sites along the Drayton Road
 - Focus more of the development south/south west of Norwich (either in combination with a reduced scale development to the north east or with no development to the north east).
 - Relocate Norwich airport and develop it for housing;
 - Focus growth around Acle.

Sustainability Appraisal

26. The SA was criticised firstly for lacking proportionate evidence and secondly for not dealing with all options equally, as required by the Directive. A representation stated that the SA has insufficient evidence in relation to the loss of high grade agricultural land, long term water resources, surface water flood risk, biodiversity, green infrastructure and the economy.
27. The methodology used to assess options was criticised firstly as inequitable as different options were not subject to equal scrutiny. Secondly, the methodology was criticised for screening out reasonable alternatives such as strategic growth split between non-adjacent sectors.

Overall conclusion

28. GNDP responses to the issues raised are set out in Table 3 on page 11. Having considered all the representations, it is considered that the joint approach set out in the JCS is the most appropriate means of dealing with development pressures locally to 2026. The adoption process for the remitted part of the JCS should be continued, and there is no case to review or withdraw the JCS at this time. Therefore there is no need to alter the conclusion previously reached by Members that the proposed submission content represents the most appropriate strategy when considered against all reasonable alternatives.

Representations not duly made

29. 13 representations were received outside the advertised period, and are therefore not technically valid. However, two of these were received following correspondence with the authorities and agreement to accept a response past the deadline due to exceptional circumstances. 11 responses were further postcards, identical to others received, and have been accepted and added to the respondents for the representation in question. All have been included in the numbers in the table earlier in this document.

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Table 3

Joint Core Strategy: GNDP Responses to the main issues raised in representations

Policy/Area of Challenge	Issue (number)	GNDP response
Local democracy	1. Compliance with the High Court Judgment The proposed submission document has not kept faith with the spirit of the JCS High Court Judgment and requires a full re-evaluation of the principles of the strategy	• Legal advice has been sought throughout the process and there is confidence that both the spirit and the letter of the judgment have been followed. The judge specifically remitted the strategy in the North-East Growth Triangle (NEGT) and the Broadland part of the NPA only. The strategy was remitted to a late stage of plan making. The judgment required a revised SA to be produced to consider alternatives through the SA process, rather than requiring a full re-evaluation of the strategy as a whole.

Policy/Area of Challenge	Issue (number)	GNDP response
	2. Approach to Consultation The process is complex and poorly explained and the views of local people previously given have been ignored, including a “vote of no confidence” taken at a public meeting in Rackheath.	• Explanatory materials, including a non-technical summary of the SA , were provided as part of the publication of the proposed submission document in order to make an inherently complex process resulting from the legal challenge and consequent high court order as clear as possible. • The GNDP authorities are aware of a “vote of no confidence” taken at a public meeting in Rackheath. Since that vote was taken the Rackheath Community Trust has been established and a Community Engagement Officer has been seconded from Broadland District Council to the trust to help co-ordinate public engagement in the area. • Public opinion has been taken account of and weighed against other material planning considerations. Decisions to publish, submit and adopt the JCS have been and will be considered by locally elected councillors, in accordance with national regulations.

Policy/Area of Challenge	Issue (number)	GNDP response
	3. Transparency in decision making The GNDP's decision making has largely been carried out behind closed doors and with a lack of public engagement. This has led to it being unclear which other considerations beyond the SA have been taken into account in selecting alternative one.	• The GNDP Board is not a decision making body. It makes recommendations to Broadland District Council, Norwich City Council and South Norfolk Council concerning the JCS. Each district council's meetings have been held in public throughout the JCS process, with committee papers available publicly as normal. The GNDP Board has held meetings in public throughout the preparation of the revised SA • Paragraph 6.5.4 of the SA sets out other considerations that were taken into account, specifically identifying the deliverability of new development to meet soundness requirements and the potential to provide homes with the necessary services. The reason for Broadland District Council, Norwich City Council and South Norfolk Council's choice of Alternative 1 was clearly set out within the relevant Council Committee papers and minutes.
	4. Legal probity Issues of legal probity raised in representations are not directed at the proposed submission content.	• These issues lie beyond the scope of the proposed submission. They are being responded to separately and have not been addressed in this statement.
Housing Numbers	5. Housing numbers The proposed submission version of the plan does not effectively address the requirements of the High Court judgement, most importantly in relation to the retention	• Section 4.2 of the SA main report refers to the Topic Paper: Homes and Housing. This paper demonstrating why the JCS housing targets remain valid was provided to support the publication period. The paper has since been revised to take account of emerging information and clarified where necessary.

Policy/Area of Challenge	Issue (number)	GNDP response
	of the overall housing numbers and by implication the figure of 9,000 for Broadland. Changes in the economy should have been reflected in reduced housing targets and that forecasts for new housing demand have been consistently wrong as evidenced by the lack of delivery of housing numbers in comparison with targets since 2008. A review or withdrawal of the JCS is required as a result of this.	These updates have not affected the overall conclusion that the adopted JCS housing targets remain appropriate and justified for the reasons set out in the SA main document on page 32: • The Court Order did not remit the totals so did not require an examination of the housing totals; • Local evidence presented at the Examination in Public, which is considered to remain valid, supported the level of housing being proposed; • The latest updates of the East of England forecasting model support the planned levels of jobs and housing growth; and, • The housing numbers proposed in the Regional Spatial Strategy remain. • In relation to recent low housing delivery, this is a reflection of current economic circumstances rather than of low housing demand or a lack of long term need. • As a result of the above considerations, in particular that the judgement did not remit the housing numbers and no alternative analysis supported by evidence has been submitted to demonstrate that a lower level of housing provision is justified, it is therefore concluded that the overall housing figures remain appropriate. • The joint approach set out in the JCS remains the most appropriate means of dealing with development

Policy/Area of Challenge	Issue (number)	GNDP response
		pressures to 2026 and it would be inappropriate to pursue a full review and increase uncertainty without a good reason for doing so.
Housing delivery	6. Housing delivery The plan does not provide sufficient certainty about housing delivery in the first five years. As a consequence, additional policy wording needs to be added to the plan to explain under what circumstances sites will be released to stimulate the delivery of housing early in the plan period.	• There remains an existing stock of planning permissions for homes in the NPA (6,872). These are deliverable within the early years of the plan period. The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development, and makes it clear how applications for residential development should be dealt with in the absence of a five year supply of sites for housing. Therefore further local policy is unnecessary. • In recognition of the current land supply position in the NPA (3 years), Broadland District Council has adopted an Interim Policy Statement. The statement explains a number of key considerations that may be applied to development proposals in advance of the adoption of site specific allocations. The purpose of this is to give confidence to developers to come forward with applications on appropriate sites in advance of the adoption of the JCS submission content and subsequent site specific documents. • There are a number of housing sites, including within the North East Growth Triangle (NEGT), which have been granted planning permission, or where a resolution has been made to grant planning permission ahead of the site allocations process. This is a manifest example that the GNDP authorities are not frustrating the early release of sustainable sites

Policy/Area of Challenge	Issue (number)	GNDP response
		for housing. There is no phasing of growth in the JCS beyond that imposed by the provision of infrastructure. Further delay in the adoption of the plan risks undermining the timely delivery of such infrastructure and therefore makes early delivery less likely. The JCS strategy as a whole, and the submission content, makes an allowance for smaller sites, which are not reliant on significant upfront investment in infrastructure and therefore should be able to be delivered earlier in the plan period. Revisions to the plan, causing further delay in getting the strategy adopted, would have knock on effects to the adoption of subsequent site specific allocations. Further evidence that the pragmatic approach of the GNDP authorities is working in support of delivering early applications for planning permission is provided by the recent (October 2012) submission of an application for 3,500 homes in North Sprowston and Old Catton, which is within the NEGTS, along with a number of other applications across the GNDP authorities. • • The JCS, and the stance taken by the GNDP authorities when planning applications are submitted, is considered to support the release of sustainable sites. Further changes would add additional delay without significantly improving the likelihood of early delivery of housing and timely delivery of infrastructure within the plan period.

Policy/Area of Challenge	Issue (number)	GNDP response
Distribution of housing growth	7. Alternative One Alternative one (a major location for sustainable growth to the North-East of Norwich, with a lesser allowance for smaller sites across the remainder of the Broadland part of the NPA) is not the most sustainable strategy possible, particularly in relation to minimising greenhouse gas emissions. The scale and location of development are viewed as having been determined in order to improve the traffic case and provide a source of funding for the Northern Distributor Road (NDR) and Postwick Hub. Alternative two (as Alternative 1 but with major growth to the north-east of Norwich confined within the route of the Northern Distributor Road) is more appropriate, mainly because it would extend less into the countryside and have less of a negative effect on the Broads.	- Sections 6.2 and 6.3 of the SA main report (most particularly page 78) provide the evidence to support the conclusion made by Members that Alternative 1 is the most appropriate strategy. The rationale for Members drawing this conclusion and for rejecting alternatives one and two were set out in the relevant council reports referenced in 6.3.2 of the SA main report. This rationale is also repeated in section 6.4 on page 80 of the SA main report. - Members concluded , based on the findings of the SA as set out on page 78, that the more intense form of development associated with Alternative 2 could have adverse impacts on the landscape, urban form and amenity and that alternative 1 could be better planned to create places that function better provide green spaces to link environmental assets into green corridors. Members also concluded that alternative 2 (pages 78 and 80) would be less likely to be able to deliver the necessary amount of homes within the plan period. Whilst the SA concluded that alternative 2 performed better than alternative 1 in that it would not extend close to the Broads, it also concluded the inclusion of a “buffer zone” in the proposals for Alternative 1 between development and the Broads, as supported by the Habitats Regulations Assessment and required by the proposed submission document, would mitigate direct effects

Policy/Area of Challenge	Issue (number)	GNDP response
		on the Broads habitats (page 78). In relation to climate change, the SA concludes that Alternative 1 narrowly outperforms Alternative 2 as it would better promote public transport use, thus reducing greenhouse gas emissions (page 63/4 and 78). • The choice of alternative one has been supported by a number of respondents. This includes the Broads Authority (subject to the implementation of water and green infrastructure needs set out in the Joint Core Strategy being met), developers, parish councils and members of the public. In addition, English Heritage, the Environment Agency and Natural England have made representations stating they have no comment to make on the proposed submission content. It is not considered that substantive or convincing evidence has been put forward that would lead to a different conclusion to that made in the SA, that Alternative 1 is the most appropriate alternative.
	8. Greater dispersal of growth Growth should be dispersed to villages and market towns, as well to coastal settlements	• The dispersal of growth to market towns and villages outside the NPA, such as Diss and Aylsham, or to coastal settlements beyond Greater Norwich, lie outside the geographical scope of the SA and revised submission of the JCS. This is set out in paragraph 4.1.1 on page 30 of the SA main report. This is a consequence of the fact that the High Court order did not remit the housing numbers

Policy/Area of Challenge	Issue (number)	GNDP response
		or the geographical limitation to their delivery within the NPA. • Full consideration was given to the potential for dispersal of the housing numbers within the NPA as part of the process of identifying reasonable alternatives in the SA. The appraisal concluded that there is no scope for further dispersal to South Norfolk or Norwich (see below), and that the appropriate level of dispersal within the Broadland part of the NPA was 2,000, which forms part of the proposed submission plan. All other growth would need to be dealt with through strategic scale development within the NPA to ensure sustainable access to transport, employment, services and facilities. The detail behind these conclusions is set out in 4.5 & 4.6 of the SA and Appendices E, F, G & H of its technical annex.
	9. Focus more growth in Norwich More growth should be focussed on Norwich as brownfield sites are available in the city	The ability of Norwich to accommodate additional housing development was evaluated as part of the SA main report at 4.5.13 (page 35) and detailed in Appendix E of the SA technical annex. This sets out that the emerging Norwich Site Allocations Plan has confirmed the evidence of the earlier Strategic Housing Land Assessment which informed the original JCS. There is capacity for 3,000 dwellings in the city in addition to the 5,500 that are currently allocated or have planning permission. No additional capacity could reasonably be considered to exist beyond the 8,500 dwellings already planned for

Policy/Area of Challenge	Issue (number)	GNDP response
		Norwich without undermining the supply of land for other uses necessary to retain Norwich's role as a regional centre and to ensure a good quality of life for its residents.
	10. Use development sites along the Drayton Road. The potential to develop housing at the Royal Norwich golf course and Hellesdon Hospital was proposed.	These sites may be suitable to accommodate part of the "small sites allowance" for the Broadland part of the NPA which is proposed in the draft plan but they would not provide sufficient capacity for strategic scale growth.
	11. Focus more of the development south/south west of Norwich. Additional development to the south of Norwich, through either a new settlement to the south or through additional expansion to the south west, around Cringleford / Hethersett / Wymondham. Some respondents suggested that this could be tied in with a reduced scale development to the north east; others suggested that no development should occur to the north east. The south west corridor was viewed as having advantages for development due to its proximity to employment sites around Norwich Research Park, access to good public transport links to the city centre and access to existing road and rail	• The potential for additional strategic growth in these locations was considered in section 4.9 of the SA main report. • The south sector was not considered to be suitable for strategic scale development as a consequence of its poor relationship to strategic employment, limited scope for public transport enhancements and limited accessibility of services and facilities, including high schools. The reasons for this decision are explained in brief in table 4.2, which can be found on page 44, of the SA main report published alongside the Proposed Submission Documents. A detailed appraisal of the development potential of the sector is included in Appendix L of the technical annex of the SA referred to above, specifically see pages 269 to 270, 296 to 297 and 343 to 344 of the technical annex. • The south west (Cringleford and Hethersett) and Wymondham are promoted for strategic growth in

Policy/Area of Challenge	Issue (number)	GNDP response
	infrastructure. A combination option comprising the north east and south west, with 3,500 dwellings in the north east and 1,500 additional dwellings in the south west was proposed, leaving additional dwellings to be provided beyond 2026.	the adopted JCS. The SA identified a number of issues relating to additional growth in Cringleford and Hethersett. Specific concerns included high school capacity, the deliverability of development and the impact upon the form and character of settlements. These are explained in the Sustainability Appraisal Main Report published alongside the Proposed Submission Documents within the Appraisal of Reasonable Alternatives (see objective ENV1, Table 6.1, pages 62 to78). The reasons why Reasonable Alternative 3, which related to additional growth in the south-west sector beyond adopted JCS levels, was discounted are explained in paragraph 6.5.3 of the SA main report (this can be found on page 79 and 80). • The SA also confirms that growth in Wymondham should be limited to the 2,200 dwellings in the adopted JCS. Development beyond this level would exceed the capacity for expansion of the existing high school. 7,000 to 10,000 additional new homes would be required to support a new high school. This level of growth would be likely to have such a significant detrimental impact upon the setting and historic character of the town that it would be inappropriate. The reasons for this decision are explained in brief in table 4.2, which can be found on page 43, of the SA main report published alongside the Proposed Submission Documents. A detailed appraisal of the

Policy/Area of Challenge	Issue (number)	GNDP response
		development potential of the sector is included in Appendix L of the Technical Annex of the SA referred to above, specifically see pages 269 to 270, 281 to 282, 296 to 297, 309 to 310, 343 to 344 and 361 to 362 of the technical annex. An analysis of Wymondham and the South-West Sector as a combination sector can be found on pages 365 to 368 of the technical annex. • The “combination option” which does not provide sufficient dwellings to meet the overall housing requirements to 2026 can not be regarded as a “reasonable alternative” (see section 4.2 of the SA main report and the Homes and Housing Topic Paper). • Therefore, whilst fully considered in the SA, it is concluded that the NPA south of Norwich is unsuitable for significant further development beyond that set out in the proposed submission document.
	12. Relocation of Norwich International Airport Norwich International Airport could be relocated to the former RAF base at Coltishall, freeing brownfield land for development on the edge of Norwich.	In the absence of clear and deliverable proposals for the relocation of Norwich International Airport, it is not considered that such an alternative could be considered reasonable, particularly as the owners have recently proposed significant aviation related development at the airport.
	13. Focus growth around Acle Proposed strategic growth along the Yare Valley, and in particular at Acle. This is predicated on enhancements to the existing railway line with light rail extensions at	• Deliverability of this transit system has not been evidenced or tested. This contrasts with the adopted NATS strategy which has been subject to SEA. This includes a package of deliverable

Policy/Area of Challenge	Issue (number)	GNDP response
	either end in Great Yarmouth (linking to the Outer Harbour) and Norwich (linking to the hospital, university and research park) with an increased frequency of service.	measures, including the Northern Distributor Road (NDR). The NDR will release road capacity for significant public transport enhancements capable of supporting the proposed submission. The NDR has gone through significant testing and has funding approved. The benefits resulting from the NDR are explained in the SA main report published alongside the Proposed Submission Documents within the Appraisal of Reasonable Alternatives (see objective ENV1, Table 6.1, page 62) • Strategic scale growth of the level proposed by the respondent is unlikely to be appropriate as Acle is surrounded by land within flood zone 2 to the east and north (when the effects of climate change are taken into account) and predominantly Grade I agricultural land to the west and south. • Irrespective of the issues described above, Acle also lies beyond the geographical scope of the plan, which is limited to the Norwich Policy Area. The geographical scope of the plan is explained in paragraph 4.1.1, page 30, of the Sustainability Appraisal Main Report published alongside the Proposed Submission Documents.
Sustainability Appraisal	14. Evidence The Sustainability Appraisal lacks proportionate evidence in relation to the	• Proportionate evidence has been used in the development of the SA in accordance with the requirements of the SEA Directive. Adopted JCS

Policy/Area of Challenge	Issue (number)	GNDP response
	loss of high grade agricultural land, long term water resources, surface water flood risk, biodiversity, green infrastructure and the economy. Representations also suggested that the SA should have been informed by a detailed 'carbon assessment'	policies 1, 2, 3 and 5 address each of the issues identified by the respondent. These policies were supported by baseline evidence including detailed studies and other work, which have been appropriately taken into account through SA. For example, the requirement in the adopted JCS policy 3 for development to be designed to high standards of water efficiency is the result of the findings of the Water Cycle Study and significant collaborative work between the planning authorities, the Environment Agency, Anglian Water and Natural England. • The baseline evidence, including dedicated evidence studies and more recent updates (see section 3.4 of the SA) provides sufficient and proportionate evidence to inform the SA. • In relation to the need for carbon assessment, the preferred and alternative approaches that were the subject of appraisal are 'strategic' in nature. Specifically, they are not defined in terms of precise locations for development or descriptions of development that would come forward. Without this knowledge, a detailed carbon assessment would need to rely overly on assumptions. Despite the strategic nature of the plan approaches under consideration, the SA was still able to draw conclusions regarding greenhouse gas emissions. This discussion is set out under <i>ENV6To adapt to</i>

Policy/Area of Challenge	Issue (number)	GNDP response
		<i>and mitigate against the impacts of climate change. (Table 6.1 page 70 of the SA report). The appraisal focused on: A) likely significantly effects on car dependency; and B) likely significant effects on the potential to design-in community level low carbon energy. In terms of (A), it was not possible to identify significant effects on the baseline, but it was possible to conclude that Alternative 3 is less than ideal. In terms of (B) it was concluded that all approaches would result in significant positive effects (it was not possible to identify relative merits).</i>
	15. Assessing options The methodology used to assess options was criticised as inequitable because different options were not subject to equal scrutiny. The methodology was also criticised for unjustly screening out potential reasonable alternatives such as strategic growth split between non-adjacent sectors.	• The methodology used is considered to be compliant with the requirements of the SEA Directive. Only reasonable alternatives need be subject to comparable assessment through the SA process, this is explained in paragraph 6.3.1 of the Main SA report that was published alongside the Proposed Submission Content. • The methodology involved an evidence-based and staged approach to the consideration of potential alternatives. In accordance with the SEA Directive, all potential alternatives were assessed against the adopted objectives of the JCS. The express purpose of this was to discount unreasonable

Policy/Area of Challenge	Issue (number)	GNDP response
		alternatives and identify reasonable alternatives for further consideration. This process culminated in the identification of the only three reasonable alternatives which were available. These were then tested to a comparable level, in compliance with the SEA Directive. • The second issue raised is not regarded as accurate. The process comprehensively considered all potential growth locations and combinations of locations. • The SA was carried out by independent specialist consultants with legal advice. Officers consider the SA to have taken a comprehensive approach in compliance with the requirements of the SEA Directive.
<u>Overall conclusion</u> Having considered all the representations, it is considered that the joint approach set out in the JCS is the most appropriate means of dealing with development pressures locally to 2026. The adoption process for the remitted part of the JCS should be continued, and there is no case to review or withdraw the JCS at this time. Therefore there is no need to alter the conclusion previously reached by Members that the proposed submission content represents the most appropriate strategy when considered against all reasonable alternatives.		



Neutral Citation Number: [2012] EWHC 344 (Admin)

Case No: CO/3983/2011

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 24/02/2012

Before :

MR JUSTICE OUSELEY

Between

HEARD

Claimant

- and -

BROADLAND DISTRICT COUNCIL
SOUTH NORFOLK DISTRICT COUNCIL
NORWICH CITY COUNCIL

Defendants

Mr R Harwood (instructed by **Richard Buxton Solicitors**) for the **Claimant**
Mr W Upton (instructed by **Sharpe Pritchard Solicitors**) for the **Defendants**

Hearing dates: 6th and 7th December 2011

Approved Judgment

Appendix 1: High Court Judgment

MR JUSTICE OUSELEY:

1. The Claimant, Mr Heard, challenges the adoption by the Defendants of their Joint Core Strategy on 22 March 2011, a development plan document created under the Planning and Compulsory Purchase Act 2004 for their areas. The challenge is brought under s113 of that Act, on the grounds that the Joint Core Strategy, JCS, was not within the powers of the Act, or there had been a procedural failing which had prejudiced the Claimant.
2. The three Defendants are district councils: Broadland DC and South Norfolk DC which surround Norwich City Council's area to the north and south respectively. The three have co-operated to produce a Joint Core Strategy for their areas. This includes the Norwich Policy Area, NPA, which covers the whole of the City Council's area and, putting it very broadly, the parts of the other two Councils' areas which lie closer to the City.
3. Part of the JCS involves meeting the growth requirements for the NPA laid down in the Regional Spatial Strategy, RSS, as adopted in 2008; it is now the Regional Strategy. The JCS, in order to meet its statutory obligation to conform generally to the RSS, had to provide for the stipulated levels of growth; but it was for the JCS to decide where that should take place. The JCS includes, as part of its provision for the RSS requirement, major growth in an area to the north east of Norwich known as the North East Growth Triangle, predictably, NEG-T.
4. Mr Heard is a resident in that area north east of Norwich which is earmarked for major growth in the JCS. He is the chairman of an action group, Stop Norwich Urbanisation, SNUB. Although opposed to urbanisation generally, Mr Heard contends that the JCS is unlawful because the Strategic Environmental Assessment, SEA, which the Councils had undertaken, did not comply with two requirements: first, that it explain which reasonable alternatives to urban growth in the North East Growth Triangle they had selected to examine and why, and second, that it examine reasonable alternatives in the same depth as the preferred option which emerged. It was not said that the examination of the preferred option was itself inadequate, nor that changes in circumstance required a further examination of previously discarded alternatives. The Defendants contended that the work they had done was sufficient for these purposes.
5. His second ground was that the Strategic Environmental Assessment was further unlawful since it did not assess the impact of a proposed new highway, the Northern Distributor Road, the NDR, or of alternatives to it. The NDR was fundamental to the achievement of the full development of the North Eastern Growth Triangle, though there was a case for it even without that development. The Defendants contended that the NDR had been adequately assessed in documents prepared by the highway authority, Norfolk County Council, and that although the JCS supported and in some ways promoted the NDR, it was not for it to assess it or to consider

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alternatives to it. The County Council was part of the informal Greater Norwich Development Partnership, GNDP, with the three District Councils.

The legislative framework

6. A plan such as the JCS has to be subject to what is called Strategic Environment Assessment, by virtue of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment.” This has been transposed into domestic law by the Environmental Assessment of Plans and Programmes Regulations 2004 SI no.1633. Regulation 8 prohibits a plan being adopted until regulation 12, amongst others, has been complied with. Regulation 13 requires the plan, when in draft, and its accompanying environmental report to be subject to public consultation. Regulation 8 prohibits the adoption of a plan before the environmental report and the consultation response have been taken into account. These reflect requirements of the Directive. Environmental assessment is thus, as Mr Upton submitted, a process and not merely a report.
7. Regulation 12 (2) (b) requires an environmental report “to identify, describe and evaluate the likely significant” environmental effects of implementing the plan, and of “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme”. The report has to include such of the information set out in Schedule 2 as is reasonably required although it can be provided by reference to relevant information obtained at other levels of decision-making. Item 8 in the Schedule is “an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties...encountered in completing the information.” Mr Upton for the Defendants emphasised the word “outline”. It is not, he said, a requirement to give reasons for selecting the option eventually pursued; but one would normally expect them to emerge reasonably clearly from the assessments.
8. European Commission has provided guidance on Article 5(1) of the Directive, the equivalent of regulation 12 of the UK Regulations, as to what level of assessment is required for alternatives. Alternatives to the option being promoted should be evaluated on the same basis and to the same level as the option promoted in the plan:

“In requiring the likely significant environmental effects of reasonable alternatives to be identified, described and evaluated, the Directive makes no distinction between the assessment requirements for the drafted plan or programme and for the alternatives. The essential thing is that the likely significant effects of the plan or programme and the alternatives are identified, described and evaluated in a comparable way. The requirements in Article 5(2)

Appendix 1: High Court Judgment

concerning scope and level of detail for the information in the report apply to the assessment of alternatives as well. It is essential that the authority or parliament responsible for the adoption of the plan or programme as well as the authorities and the public consulted, are presented with an accurate picture of what reasonable alternatives there are and why they are not considered to be the best option. The information referred to in Annex I should thus be provided for the alternatives chosen.”

9. Mr Upton suggested that it was too simplistic to say that all alternatives had to be assessed to the same degree throughout a process in which, as the Directive and Regulations envisaged, options were progressively narrowed and discarded as successive stages moved towards a preferred option. Those options discarded at earlier stages did not have to be revisited at every subsequent stage; see *City and District Council of St Albans v Secretary of State for Communities and Local Government* [2009] EWHC 1280 (Admin), Mitting J para 14.
10. The guidance also deals with what constitutes a reasonable alternative: it must be realistic, fall within the legal and geographic competence of the authority, but it otherwise depends on the objectives, and geographical scope of the plan. Alternative areas for the same development are an obvious example. The longer term the plan, the more likely it will be that it is alternative scenarios which are examined.
11. Article 1 of the Directive is relevant because it makes clear that the objective of the Directive in providing for environmental assessment is to protect the environment and integrate environmental considerations into the adoption of plans with a view to “promoting sustainable development”. This, with Article 4, which permits a national authority to integrate compliance with the Directive into national procedures, has led to the practical implementation of the Directive through the requirement in s19(5) of the 2004 Act that a plan be subject to a Sustainability Appraisal, SA, rather than through a separate document entitled an environmental report. Article 4(3) also recognises that there may be a hierarchy of plans, and that the assessment will be carried out at different levels.
12. To avoid duplication in this process, Article 5(2) permits the decision as to what information is reasonably required to take account of “the contents and level of detail in the plan ..., its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process....” This is reflected in regulation 12 of the domestic Regulations. Mr Harwood for the Claimant submitted, and I accept, that while options can be rejected as the plan moves through successive stages, and do not necessarily require to be re-examined at each

Appendix 1: High Court Judgment

stage, a description of what alternatives were examined and why had to be available for consideration at each stage, even if only by reference back to earlier documents, so long as the reasons there given remained sound. But the earlier documents had to be organised and presented in such a way that they could readily be ascertained and no paper chase was required to find out what had been considered and why it had been rejected; see *Save Historic Newmarket Ltd v Forest Heath District Council* [2011] EWHC 606 (Admin), Collins J, paras 17 and 40.

13. At para 40, he said, and it provides a useful summary of the test:

“40. In my judgment, Mr Elvin is correct to submit that the final report accompanying the proposed Core Strategy to be put to the inspector was flawed. It was not possible for the consultees to know from it what were the reasons for rejecting any alternatives to the urban development where it was proposed or to know why the increase in the residential development made no difference. The previous reports did not properly give the necessary explanations and reasons and in any event were not sufficiently summarised nor were the relevant passages identified in the final report. There was thus a failure to comply with the requirements for the Directive and so relief must be given to the claimants.”

The facts

14. The plan-making process is rather convoluted and the sequence of documents constituting it needs to be set out. I could not readily discern it from the parties' submissions.
15. Although the way in which the NDR was treated is the subject of a separate ground, the Northern Distributor Road and the North East Growth Triangle are closely linked and it is convenient to deal with them together chronologically, though it must be noted at the outset that it is Norfolk County Council which bears statutory responsibility for the transportation strategy, and not the Defendants.
16. The County Council consulted on various Norwich Area Transportation Strategy, NATS, options in 2003. An SEA was carried out in 2004 for the NATS, voluntarily since it preceded the coming into force of the Directive; it was not itself subject to public consultation. A number of options, sieved from a larger variety, were fully considered including three which involved differing lengths of NDR, and three which involved no NDR, but improved public transport and other measures to reduce car usage instead. The preferred strategy included what then was called the three quarter NDR; the NATS had been designed to help deliver the growth that would occur in the Norwich area with or without a supportive transport infrastructure,

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and to address the problems it would create. The NDR was identified as an important element to enable growth within and around Norwich; without it, developer led schemes to provide accessibility to individual developments would lead to a disjointed network. The NDR was “the only feasible solution for dealing with growth and transport problems and issues on a long-term basis.”

17. Policy 2 of the NATS, adopted in 2006, provided that an NDR would be developed for implementation in conjunction with other measures. Its precise alignment was not for decision at that stage.
18. The County Council adopted its Second Local Transport Plan in 2006 as required by the Transport Act 2000. A Strategic Environmental Assessment was undertaken for this purpose, published in 2006, and summarised in the LTP itself. It assessed the overall environmental effect of the LTP, the impact of the two potential major schemes, one of which was the NDR, and the environmental effect of the LTP with and without those major schemes. An Environmental Report was consulted on with the Provisional LTP in 2005, but it did not deal with the NDR. The rather longer SEA of 2006, which was not itself consulted on, did not assess the LTP without the NDR alone, nor alternatives to the NDR. The LTP promoted the NDR as a major scheme, describing its purpose, advantages, position in the development plan framework, and its financing status.
19. Meanwhile, other parts of the development plan process were under way. The revised Regional Strategic Strategy, RSS, had been going through its draft stages, themselves informed by a Sustainability Appraisal at two stages which incorporated a Strategic Environmental Assessment. This was adopted in May 2008, as the East of England Plan, EEP, by the Secretary of State for Communities and Local Government. It became part of the statutory development plan framework under the 2004 Act, and local development plan documents such as the JCS had to conform generally to it. It covered the period 2001-2021.
20. The EEP dealt with transportation; Policy T15 identified the Norwich area as one which was likely to come under increasing transport pressure as a result of underlying traffic growth and the RSS development strategy. Appendix A listed the NDR as one of the regionally significant investments currently programmed for the region, a Major Local Transport Plan Scheme.
21. Policy NR1 dealt with Norwich as a “Key Centre for Development and Change”, a regional focus for housing, employment and other activities: 33000 additional houses were to be provided in the NPA between 2001-2021, facilitated by LDDs prepared jointly by the three Defendants; requirements for consequential transport infrastructure “should be determined having regard to” the NATS. Policy H1 elaborated the housing strategy, setting district totals conforming to that total for the NPA parts of the three involved here.

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22. During the preparation of the revised RSS, the three Defendant Councils had begun work on their Joint Core Strategy. In November 2007, the Councils issued, for public consultation, an “Issues and Options” paper. This identified the housing requirements for the NPA in the then draft EEP. The three strategic options for dealing with the required growth were dispersing growth across a large number of small scale sites, medium concentration on large estate size sites of 15-3000 units, or Larger Scale Urban Extensions and new settlements in the range 5,000-10,000 dwellings. An initial assessment of the broad locations for major growth, including the north east sectors inside and outside the NDR, was appended; a full sustainability appraisal was promised at the preferred options stage, but early indications on a comparative basis were provided under the heading “Some issues relating to potential growth locations”. Comments were sought on which broad strategy should be preferred, (Q11) and on the various major growth locations outlined, (Q12). Potential combinations for large scale growth were identified and comments sought as to which were preferred (Q13):

“As well as identifying smaller urban extensions and growth in villages, the main pattern of large-scale growth could be:

- 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 for major growth options
- e) a more dispersed pattern of growth (perhaps an average of 1,500 dwellings in ten locations).”

23. This document also dealt with strategic infrastructure priorities. The NDR had been identified as essential to managing the demand for travel arising from the levels of growth planned in the EEP, providing access to the potential growth areas on the north eastern fringes of Norwich and enabling traffic to be removed from the city centre and improvements to non-car based transport.

24. The Sustainability Appraisal for the Issues and Options paper assessed the different strategies for locating growth, (Q11 above). There was also an appraisal of the growth locations identified in the appendix, (Q12): north-east sector inside NDR, north-east sector outside NDR, east sector outside

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NDR, and south and south west sectors; 12 sectors in all, including some combinations. The potential combinations for large scale growth, (Q13), were grouped for appraisal under two heads, which represented a concentrated option and a more dispersed option; option C was regarded as middle ground between the two and option D, a different combination of major growth areas, was not assessed at all. The responses were reported at length.

25. In August 2008, there was a technical consultation with statutory bodies on the practicalities of various major growth options in the NPA. It proposed that the planned housing should be in large scale developments concentrated in particular locations with a mixture of small scale development dispersed around the area: it put forward three options of combinations of large scale development, totalling 24000, allied to options for smaller scale development. No large scale site exceeded 6000, most were between 2-4000. The large-scale options were set out in Policy 5; no decision had yet been made on which was to be favoured. Appendices described them in more detail. Each involved development in the north-east sector with a NDR. (The 33000 units over the period 2008-2026 for the NPA included allocations and permissions as yet unbuilt, so the figure for new allocations was 24000, reduced later to 21000.)
26. In February 2009, the four authorities in the GNDP agreed on a favoured growth option as the basis for public consultation. The reports analysing why that option emerged were not before me, and are not part of the Sustainability Appraisals or Strategic Environment Assessments. Regulations requiring the production of a preferred options report had been changed.
27. The statutory public consultation did not begin until March 2009. The document included as Policy 2 what was required by the EEP for the NPA, and as Policy 5 what was by now the favoured option for providing for that growth in the NPA, a variant of the third option in the technical consultation paper, with 21000 in the larger locations, in Norwich, and in the North East Growth Triangle on each side of the NDR, moderate growth broadly to the south west of Norwich, with some sites elsewhere identified for small scale development.
28. The commentary to Policy 5 said that there was no significantly different public preference for the locations for major growth, but that the technical consultation included three more detailed options for larger growth in the NPA which were described in appendices. All required the NDR, and all involved major development in the NEGT. The favoured option, said the commentary, drew upon the consultation response and evidence, but was not specific as to what that was.
29. A draft Sustainability Appraisal was produced in April 2009. It dealt with the three original growth options in the technical consultation document of 2008, plus a variant, and with the newly favoured option. These all

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included the north-east sector with NDR. It appraised the various locations for major growth in Policy 5. It did not deal with the responses to the technical consultation.

30. In August 2009, a report on both statutory consultations was published.
31. Before the JCS was submitted to the Secretary of State for examination, a Sustainability Appraisal report and the pre-submission JCS were issued for yet further public consultation in November 2009. This SA was intended to fulfil the role of the SEA under the Directive and transposing regulations.
32. This SA makes the point that it was not the first stage of SA. However, the summary of the appraisal findings states that a key task of the JCS is to develop a “spatial strategy for distributing” the housing targets set for the area by the EEP. One component was a “major urban extension to the North-East of the city, based around two or three centres either side of the proposed” NDR. The summary noted the “broadly positive sustainability effects” of this element. Another element, because it included major development at Long Stratton, had some local benefits but strategic drawbacks.
33. The SA said that it set out the legal requirements of the SEA Directive and explained how they were or would be met. Chapter 5, (it meant 3), would provide “an outline of the reasons for selecting the alternatives dealt with”
34. Chapter 3 entitled “Developing the Options” set out the requirement that “reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme are identified, described and evaluated.” Paras 3.3.2-3.3.3 read:
 - “3.3.2 The Pre-Submission JCS sets out the GNDPs current preferred approach in a series of draft policies. These policies represent the GNDPs preferred options, which have been selected and refined following consultation on alternative options that has occurred in the past. In particular, options were published and consulted during the ‘Issue and Options’ consultation in 2007. All options presented in the Issues and Options consultation document were also subjected to SA to establish the relative merits of options in sustainability terms and inform the identification of preferred options. The findings of the Issues and Options SA were summaries in a brochure, which is available to download from the GNDP website.

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3.3.3 Following the Issues and Options consultation the GNDP were able to identify many of their preferred options. However, it transpired that there was a need to consult further on options for the spatial approach to growth. Identification of a spatial approach to growth is the single most important decision to be made by the JCS, and the decision with the most wide ranging and potentially significant sustainability implications. The section below gives further details as to how the preferred approach was developed.”

35. The “Options for the spatial approach to growth” summarised the process by which the preferred option had been arrived at. It started with the three broad strategies from the Issues and Options paper, and the five options for their spatial distribution. The three new distribution options at the technical consultation stage were then set out as above; the NEGOT was common to them all. Subsequent tables briefly rehearsed the relative sustainability merits of those three options. The preferred option was then set out; paragraph 3.3.8 said that after the technical consultation, the GNDP “were able to identify their preferred option” for the spatial distribution of growth, which had been published for public consultation. It had not changed since then, when it had been the subject of SA. It had been re-appraised as part of this SA in the “light of further clarity about its implementation”.
36. Although the later SEA checklist says section 3.2 is where the alternatives are considered along with chapter 5, the relevant passages on alternatives for this case are those which I have cited, save for the introduction to chapter 4 which refers to the directive obligation to provide an outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken. Chapter 5 concerns the preferred options themselves.
37. The appraisal in the annexe to the SA is an appraisal only of the preferred options against a comprehensive array of policies. It is not an examination of alternatives.
38. It included this on Policy 8 “Access and transport”, which both sides put some reliance on:

“Recommendations

- One key area of concern relates to whether the NDR, which is promoted through this Policy, would preclude sustainable patterns of travel and transport associated with the North East Growth Triangle. It will be of great importance

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to ensure that the NDR does not have this effect. It will be important to design in ambitious measures that encourage residents to meet more of their needs locally by sustainable modes of travel, and that also allow ease of access to Norwich by rapid public transport. When considering the necessity for the NDR it should be possible to assume minimal use of this road by residents of the Growth Area.”

39. Policy 8 said that the transportation system would be enhanced to develop the role of Norwich as a Regional Transport Node, particularly through the implementation of NATS, including construction of the NDR. Implementation of NATS was fundamental to the strategy, enabling the capacity which it would release in Norwich to be used for non-car modes of transport, and providing the access necessary to key strategic employment and growth locations. A corridor, 100m either side of the centre line of the current scheme, was protected and would be shown on the Broadland DC adopted Proposals Map. The NDR “is recognised” in the EEP, is a major scheme in the Local Transport Plan and is in the Department of Transport’s Development Pool. This policy was to become Policy 6 in the adopted JCS.
40. Certain changes were made to the JCS which warranted further SA on these “focussed changes”. The only point of relevance is that it is clear that the only purpose of the SA was to appraise those specific changes and not alternatives more generally.
41. The JCS was submitted in March 2010 for examination by Inspectors appointed by the Secretary of State. This was held in November and December 2010; their report to the Councils was published in February 2011, and concluded that the JCS was sound and in conformity with the EEP, but certain changes were required.
42. Issue 6 examined whether the JCS provided an appropriate and deliverable distribution of the planned growth required by the EEP for the NPA, coupled with a sustainable pattern of transport infrastructure. One of the issues was whether the distribution was sound given its asserted dependence on the NDR, which might not be built. The NEGTS and NDR were closely linked in this argument; the Inspectors rejected a non-NDR package of transportation interventions in para 51:

“It has been argued that a non-NDR package of NATS interventions has not been modelled and that this could 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

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‘Programme Entry’ and the ‘Development Pool’, as discussed above.”

43. The Inspectors nonetheless saw the NDR as uncertain and particularly uncertain in timing. They asked whether suitable changes could be introduced to increase the resilience of the JCS in the face of this uncertainty. They thought that the JCS tended to portray the situation in terms which were too stark: no NDR, no development in the NEG. Changes were proposed which provided “an appropriately qualified partial alternative approach to development in North East Norwich”. Essentially, some development could take place in certain parts without an NDR, but were it not to have happened by the time that threshold had been reached, an Action Area Plan, AAP, would investigate whether any additional growth could take place in the NEG without it, and subject to any further development which that AAP might show to be satisfactory, there would be a complete review of the JCS proposal for the NEG.

44. The Inspectors rejected the argument that there should be no growth in the NEG with or without the NDR, but concluded, para 59:

“The AAP is the proper mechanism for carrying out the site-specific investigations, considering the alternatives and undertaking the public consultations necessary to establish the point at which non-delivery of the NDR may, or may not, become a ‘showstopper’ for further development in the growth triangle. The JCS should not go beyond its strategic role and fetter the necessary thorough investigation through the AAP by making premature commitments based on untested scenarios.”

45. They then turned to the NEG. After some comments about how the scale of development came to be in the EEP, the Inspectors dealt with the merits, para 72:

“Moreover, there are strong reasons to support the selection of this area as a location for a major urban extension. Fundamentally, if development is to take place at the overall scale proposed by the GNDP constituent authorities (which we have found sound), the pattern of small towns and villages in Broadlands offers no realistic alternative ‘dispersal’ options capable of accommodating such numbers in ways likely to be sustainable and capable of respecting the characters of the host settlements. There is no evidence that Norwich could accommodate more than already reflected in the JCS account of existing commitments, and it appears (from our consideration

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of the South Norfolk options) that redistribution from the north of the NPA to south is not a viable option. Concentrating the proposed development at this major growth location is the most effective way of maximising its contribution to the NPA's sustainability and providing infrastructure economically."

46. After dealing with the arguments for and against other parts of the proposed distribution of growth, the Inspectors identified the next sub-issue as "Does the JCS distribution represent "the most appropriate plan when considered against reasonable alternatives?"". The question is drawn from PPS12. They said, para 90:

"With regard to the North East Norwich growth triangle, we have already concurred with GNDP's judgement that from a relatively early stage in the evolution of the JCS there has been no reasonable sustainable alternative to a substantial urban extension in that location if this scale of growth is to be accommodated."

47. They then referred to the 5 options for South Norfolk, including Long Stratton, which had been developed between May 2008 and February 2009. These had been subject to a comparative SA in February 2009. More evidence was now available. Para 94 contained this conclusion:

"We therefore conclude that South Norfolk's view that the JCS distribution represents the best overall 'political fit' is not inconsistent with judgements that it (a) represents the most appropriate plan when considered against the reasonable alternatives and (b) broadly fulfils GNDP's duty under S39 of the 2004 Act to exercise its DPD-making functions with the objective of contributing to the achievement of sustainable development."

48. Their overall conclusions on Issue 6 were in para 95:

"Our broad conclusion is that the major principles of NATS, as reflected in the JCS, represents a sound and sustainable transport strategy for the NPA. The implementation of these measures would enable the JCS to proceed with a pattern of growth which is justified, effective and consistent with national policy. This conclusion is subject to a number of necessary changes that have been discussed above. Together, these give the JCS greater resilience and effectiveness in the case of delay to, or non delivery of, the NDR by

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indicating a mechanism for transparently establishing the maximum extent to which development at the growth triangle could proceed before triggering the need for review of the JCS in that respect.”

49. They recommended various changes as their analysis had foreshadowed.

50. The JCS, with the incorporation of the required changes, was adopted in March 2011. An Environmental Statement was required to accompany it by the 2004 Regulations. It had to set out, among other matters, the reasons for choosing the plan as adopted, in the light of other reasonable alternatives. It said this on that topic:

“5.1 The iterative plan making process set out above, informed by SA and consultation throughout, involved consideration of a number of reasonable alternatives.

5.2 This is particularly the case in relation to the spatial location of growth. At the Issues and Options stage ten potential growth options were put forward (plus brownfield sites in the city & suburbs). The Sustainability Appraisal was used to select options to take forward along with other evidence such as the water cycle study, public transport modelling and discussions with children’s services.

5.3 The former preferred options document considered alternatives for growth options and area-wide policies. The alternatives were assessed and captured in the SA document and remain in it as evidence of considering reasonable alternatives.

5.4 The strategy submitted to the Secretary of State has a relatively concentrated pattern of growth in Broadland, based on sustainable urban extensions and a more dispersed pattern in south Norfolk, with growth focussed on a number of existing settlements. Earlier plan drafts, supported by the SA, included options that had promoted a somewhat less dispersed pattern of growth in south Norfolk, with more limited development at Long Stratton.

5.5 Having regard to the technical evidence and public comment, the strategic preference of

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the GNDP was to promote growth in Long Stratton to achieve the consequent environmental improvements to the village.

5.6 The strategy has been adopted subsequent to a formal Examination in Public. The independent Inspectors concluded that the plan is sound, subject to a number of required changes. These changes have been incorporated into the adopted strategy.”

51. The rest of the section summarised the support given by the Inspectors to the adopted strategy.

52. Policy 9 covers the growth strategy for the NPA: new allocations for a minimum of 21000 houses are to be identified across a number of locations against which the minimum number of houses in each was noted. This would be supported by construction of the NDR. Policy 10 identified the locations in the NPA for major new or expanded communities, including the NEGT on both sides of the NDR, the complete development of which required the NDR, but the scope for partial delivery, as required by the Inspectors is also reflected in the policy.

Ground 1: SEA and alternatives

53. Mr Harwood’s Skeleton Argument for the Claimant contained a number of what seemed to me to be rather carping criticisms of the SEA and JCS, but he refined and improved his submissions in oral argument. He focussed wisely on the appraisal of alternatives to the NEGT, the Claimant’s area of interest.

54. None of the high level options for growth in the Issues and Options Paper, (Q11), were actually chosen. The initial assessment of growth options, (Q13), did not cover two of the five options for the location of growth: 3 and 4 in the JCS SA, also denoted as C and D. D did not include growth in the NEGT. Three more specific options were put forward in the statutory technical consultation paper, but the Councils were not relying on the SA accompanying that paper. There was no analysis of why the alternatives selected at that stage only included ones with growth in the NEGT. The preferred option emerged from that process as a mixture of options 2 and 3, and the Environmental Report/SA of September 2009 dealt with it. There was no comparable assessment of reasonable alternatives considered by the three Defendants in it; the assessment of the options from the technical consultation paper was not done on the same basis as that of the preferred option. There was no explanation of the alternatives selected. It contained no cross-reference to any other paper where the identification and equivalent appraisal of alternatives could be found. Its summary was silent on that topic. It was possible that the options

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considered in the Issues and Options SA were reasonable options, even the only reasonable ones considered, but the SA did not say so, and it was not obvious why every combination of options included a north east sector, especially as the NDR on which it depended was uncertain. There was no comparable assessment of reasonable alternatives against the one preferred, nor could there be one until the preferred option had been identified. It was not his argument that there was some topic of assessment which those options had failed to consider, nor did that meet his argument.

55. Mr Upton, for the Councils, took me through the evolution of the planning documents, placing considerable weight on the April 2009 SA accompanying the public consultation document, and the September 2009 SA. It was for the three Councils to decide what were reasonable alternatives in the light of the SA scoping report of December 2007 and the requirements of the RSS. A range of reasonable alternatives had been identified and assessed, in a way appropriate for the level at which the JCS was operating in the plan-making hierarchy. Many alternatives supported by SNUB were not alternatives which conformed to the RSS, and so could not be considered as alternatives at all. A wide range of options had been assessed on a comparable basis; the later document of September did not have to continue to examine so wide a range as at earlier stages as the *St Albans* case held. There really was only one sensible way to meet the growth requirements, as the Inspectors found.

Conclusions on Ground 1

56. I accept much of what Mr Upton said as a description of the way in which the JCS had been arrived at. It could not be stigmatised as unreasonable. The JCS had been the subject of frequent public consultation. The preferred option had been properly assessed itself. A number of alternatives had been assessed.
57. I did not find it easy, however, to discern from Mr Upton's submissions how he answered the essential factual contention at the heart of Mr Harwood's submissions. Certainly it was not by showing me any document in which the outline reasons for the selection of alternatives at any particular stage were clearly being given. This is not the failing of the advocate, but in the factual material which he had to present. Nor was there any discussion in an SA, in so far as required by the directive, of why the preferred options came to be chosen. Nor was there any analysis on a comparable basis, in so far as required by the directive, of the preferred option and selected reasonable alternatives.
58. The Issues and Options Paper and its Sustainability Appraisal are in themselves perfectly sensible papers. However Option D, the different combination of growth areas, was not assessed, and the SA itself did not explain why not. There was therefore no assessment of an alternative which did not include development in the NEGT, nor an explanation of why that was not a reasonable alternative, even though one which might have

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been identified as an option. This was not unimportant in the light of uncertainty over the NDR and its significance for the full development of the NEGТ.

59. The statutory technical consultation produced three more options but did not itself consider any option which did not include development in the NEGТ, with an NDR. It did not describe the selection of those options.
60. There was an important report to the Councils in February 2009 which led to the selection of the preferred option; it explains why it was preferred, and could contain information as to why the options examined had been selected. But that was not produced before me, and more importantly, it was not cross-referred to or publicly available as part of any SA. By the time of public consultation in March 2009, the preferred option had been selected.
61. The April 2009 SA did not explain what alternatives had been chosen for examination; it explained the ones which had been considered but not why it was those ones which had been considered and not others. It did not explain why the preferred option had been selected. Again, the only options considered involved development in the NEGТ, and the NDR.
62. The crucial stage was the SA submitted in September 2009 in connection with the pre-submission JCS, which the Councils intended as the fulfilment of their directive obligations. It would have been open to the Councils to describe here the process of selection of alternatives for examination at each stage. They could have done this by reference to earlier documents, if earlier documents had contained the required material. But the earlier documents do not contain the required information as to why the alternatives considered had been selected. If the outline of the reasons for the selection of alternatives was not dealt with in the earlier documents, the Councils had to provide them in this document. But that is missing from the SA.
63. The SA itself only describes what has been done. It contains no further analysis of the selection of alternatives for consideration at various stages, nor for the choice of the preferred option. It contains only a brief assessment of the alternatives, and does not itself contain the explanation which it implies is in the earlier documents, but, which in fact, on this particular aspect is simply not covered in them. Crucially, it is not possible to tell from the SA itself or from earlier documents what the Councils' answer is to the Claimant's question: were the only alternatives it was thought reasonable to select ones involving development in the NEGТ, and if so -in outline- why so, especially in view of the uncertainty over the NDR, and the importance attached to the NDR in achieving the JCS with development in the NEGТ. The SA is wrong in saying that all the options in the "Issues and Options" paper were assessed.

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64. I accept that the Inspectors' report contains much which is supportive of the JCS, including the statement that there was no reasonable alternative to a substantial urban extension in the NEGТ, notwithstanding problems with the NDR. But although their report evidences a view about alternatives, it is not itself part of the SA. They may be required to consider alternatives by the Secretary of State in PPS12, but that is not in fulfilment of the directive obligation or of those in the regulations. It is possible of course, as well, that such a view is affected by a lack of examination of an alternative; and it is also possible that the answer to why no non NEGТ growth scenario was considered is so obvious to a planner that it needs no explanation; it could not have been considered a reasonable alternative. But I did not receive such an explanation either from the Councils, nor does the Inspectors' conclusion suffice to answer it.
65. The final ES with the final JCS does not take matters further.
66. I conclude that, for all the effort put into the preparation of the JCS, consultation and its SA, the need for outline reasons for the selection of the alternatives dealt with at the various stages has not been addressed. No doubt there are some possible alternatives which could be regarded as obvious non-starters by anyone, which could not warrant even an outline reason for being disregarded. The same would be true of those which obviously could not provide what RS required, or which placed development in an area beyond the scope of the plan or the legal competence of the Defendants. But that is not the case here on the evidence before me, in relation to a non NEGТ growth scenario, with or without NDR, and especially with an uncertain NDR. Without the reasons for the earlier selection decisions, it is less easy to see whether the choice of alternatives involves a major deficiency.
67. I accept that the plan-making process permits the broad options at stage one to be reduced or closed at the next stage, so that a preferred option or group of options emerges; there may then be a variety of narrower options about how they are progressed, and that that too may lead to a chosen course which may have itself further optional forms of implementation. It is not necessary to keep open all options for the same level of detailed examination at all stages. But if what I have adumbrated is the process adopted, an outline of the reasons for the selection of the options to be taken forward for assessment at each of those stages is required, even if that is left to the final SA, which for present purposes is the September 2009 SA.
68. The reasons for the selection of the preferred option, as distinct from the reasons for the selection of the alternatives to be considered, have not been addressed as such either in the SA, although some comparative material is available. The parties dispute the need for these reasons. It was very surprising to me that the reason for the selection of the preferred option was not available as part of the pre-submission JCS or the accompanying

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September SA, nor readily available in a public document to which the public could readily be cross-referred, with a summary.

69. This is not an express requirement of the directive or regulations, and I do not regard European Commission guidance as a source of law. However, an outline of reasons for the selection of alternatives for examination is required, and alternatives have to be assessed, whether or not to the same degree as the preferred option, all for the purpose of carrying out, with public participation, a reasoned evaluative process of the environmental impact of plans or proposals. A teleological interpretation of the directive, to my mind, requires an outline of the reasons for the selection of a preferred option, if any, even where a number of alternatives are also still being considered. Indeed, it would normally require a sophisticated and artificial form of reasoning which explained why alternatives had been selected for examination but not why one of those at the same time had been preferred.

70. Even more so, where a series of stages leads to a preferred option for which alone an SA is being done, the reasons for the selection of this sole option for assessment at the final SA stage are not sensibly distinguishable from reasons for not selecting any other alternative for further examination at that final stage. The failure to give reasons for the selection of the preferred option is in reality a failure to give reasons why no other alternatives were selected for assessment or comparable assessment at that stage. This is what happened here. So this represents a breach of the directive on its express terms.

71. There is no express requirement in the directive either that alternatives be appraised to the same level as the preferred option. Mr Harwood again relies on the Commission guidance to evidence a legal obligation left unexpressed in the directive. Again, it seems to me that, although there is a case for the examination of a preferred option in greater detail, the aim of the directive, which may affect which alternatives it is reasonable to select, is more obviously met by, and it is best interpreted as requiring, an equal examination of the alternatives which it is reasonable to select for examination along side whatever, even at the outset, may be the preferred option. It is part of the purpose of this process to test whether what may start out as preferred should still end up as preferred after a fair and public analysis of what the authority regards as reasonable alternatives. I do not see that such an equal appraisal has been accorded to the alternatives referred to in the SA of September 2009. If that is because only one option had been selected, it rather highlights the need for and absence here of reasons for the selection of no alternatives as reasonable. Of course, an SA does not have to have a preferred option; it can emerge as the conclusion of the SEA process in which a number of options are considered, with an outline of the reasons for their selection being provided. But that is not the process adopted here.

72. Accordingly, the Claimant succeeds on this ground.

Ground 2: the absence of an assessment of the NDR in the JCS SA

73. Mr Harwood submitted that there was a duty on the councils to have regard to the LTP under regulation 15 (1)(b) and (c) of the Town and Country Planning (Local Development)(England) Regulations 2004 SI No. 2204. The RSS required regard to be had to the NATS. It did not require the NDR. Since the NDR was part of the JCS, and was said to be “promoted” through it, the JCS SA had to include an environmental assessment of the NDR. Instead, it had been taken as part of the baseline for the assessment of other development, colloquially as a given and not as a JCS proposal; Mr Doleman, a transportation planner with the County Council, made as much clear in his witness statement. The County Council was part of the GNDP, which as a partnership would promote the NDR, with the JCS supporting its provision and protecting its alignment, opposing inconsistent development. The NDR and NEGТ went together: there may have been a case put forward by the County Council for the NDR without the NEGТ, but there was no case for the full NEGТ without the NDR. If the NDR were undesirable, it would affect the whole growth strategy, or at least the distribution of the major growth areas. The JCS protected an alignment corridor for the preferred three-quarter length NDR, yet that had not been assessed. However, his real concern was not with alternative alignments but with alternatives to the NDR altogether. Nothing in the Inspectors’ report showed that there were no reasonable alternatives to the NDR. Given that there remains uncertainty over whether the NDR will be built, and the effect which that would have on the NEGТ, there had to be alternatives to the NDR and NEGТ. Those had not been considered.
74. The JCS did not cross-refer to other documents, notably the voluntary SA which accompanied the NATS, or the SA which accompanied the LTP. The NDR was not dealt with as a discrete option in them either. The voluntary NATS SA could not be equivalent to a statutory SA since the SA had not been subject to public consultation, unlike NATS itself, nor could any decision have been made in the light of consultation responses to it.
75. Mr Upton’s essential contentions were that the NATS and LTP determined what infrastructure was required to support the level of development and its location. The RS explicitly required account to be taken of the NATS, of which NDR was part. The LTP had taken the general level and distribution of growth in the draft EEP into account. Mr Upton took me through the various planning documents which showed that the NDR had been part of the baseline since at least 2007. His submission was supported by PPS 12: “Local Spatial Planning”; para 4.10 said that “the outcome of the infrastructure planning process [here the NATS and LTP] should inform the core strategy and should be part of a robust evidence base”. It recommended that those responsible for delivering infrastructure and those responsible for the core strategy align their planning processes. Para 4.28 emphasises the importance of not advancing a core strategy which depended on others for its implementation when those others had not

Appendix 1: High Court Judgment

agreed it. No challenge had been made to the adequacy of its SEA. Incorporation into the JCS did not require a separate SEA. There was no need to duplicate or to repeat SEAs.

76. Those two plans were also the statutory responsibility of the County Council as highway and transportation authority. There were no reasonable alternatives for the District Councils to consider in promoting the JCS, since transportation was not within their statutory competence. So it had rightly been treated as part of the baseline, though the various levels of development in various locations on the NDR and on the roads leading to it would be relevant. Besides, the Inspectors had concluded that there was no reasonable alternative to the NDR. The reference in the SA of September 2009 to the NDR being promoted through the JCS was no more than a reference to its being relied on in the JCS. The detail of the route would be dealt with in the Broadland DC AAP.

Conclusions on ground 2

77. The starting point to my mind is that proposing or planning the NDR is not within the remit of the JCS. It is for the highway authority to plan and promote the NDR through its plans. The NDR is outside the Defendants' legal competence. There is no substance in the suggestion that the existence of the informal GNDP alters the allocation of statutory responsibility because it includes the Defendants, and all four Councils are in harmony on this issue.

78. Of course, there are references in the JCS to the role of the NDR, and there is a relationship between the policies for accommodating growth in the JCS, and the infrastructure to support it. The promotion of the NDR, its status in the EEP, NATS and LTP, and its budgetary status, make it a relevant factor in the judgment of where growth should be. It would be unwise, if not impossible, to create a coherent strategy for any plan if the proposals for major infrastructure were ignored. It may make it unreasonable to consider alternative means of providing for growth which do not use that proposed infrastructure. That may be very relevant to how the defendants approached, albeit not explicitly, the selection of reasonable alternatives for examination. Their uncertainty may have to be planned for as well, as the Inspectors' recommended amendments showed. But none of that, including reliance on it for the selection of the preferred option, makes the NDR part of the JCS in the sense that the environmental effect of the NDR has to be assessed, growth in the NEGT or not, as a proposal of the JCS. That does not turn the JCS into a plan or proposal for the infrastructure on which it relies.

79. True it is as well that the land use plan has to provide for safe-guarding of the corridor for the NDR, since to fail to do so could prevent its development, but that safe-guarding does not make the NDR a proposal of the plan for which alternatives and impacts have to be assessed. The fact that the JCS talks of promoting the NDR, a safeguarding and supportive role,

Appendix 1: High Court Judgment

does not amount to its adoption by another authority or create an obligation to assess it and alternatives. It merely reflects the importance which another public body's infrastructure proposal has.

80. In so far as the concern was with alternatives to any NDR rather than with alternative NDR alignments, that did not fall within the scope of the JCS. The alignment corridor itself is not a choice made within the JCS; the corridors were assessed in the 2006 LTP. Nor is the corridor a matter of concern to the Claimant who seeks an alternative to any NDR. The effect of different alignments within the protected corridor would be for assessment when the precise line came to be chosen.
81. The Defendants were right in my judgment to treat it as part of the baseline against which the environmental effects of the growth strategy were assessed. Of course the effects of the growth may be additional to the effects of the NDR which are part of the baseline in the assessment of the strategy, but the NDR is not itself a proposal for assessment in the JCS.
82. The second reason why this ground fails is that the NDR has been subject to environmental assessment as part of the adoption of the NATS, albeit voluntarily, and as part of the LTP. Those plans have been adopted. This challenge cannot review any inadequacies in that assessment. The time for such a challenge is long past. It is not the function of the JCS to remedy any deficiencies in earlier assessments undertaken for the purposes of other plans.
83. Accordingly this ground of challenge fails.

Discretion

84. Mr Upton submitted that no relief should be granted were he to lose on either of these grounds. A great deal of work had been done; the claims were in reality that the SEA had not been expansive enough on one topic. A number of alternatives had clearly been examined on a comparable basis as required. The reasons for selection and choice between alternatives and the preferred option were spelt out in a publicly available report, even though it was not part of the SEA. The Inspectors' Report gave reasons justifying the selection of the preferred option over the alternatives. The Directive had been substantially complied with. The Claimant had not been prejudiced by any procedural failings; he had put forward no realistic alternative which had been ignored.
85. Mr Harwood submitted that the failings he identified went to substance and not to procedure, and so questions of substantial compliance with procedural requirements did not arise. The obligation was to identify and explain the selection of reasonable alternatives, to assess them on a comparable basis, to consult the public about the plan and SA, and to reach a decision in the light of their responses. That was the essence of the process of environmental assessment. *Berkeley v Secretary of State for the*

Appendix 1: High Court Judgment

Environment [2000] UKHL 36, [2001] 2 AC 603 also showed that a disparate collection of documents, a paper chase through which the public might find its way, did not constitute substantial compliance with Directive requirements on environmental assessment. This case was to be distinguished from *Younger Homes (Northern) v First secretary of State and Calderdale District Council* [2004] EWCA Civ 1060, Laws LJ at paras 42-47.

86. S113 of the Planning and Compulsory Purchase Act 2004, as amended by the s185 of the Planning Act 2008, gave a wide variety of powers, short of quashing the whole JCS and starting again, which should be exercised here if relief were to be granted.

Conclusions on discretion

87. I am satisfied here that I should not exercise my discretion against the grant of any relief. There has been a series of failings in relation to the directive obligations. The Defendants may well be right that the option of no NEGT growth is unrealistic. But I cannot regard there as being substantial compliance with the directive. I will hear submission on the precise form of relief, in the light of the powers in s113 of the 2004 Act, as amended.



**In the High Court of Justice
Queen's Bench Division
Administrative Court**

CO Ref: CO/ 3983/2011



HEARD

Claimant

and

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

Defendants

Order by Mr Justice OUSELEY

1. I have approved the Order in the form submitted with two amendments: 1 paragraph 8 is deleted since it would not be right for an order to be made in respect of the Secretary of State, a non party, let alone without notice, and without any evidence that it could be necessary. The Order therefore reflects the expectation that he will do what statute already requires him to do. 2 paragraph 9 is consequently amended by the deletion of "thereafter" and the insertion of "after that examination" after "consider".

2. I have not altered the Schedule from that submitted by the Defendants. I am grateful to Counsel for their co-operation and hard work on this.

(a) I do not accept Mr Harwood's submission on the housing totals point in item 33. It seems to me that the Defendants' proposals do not prevent full argument on the NEG. If further changes are required by modification, so be it. The removal of the totals would put uncertainty over what was required in other areas as a minimum. The meaning of the Defendant's proposed reading of the totals, given the deletion of some components seems to me clear.

(b) I did deal with the business park in the hearing on 29 February. But I accept the arguments, if new, that this is not a NEG dependant proposal, and it does not have to be in the NEG. It may be relevant to whether there should be a NEG, but that is not the point.

Signed

Mr Justice Ouseley 25 April 2012

Sent to the claimant, defendant and any interested party / the claimants, defendants, and any interested party's solicitors on (date):

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;
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;

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

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 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).

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

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

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

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	<i>the area to the north east of the city</i> and

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

	dilemmas"	<u>for a concentration of new [development]</u>
2	01 Our Strategy – fifth paragraph under heading “the dilemmas”	<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> and <u>By contrast.</u>
3	04 Spatial vision: third paragraph under the heading “The spatial vision”	<u>[Growth will be ...] and in a very large mixed use urban extension within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle (Appendix 5)</u>
4	04 Spatial vision: under the heading “Climate change and sustainability” 3 rd bullet point	<u>inspired by the proposed exemplar at Rackheath.</u>
5	04 Spatial vision: under the heading “Working and getting around” Second bullet point	<u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u>

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6	Key diagram –and under objective 3	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> ”
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>

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		<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:	<u>including around 25ha of new employment land at Rackheath</u>
12	06 Policies for places, Policy 9 Para 6.7	<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>
13	Para 6.12 4 th bullet point	<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>
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 “ Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle”.

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

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 the Norwich Policy Area: first sentence	<u>[Major growth] in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and</u>
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>

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		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 <u>(see supporting text for Policy 20).</u>
21	Para 6.20 fourth sentence	<u>in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew area</u> and <u>'a' and 'route which may be via Gurney Road/Salhouse Road'</u>
22	Paragraph 6.22	<u>A new secondary school is needed to serve the new community in the north east.</u> and, in the second sentence ' <u>more</u> '
23	Diagram following	

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

	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	<u>[It will be expanded] through significant growth in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and smaller</u>
25	Policy 15 Service Villages third paragraph	<u>and Rackheath</u>
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

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		<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 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

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

		<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") where there is a reference to <i>Rackheath</i></u> <u>In Column 3 (headed "Required for growth in") where there is a reference to <i>Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle</i>, or to 'Broadland: smaller sites in the NPA (2000 dwellings)'</u>.

Appendix 2 Mr Justice Ouseley's Narrative, Court Order and Schedule

		The mention of <u>"Including in the growth triangle where 3,000 dwellings are proposed after 2026"</u> in the introduction to Appendix 7 .
35	Submission proposals map amending the Broadland Proposals Map	<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>

Regulation 19 Publication Legal Compliance Self Assessment

Activity	Evidence provided
1. Have you prepared the sustainability appraisal report? The Act S.19(6) Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	Yes. A Sustainability Appraisal Report (SAR) for the Broadland part of the Norwich Policy Area was prepared in accordance with the directions of the High Court Order. The SAR was published alongside the Proposed Submission Content of the Joint Core Strategy. See Sustainability Appraisal Report for the Broadland part of the Norwich Policy Area following the High Court ruling of 24 February 2012.
2. Have you made clear where and within what period representations must be made? Regulations 19 & 35	Yes. Representations could be made between 10th August and 2nd November 2012. Details of the consultation period and where representations could be made were given on the GNDP website and Council websites, and also included in the newspaper advertisements (see 7 below).
3. Have you made copies of the following available: • the proposed submission documents; and • the statement of the representations procedure? Regulation 19(a) & 35	Yes. The proposed submission documents and statement of representations procedures documents were available at the Broadland, Norwich and South Norfolk council offices. In addition these documents were made available on the GNDP website. Links to the GNDP website were made available through each of the Local Councils' websites.
4. Have you published on your website the following: ▪ the proposed submission documents? ▪ the statement of the representations procedure? ▪ statement and details of where and when documents can be inspected? Regulations 19(a) & 35(b)	Yes. The proposed submission documents, statement of representation procedure were available on the GNDP website. Links to the GNDP website were made available from the Councils' websites.

Appendix 3: Legal Compliance and Soundness Self Assessment

Activity	Evidence provided
5. Have you sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under Regulation 18(1): ▪ The statement of the representations procedure; ▪ a statement of the fact that the proposed submission document are available for inspection; and, ▪ the places and times at which the proposed submission documents can be inspected? Regulation 19(b)	Yes. A copy of the statement of representations procedure; statement of the fact that the proposed submission document are available for inspection; and, the places and times at which the proposed submission documents can be inspected were sent to each of the general consultation bodies and each of the specific consultation bodies. The details of one specific consultation body (a parish council) whom information was sent to was found later to be out of date. This consultation body was afforded the opportunity to take the full statutory period and has responded to the consultation. The consultation database was subsequently checked for accuracy and none of the details of those specific or general consultation bodies who needed to be notified in accordance with the regulations were found to be out of date.
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): ▪ the statement of the representations procedure? ▪ where and when the documents can be inspected? Regulation 19(b)	See 5 above.
7. Have you given notice by local advertisement setting out: ▪ the statement of the representations procedure ▪ where and when the documents can be inspected? (No Longer Required by Regulation)	Public notices were placed in the following newspapers on the following dates: Eastern Daily Press - 10th August 2012 Evening News - 10th August 2012 Diss Mercury - 10th August 2012 Great Yarmouth Mercury - 10th August 2012 Beccles & Bungay Journal - 10th August 2012 North Norfolk News - 10th August 2012 Norwich Advertiser - 10th August 2012 Wymondham and Attleborough Mercury - 10th August 2012 The public notice set out the statement of representation procedure and details of where and when the documents could be inspected.

Appendix 3: Legal Compliance and Soundness Self Assessment

Activity	Evidence provided
8. Have you requested the opinion of the regional planning body the general conformity of the development plan document with the regional spatial strategy?	The Town and Country Planning (Local Development) (England) Regulations 2012 came into force on 6th April 2012. This revoked the former regulation which required a request to be made to the RPB in regards to the general conformity of the plan with the RSS. However, section 24 of the Act remains extant, albeit that government has stated its clear intent to revoke the RSS. The remitted text of the RSS only deals with the distribution of housing in the NEG, not the overall quantum (which remains in line with the adopted RSS). The proposed submission documents therefore remain in general conformity with the Regional Spatial Strategy, as required by the Act.

NPPF Soundness Tests Self Assessment Checklist

Key question	Evidence provided
Positively Prepared	
1. Does the Plan seek to meet objectively assessed development and infrastructure requirements?	The scope of the draft plan relates only to the parts of the JCS which were remitted as a consequence of the High Court Order dated 30th April 2012. The draft plan provides for the delivery of the housing and employment land established within the Adopted Joint Core Strategy. Further consideration was given to the established housing figures. The results of this work confirmed that the housing figures established by the adopted JCS continue to meet the objectively assessed need for market and affordable housing. The infrastructure requirements to support development have been established and key infrastructure dependencies highlighted in policy within the draft plan. Appendix 7 of the adopted JCS sets out the Implementation Framework and Critical Path for the JCS Strategy. This appendix expands upon adopted policy 20 of the JCS. This appendix sets out the expected delivery body, estimated costs, funding sources for the different infrastructure schemes which are needed to support the JCS strategy, including the part of the Strategy set out in the submission content. The local infrastructure plan & programme (LIPP) provides updates to the plan, identifying any changes to infrastructure and how it will be delivered. The LIPP will feed into a five year investment plan to direct funding in support of the strategy. ▪ Topic Paper: Homes and Housing (2012) ▪ Local Infrastructure Plan & Programme (February 2012)
Justified	
Participation	
2. Has the consultation process allowed for effective engagement of all interested parties?	The consultation undertaken during the production of the JCS as a whole met the requirements of national policy at the time, and the three SCIs of the GNDP authorities. This consistency of the process with the relevant requirements was examined at the initial Examination in Public in 2010.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	The process following the receipt of the High Court Order followed the process indicated within that Order. Specifically that a further Sustainability Appraisal was produced to evaluate, in particular the NEGТ and alternatives to it, if any. The SA informed the Council's decision which confirmed the NEGТ as the most appropriate strategy when considered against all Reasonable Alternative and therefore it was appropriate to return directly to the proposed submission, Regulation 19 stage. The publication of the proposed submission content was undertaken in accordance with the regulations and allowed for the public and other stakeholders to put forward their views on the draft plan, the Sustainability Appraisal that accompanied it and other documents and supporting evidence. ▪ Statement of Compliance with Statements of Community Involvement and Position Statement (2012) ▪ Statement of Consultation and Position Statement (2012)
Research/ fact finding	
3. Is the content of the development plan document justified by the evidence? • What is the source of the evidence? • How up to date and convincing is it?	The finding of the Sustainability Appraisal prepared in accordance with the High Court Order supports the conclusion that the draft plan represents the most sustainable option when considered against all reasonable alternatives. Appendix 2 of the JCS sets out the other research and fact finding studies which have informed the conclusions reached in the Sustainability Appraisal and which therefore supported its findings. Whilst produced to support the original submission of the Joint Core Strategy, this evidence is considered to remain robust and credible within the context of the proposed submission content. Notwithstanding the above, the Topic Paper: Homes & Housing has been updated in support of the production of the Sustainability Appraisal and consideration of the draft plan in order to establish whether the housing figures set out in the Joint Core Strategy remained appropriate. Natural England, Environment Agency and Anglian Water have also, signed an addendum to the Habitat Regulations Assessment (HRA)

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	confirming that it remained valid in the context of the proposed submission content. ▪ SA for the Broadland part of the Norwich Policy Area following the High Court ruling of 24 February 2012. ▪ Appendix 2 Joint Core Strategy (2011) ▪ Topic Paper: Homes and Housing (2012) ▪ Addendum to the Habitat Regulations Assessment (2012)
4. What assumptions had to be made in preparing the development plan document? 5. Are the assumptions reasonable and justified?	A significant evidence base was developed to support the production of the Joint Core Strategy and this also influenced the proposed submission content. As a consequence, the number of assumptions used during the preparation of the plan has been minimised, but where assumptions have been made, they are set out clearly in the evidence base documents (and, where appropriate, in the Joint Core Strategy itself) Particular assumptions are of relevance include: ▪ Rates of development which can be achieved on major development ▪ Market conditions relating to residential, commercial and retail developments (affects the rate of delivery, delivery of affordable housing, delivery of strategic employment sites and delivery of mixed used developments) ▪ Future funding of utilities through the relevant asset management plans ▪ Availability of mainstream, or other funding sources, for health care, adult social services and emergency services. ▪ The introduction of a Community Infrastructure Levy. The delivery of any plan is underpinned by the market's ability to deliver and the proposed submission content does not seek to frustrate development through the imposition of unreasonable burdens. Key strategic infrastructure such as water supply and the NDR has progressed since the adoption of the plan, providing confidence that these

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	will not cause an undue delay to development. It is considered reasonable to predict a recovery in the housing market in the medium and long term which will support the delivery of the housing strategy. The CIL for Broadland, South Norfolk and Norwich recently went through an examination and was supported by a significant body of evidence. It is considered reasonable to conclude that it can be adopted in a timely manner to support growth.
Alternatives	
6. Can it be shown that the council's chosen approach is the most appropriate given the reasonable alternatives? 7. Have realistic alternatives been considered and is there a clear audit trail showing how and why the preferred strategy/approach was arrived at? 8. Where a balance had to be struck in taking decisions between competing alternatives is it clear how and why these decisions were made?	The process of preparing the revised submission content involved the evaluation of reasonable alternatives (taking account of the Sustainability Appraisal results). The conclusion of this report supports the Council's decision that the chosen strategy is the most appropriate and sustainable when considered against all reasonable alternatives. The Sustainability Appraisal Report explain clearly how reasonable alternatives were identified and explain which alternatives were discounted and why. In addition, the Regulation 22 (1) (c) Statement: The Report of Representations made under Regulation 20 explains why other alternatives put forward do not constitute Reasonable Alternatives that should have been considered through the SA process. The three reasonable alternatives identified were compared in order to assess which performed best when considered against the objectives of the Sustainability Appraisal Framework objectives. The conclusion and the reasons for selecting the alternative chosen is clearly spelt out in section 6.3 of the Sustainability Appraisal. ▪ Regulation 22 (1) (c) Statement ▪ Report of Representations made under Regulation 20 ▪ SA for the Broadland part of the Norwich Policy Area following the High Court ruling of 24 February 2012.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
9. Does the sustainability appraisal show how the different options perform and is it clear that sustainability considerations informed the content of the development plan document from the start?	Yes. Section 6.2 of the Sustainability Appraisal compares the three reasonable alternatives identified. ▪ SA for the Broadland part of the Norwich Policy Area following the High Court ruling of 24 February 2012. ▪ Regulation 22 (1) (c) Statement ▪ Report of Representations made under Regulation 20
10. Does the development plan document adequately expand upon regional guidance rather than simply duplicate it? 11. Does the strategy take forward the regional context reflecting the local issues and objectives?	The answers to these questions need to be considered within the context of the continued presence of the Regional Strategy. Whilst the Government has expressed its intention of revoking the Regional Strategy, and recently published a Strategic Environmental Assessment of the proposed revocation of the <i>East of England Plan</i>, this intention cannot lawfully be considered in plan-making, therefore conformity of the JCS to the policies of the <i>East of England Plan</i> is still a principal consideration. The proposed submission content, when considered as part of the adopted JCS, is consistent with the RSS and provides a meaningful local policy interpretation of the policies of the RSS by: ▪ Setting out the areas for major growth around Norwich ▪ Promoting more sustainable modes of transport ▪ Addressing deprivation ▪ Promoting Norwich as a retail, employment, leisure and cultural city ▪ Clarifying strategy employment areas
Effective	
Deliverable	
12. Has the council clearly identified what the issues are that the development plan document is seeking to address? 13. Have priorities been set so that it is clear what the development plan document is	The Vision and objectives of the adopted Joint Core Strategy remain the principal expression of the issues and priorities that the plan is seeking to address. In accordance with the SEA Directive, the Sustainability Appraisal identified Reasonable Alternatives, taking into account the objectives and geographical scope of the JCS. The chosen strategy is considered to be the most appropriate alternative to deliver the vision and

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
seeking to achieve?	objectives of the JCS. The Vision and Objectives of the JCS remain adopted and do not form part of the submission content.
14. Are there any cross-boundary issues that should be addressed and, if so, have they been adequately addressed?	The JCS proposed submission content was developed by the GNDP, a partnership of Broadland District Council, Norwich City Council and South Norfolk Council. This has ensured that the consideration of cross boundary issues across these three districts was at the heart of the development of the plan. Additionally, the JCS continued to be a matter for discussion and debate at meetings of the Norwich Strategic Planning Group, which includes officers from Breckland, Broads Authority, Great Yarmouth and North Norfolk. Cross boundary environmental issues were fully considered by the Habitat Regulations Assessment (HRA) 2010. A supplementary statement to the HRA, which has been co-signed by Natural England, Environment Agency and Anglian Water, has confirmed that it remains valid in the context of the submission content of the JCS. ▪ Statement of Compliance with the Duty to Cooperate (2012) ▪ Addendum to the Habitat Regulations Assessment (2012)
15. Does the development plan document contain clear objectives?	The adopted Joint Core Strategy establishes a clear set of plan objectives derived from an understanding of local issues as identified in the Spatial Portrait for the area, and which will, if achieved, deliver the JCS vision for the Greater Norwich Area. The status of these objectives has not been affected by the High Court Order. The submission content will, if adopted, form part of the JCS. Therefore the objectives of the adopted JCS are those which are relevant to the submission content. The adopted objectives of the JCS were taken into account in establishing the reasonable alternatives which were considered in the Sustainability Appraisal produced to inform the submission content.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	▪ Joint Core Strategy, adopted March 2011
16. Are the objectives specific to the place; as opposed to being general and applicable to anywhere? 17. Is there a direct relationship between the identified issues and the objectives?	Yes. An explanation of the local relevance and specificity of the objectives is provided underneath each of the headline objectives. These explanations are consistent with the local circumstances explained by the Spatial Portrait. The objectives of the JCS were derived from the Spatial Community Strategies that had been produced by each of the GNDP partners, which in themselves were an expression of the issues which needed to be addressed in each of the districts. The JCS objectives do not, however, form part of the proposed submission content.
18. Is it clear how the policies will meet the objectives? 19. Are there any obvious gaps in the policies, with regard to the objectives of the development plan document?	The connections between the individual policies of the JCS and its spatial planning objectives are shown clearly at the end of each policy. The submission content proposes that the remitted text be reinstated and the stated connections between the policy to which that text relates and the spatial planning objectives remains consistent.
20. Are there realistic timescales related to the objectives?	Appendix 7 of the adopted JCS sets out the Implementation Framework and Critical Path for the JCS Strategy. This appendix expands upon adopted policy 20 of the JCS. This appendix sets out the expected delivery body, estimated costs, funding sources for the different infrastructure schemes which are needed to support the JCS strategy, including the part of the Strategy set out in the submission content. The local infrastructure plan & programme (LIPP) provides updates to the plan, identifying any changes to infrastructure and how it will be delivered. The LIPP will feed into a five year investment plan to direct funding in support of the strategy. ▪ Local Infrastructure Plan & Programme (February 2012)

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
21. Are the policies internally consistent?	Yes. The proposed submission content is considered to be consistent with the remainder of the Joint Core Strategy. The PSC is the same as that previously found sound. All plans have policy aims that face in different directions. The submitted text is the most sustainable option for delivering the required level of growth, integrating social, economic and environmental considerations and including mitigation appropriate for a high level strategy.
22. Does the development plan document contain material which: • is already in another plan • should be logically be in a different plan • should not be in a plan at all?	The Joint Core Strategy does not contain material which is in another plan. The JCS is a strategic level document. Therefore whilst it is location specific it is not site specific and does not include detailed development management policies, which are matter more appropriately dealt with by subsidiary local plan documents. The LDS for each of the three local planning authority partners of the GNDP sets out the local plan documents which are to be produced, their scope and proposed content. This ensures, in accordance with the Act that, when taken as a whole, the local plan sets out the authorities policies relating to the use and development of land in their area. ▪ Norwich City Local Development Scheme (October 2012) ▪ Broadland District Council Local Development Scheme (December 2012) ▪ South Norfolk Local Development Scheme (January 2013)
23. Does the development plan document explain how its key policy objectives will be achieved?	Appendix 7 of the adopted JCS sets out the Implementation Framework and Critical Path for the JCS Strategy. This appendix expands upon adopted policy 20 of the JCS. This appendix sets out the expected delivery body, estimated costs, funding sources for the different infrastructure schemes which are needed to support the JCS strategy, including the part of the Strategy set out in the submission content. The local infrastructure plan & programme (LIPP) provides updates to the plan every six months, identifying any changes to infrastructure and how it will be delivered. The LIPP will feed into a five year investment plan to direct funding in support of the strategy.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	▪ Appendix 7 Joint Core Strategy (2011) ▪ Local Infrastructure Plan & Programme (February 2012)
24. If there are development management policies, are they supportive of the strategy and objectives?	The JCS does not contain Development Management Policies in a strict sense, although some policies might be considered to be hybrid policies. It is considered that the hybrid policies are supportive of the strategy and objectives. This is confirmed by the policies of the JCS being found “sound” at Independent Examination. The proposed submission content does not contain Development Management Policies.
25. Have the infrastructure implications of the strategy/policies clearly been identified?	Appendix 7 of the adopted JCS sets out the Implementation Framework and Critical Path for the JCS Strategy. This appendix expands upon adopted policy 20 of the JCS. This appendix sets out the expected delivery body, estimated costs, funding sources for the different infrastructure schemes which are needed to support the JCS strategy, including the part of the Strategy set out in the submission content. The local infrastructure plan & programme (LIPP) provides updates to the plan every six months, identifying any changes to infrastructure and how it will be delivered. The LIPP will feed into a five year investment plan to direct funding in support of the strategy. ▪ Appendix 7 Joint Core Strategy (2011) ▪ Local Infrastructure Plan & Programme (February 2012)
26. Are the delivery mechanisms and timescales for implementation of the policies clearly identified?	Appendix 7 of the adopted JCS sets out the Implementation Framework and Critical Path for the JCS Strategy. This appendix expands upon adopted policy 20 of the JCS. This appendix sets out the expected delivery body, estimated costs, funding sources for the different infrastructure schemes which are needed to support the JCS strategy, including the part of the Strategy set out in the submission content.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	The local infrastructure plan & programme (LIPP) provides updates to the plan, identifying any changes to infrastructure and how it will be delivered. The LIPP will feed into a five year investment plan to direct funding in support of the strategy. ▪ Appendix 7 Joint Core Strategy (2011) ▪ Local Infrastructure Plan & Programme (February 2012)
27. Is it clear who is going to deliver the required infrastructure and does the timing of the provision complement the timescale of the strategy/policies?	Appendix 7 of the adopted JCS identifies who is/are expected to be the delivery body(ies) for the different infrastructure projects which are necessary to support the proposed strategy. The LIPP, of which the most recent version was published in February 2012, expands upon this updating as necessary. The LIPP breaks down the infrastructure into spatial packages. The identified delivery timescales supports the delivery of the strategy set out in the proposed submission content. Anglian Water continues to actively work towards putting in place appropriate solution from a list of identified options for long term supply of water and providing adequate sewerage and water treatment capacity. Anglian Water has an identified solution for the provision of water over the first five years of the JCS trajectory. This is detailed in an Addendum to the Habitat Regulations Assessment. The strategy as put forwards by the submission content is consistent with the Norwich Area Transport Strategy, which identifies a number of interventions that will support the proposed strategy. The most significant proposal, in financial terms, is the NDR. Over £100m of funding has already been secured for the NDR and related junction improvements, with the remaining £40 million cost being underwritten by Norfolk County Council. Funding for additional transport interventions will be funded by a combination of CIL income and other local transport funding, which both District Councils and Norfolk County Council are committed to providing. The education authority remains supportive of the proposed strategy; new schools are expected to be

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	funded through new development. EDF energy (now UK Power Networks) was involved in the production of the Infrastructure Needs & Funding Study which forms part of the evidence base for the JCS. In addition, EDF energy (now UK Power Networks) attends the Norfolk County Council's Strategic Services Coordination Group, which affords the opportunity to coordinate the delivery of infrastructure and identify and resolve issues. Other members of the Norfolk County Council's Strategic Services Coordination Group include representatives from; - NHS Norfolk & Waveney - Norfolk and Suffolk NHS Foundation Trust - Norfolk Constabulary - Norfolk County Council - Norfolk Fire and Rescue - Norfolk Property Services - New Anglia Local Enterprise Partnership - Anglian Water - UK Power Networks - Highways Agency - District Councils and the Broads Authority - Greater Norwich Development Partnership - Norfolk Strategic Registered Social Landlord Alliance - Environment Agency
28. Is it clear who is intended to implement each part of the strategy/ development plan document? 29. Where actions required to implement policy are outside the direct control of the council, is there evidence of commitment from the relevant organisation to implement the policies?	Appendix 7 of the adopted JCS identifies who is expected to be the delivery body for the different infrastructure projects which are necessary to support the proposed strategy. The LIPP, of which the most recent version was published in February 2012, expands upon this updating as necessary. The LIPP breaks down the infrastructure into spatial packages. The identified delivery timescales supports the delivery of the strategy set out in the proposed submission content. There is a clear commitment from Anglian Water, the Highway Authority and the Education Authority to the delivery of Infrastructure. Other service providers, including EDF energy, Norfolk Fire & Rescue and NHS Norfolk were involved in the production of the Infrastructure Needs & Funding Study which forms part of the evidence base for the JCS.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
	NHS Norfolk has met with the GNDP and Broadland District Council at various points during the production of the strategy to discuss the delivery of health services. NHS Norfolk has not raised objections to the proposed strategy. Norfolk County Council's Strategic Services Coordination Group affords the opportunity to coordinate the delivery of infrastructure and identify and resolve issues. The membership of the Norfolk County Council's Strategic Services Coordination Group include representatives from; - NHS Norfolk & Waveney - Norfolk and Suffolk NHS Foundation Trust - Norfolk Constabulary - Norfolk County Council - Norfolk Fire and Rescue - Norfolk Property Services - New Anglia Local Enterprise Partnership - Anglian Water - UK Power Networks - Highways Agency - District Councils and the Broads Authority - Greater Norwich Development Partnership - Norfolk Strategic Registered Social Landlord Alliance - Environment Agency
30. Does the development plan document reflect the concept of spatial planning? 31. Does it go beyond traditional land use planning by bringing together – and integrating – policies for development, and the use of land, with other policies and programmes from a variety of organisations that influence the nature of places and how they function?	The JCS submission content should be considered within the context of the JCS as a whole. The policies of the JCS express how the spatial vision will be achieved. This includes a range of measure that will be delivered through mechanisms beyond the grant of planning permission in isolation and as such recognises the need for working across sectors and geographical boundaries and co-ordinating across different levels of government in order to achieve overall aims.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
32. Does the development plan document take into account matters which may be imposed by circumstance, notwithstanding the council's views about the matter?	Yes. Flexibility to deal with unexpected circumstances is dealt with below, See 34-36. In addition, the Growth Triangle is of sufficient scale to deal with any unexpected delays delivering component sites. The development plan is supported by an active delivery process facilitated through the LIPP; this will enable unforeseen circumstances to be managed.
Flexible	
33. Is the development plan document flexible enough to respond to a variety of, or unexpected changes in, circumstances?	Paragraphs 7.10-7.18 of the adopted JCS set out how the JCS is flexible to respond to changing circumstances. For instance, there is no phasing of growth beyond that imposed by infrastructure, and paragraph 7.11 emphasises that engagement with developers is important to understand opportunities and overcome constraints. Paragraph 7.13 emphasises that “the range and scale of growth proposals across the JCS area provide significant flexibility to bring forward growth in those locations unaffected by infrastructure constraints”
34. Is the development plan document sufficiently flexible to deal with any changes to, for example, housing figures from an emerging regional spatial strategy?	Whilst the Government's intention to revoke the Regional Strategy has been expressed clearly, it is unlawful to take this intention into account in plan-making. Notwithstanding this, it is clear that there will not be further review or update of the RS. Whilst changes to household formation projections occur regularly, the long-term nature of the JCS policies, and the fact that housing numbers mentioned in policies are normally listed as “minimum” levels to be achieved should enable revised (increased) housing numbers to be accommodated if judged appropriate
35. Does the development plan document include the remedial actions that will be taken if the strategies/policies are failing?	Partially. The complete delivery of the submission content is considered to be dependant upon the delivery of the NDR and the transport improvements which it enables. However, a limited capacity for delivery ahead of the NDR is identified within the plan and there is a specific requirement that a subsequent AAP investigate the whether there is potential beyond this level. This does not preclude the fact the critical failure in the delivery of infrastructure, e.g. non-delivery of the NDR will trigger the need for a review of the overall distributional strategy.

Appendix 3: Legal Compliance and Soundness Self Assessment

Key question	Evidence provided
Monitoring	
36. Does the development plan document contain targets and milestones that relate to the delivery of the policies, including housing trajectories where the plan contains housing allocations?	See appendix 6, 7 and 8 of the JCS document. Little of the content of these appendices forms part of the proposed submission content.
37. Is it clear how these are to be measured and are these linked to the production of the annual monitoring report?	The monitoring report sets out the indicators, agencies, target and source. Performance against these indicators is reported annually through the AMR. ▪ Joint Core Strategy for Broadland, Norwich and South Norfolk: Annual Monitoring Report 2010-2011
38. Are suitable targets and indicators present (by when, how and by whom)?	The monitoring report sets out the indicators, agencies, target and source. Performance against these indicators is reported annually through the AMR. ▪ Joint Core Strategy for Broadland, Norwich and South Norfolk: Annual Monitoring Report 2010-2011
National policy	
39. Does the development plan document contain any policies or proposals that are not consistent with national planning policy?	No ▪ NPPF Compliance Statement
40. If yes, is there a local justification?	
41. Does the development plan document contain policies that do not add anything to existing national guidance?	No. the plan is considered only to contain relevant and necessary policies.
42. If so, why have they been included?	

Document title

Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission content

Subject matter

The most appropriate option for the distribution of housing and employment in the Broadland part of the Norwich Policy Area. This follows a legal challenge to the adoption of the Joint Core Strategy in Broadland, Norwich and South Norfolk and the resulting Judgment and Court Order which remitted the housing distribution in the Broadland part of the Norwich Policy Area, and associated employment land, to the Publication of a Local Plan (Regulation 19) stage (previously known as the pre-submission stage).

Area covered

The Joint Core Strategy covers the area of the three local planning authorities, except for those parts for which the Broads Authority is the local planning authority.

Period within which representations must be made

Representations can be made over an 8-week period, beginning 10 August 2012. Representations must be made no later than **5pm on 8 October 2012**.

Representations should be made electronically using the documents and response form available at the GNDP's online consultation portal, or emailed to the address below. Alternatively hard copies of representations can be submitted according to the details below.

Representations must be sent to:

Electronically: representations can be made via the online consultation system at www.gndp.org.uk, or by emailing jointcorestrategy@gndp.org.uk

By post: Greater Norwich Development Partnership
PO Box 3466
Norwich
NR7 7NX

Request to be notified

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- That the Joint Core Strategy proposed submission content has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Joint Core Strategy proposed submission content
- The adoption of the Joint Core Strategy proposed submission content

If you do require this notification please remember to specify your contact address on the response form.

E: info@gndp.org.uk W: www.gndp.org.uk

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Statement of where and when the documents can be inspected

The Town and Country Planning (Local Planning)
(England) Regulations 2012

The period for comments on the Joint Core Strategy for Broadland, Norwich and South Norfolk proposed submission content runs for 8 weeks from 10 August to 8 October 2012.

The publication material consists of:

- Joint Core Strategy Proposed Submission Document, including a schedule of the proposed submission content.
- Joint Core Strategy for Broadland, Norwich and South Norfolk, highlighting the proposed submission content
- Sustainability Appraisal for the Broadland part of the Norwich Policy Area following the High Court Order
- Policies Maps
- Habitats Regulations Assessment Statement and
- Statement of Consultation Position Statement
- Statement of Compliance with Statements of Community Involvement and Position Statement
- Statement of Compliance with the Duty to Cooperate
- Diversity and Equality Impact Assessment and Position Statement
- National Planning Policy Framework Compatibility Self Assessment Checklist
- The full evidence base
- a Statement of the representations procedure
- comments forms for the Joint Core Strategy and Sustainability Appraisal

The publication materials including the proposed submission documents are available for inspection, during the 8-week publication period to view or download, at **www.gndp.org.uk**.

They are also available at the following locations:

Broadland District Council Thorpe Lodge, 1, Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU (Monday – Friday 8.30am to 5.00pm)	Norwich City Council City Hall, St Peter's Street, Norwich, NR2 1NH (Monday – Friday 9.00am to 5.00pm)
South Norfolk Council South Norfolk House, Swan Lane, Long Stratton, Norfolk NR15 2XE (Mon - Thurs 8.45am to 5.00pm, Fri 8.45am to 4.15pm)	Norfolk County Council County Hall, Martineau Lane Norwich NR1 2DH (Mon – Thurs 8.45am to 5.30pm, Fri 8.45am to 5.00pm)

The Joint Core Strategy proposed submission content can also be viewed at:

- Broads Authority, Dragonfly House, 2 Gilders Way, Norwich, NR3 1UB
- All libraries in the three districts (details at www.norfolk.gov.uk)
- Alternatively, paper copies of the Joint Core Strategy proposed submission background and context, including a schedule of the proposed submission content and the comments form and guidance note can be obtained from each district office (details above) or by contacting the GNDP office on 01603 430144, or by email to jointcorestrategy@gndp.org.uk.

E: info@gndp.org.uk W: www.gndp.org.uk

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Appendix 5: Regulation 19 Adverts and Notices

Joint Core Strategy for Broadland, Norwich and South Norfolk – Regulation 19 Proposed Submission Publication

Advert - Notification of consultation

Paper	Date published
EDP	10 August 2012
Evening News	10 August 2012
Great Yarmouth Mercury	10 August 2012
Beccles Bungay Mercury	10 August 2012
North Norfolk News	10 August 2012
Norwich Advertiser	10 August 2012
Wymondham Mercury	10 August 2012
Diss Mercury	10 August 2012

Greater Norwich Development Partnership

Joint Core Strategy for Broadland, Norwich and South Norfolk

Regulation 19 Proposed Submission Publication*

Friday 10 August 2012 until 5pm on Monday 8 October 2012

Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership, are publishing the Joint Core Strategy for Broadland, Norwich and South Norfolk: Proposed Submission content and inviting representations between **Friday 10 August 2012 and 5pm on Monday 8 October 2012**.

The proposed submission content has been produced to address the Judgment made by Mr Justice Ouseley in the High Court on 24 February 2012, in the case of *Heard v Broadland District Council, South Norfolk Council and Norwich City Council*. It is important to understand that this is not a review of the whole Joint Core Strategy (JCS); it is a reconsideration of only those parts of the JCS which were remitted to the Regulation 19: Publication of a Local Plan Stage by the Judgment and Court Order.

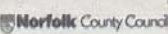
All proposed submission documents are available to view at www.gndp.org.uk.

Representations on the proposed submission content can be made from **Friday 10 August 2012 to 5pm on Monday 8 October 2012** and must be received by this deadline to be considered.

For more information please contact the GNDP office on 01603 430144.

*A formal public notice can be found in the Notices section of this paper

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Appendix 5: Regulation 19 Adverts and Notices

Joint Core Strategy for Broadland, Norwich and South Norfolk – Regulation 19 Proposed Submission Publication

Advert - Notification of extension to consultation

Paper	Date published
EDP	14 September 2012
Evening News	14 September 2012
Great Yarmouth Mercury	14 September 2012
Beccles Bungay Mercury	14 September 2012
North Norfolk News	14 September 2012
Norwich Advertiser	14 September 2012
Wymondham Mercury	14 September 2012
Diss Mercury	14 September 2012

Greater Norwich Development Partnership

Joint Core Strategy for Broadland, Norwich and South Norfolk

Regulation 19 Proposed Submission Publication

New deadline for comments: 5pm on Friday 2 November 2012

Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership recently published the Joint Core Strategy for Broadland, Norwich and South Norfolk: Proposed submission content and invited representations on this document.

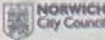
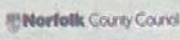
One of the documents supporting the proposed submission, PSJCS2: The Joint Core Strategy for Broadland, Norwich and South Norfolk highlighting the proposed submission content, was published without Appendix 6 and was re-published on 7 September 2012 with Appendix 6 included.

To ensure that people have sufficient time to review the full document alongside the other consultation documents, the deadline for representations has been extended. Representations on the Joint Core Strategy Proposed Submission content will be accepted until **5pm on Friday 2 November 2012.**

All proposed submission documents are available to view at www.gndp.org.uk.

For more information please contact the GNDP office on **01603 430144.**

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Appendix 5: Regulation 19 Adverts and Notices

Joint Core Strategy for Broadland, Norwich and South Norfolk – Regulation 19 Proposed Submission Publication

Public Notices - Notification of consultation

Paper	Date published
EDP	11 August 2012
Evening News	13 August 2012
North Norfolk News	17 August 2012
Norwich Advertiser	17 August 2012
Wymondham Mercury	17 August 2012
Diss Mercury	17 August 2012
Great Yarmouth Mercury	17 August 2012

PUBLIC NOTICES

Greater Norwich Development Partnership

The Town and Country Planning (Local Planning) (England) Regulations 2012

Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership

Publication of a Development Plan Document and Statement of Representations Procedure

Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership, give notice of the publication on Friday 10 August 2012, of the Joint Core Strategy for Broadland Norwich and South Norfolk: proposed submission content

Document title

Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission content.

Subject matter

The Preferred Option for the distribution of housing in the Broadland part of the Norwich Policy Area. This follows a legal challenge to the adoption of the Joint Core Strategy in Broadland, Norwich and South Norfolk and the resulting Judgment and Court Order which remitted the housing distribution in the Broadland part of the Norwich Policy Area, and associated employment land, to the Regulation 19: Publication of a Local Plan stage (previously known as pre-submission).

Area covered

The Joint Core Strategy covers the area of the three local planning authorities, except for those parts for which the Broads Authority is the local planning authority.

Period within which representations must be made.

Representations can be made over an 8-week period, beginning 10 August 2012. Representations must be made no later than 5pm on 8 October 2012.

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By post: Greater Norwich Development Partnership, PO Box 3466, Norwich NR7 7NX

Availability of documents:

The publication materials including the proposed submission documents are available for inspection, during the 8-week publication period at the locations listed below and at all libraries in the three districts (details at www.norfolk.gov.uk). They are also available on the GNDP's website at www.gndp.org.uk

- Broadland District Council, Thorpe Lodge, 1, Yarmouth Road, Thorpe St Andrew, Norwich NR7 0DU (Monday - Friday 8.30am to 5.00pm)
- Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH (Monday - Friday 9.00am to 5.00pm)
- South Norfolk Council, South Norfolk House, Swan Lane, Long Stratton, Norfolk NR15 2XE (Mon - Thurs 8.45am to 5.00pm, Fri 8.45am to 4.15pm)
- Norfolk County Council, County Hall, Martineau Lane, Norwich NR1 2DH (Mon - Thurs 8.45am to 5.30pm, Fri 8.45am to 5.00pm)

Request to be notified

Representations may be accompanied by a request to be notified at a specified address of any of the following:

- That the Joint Core Strategy has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Joint Core Strategy
- The adoption of the Joint Core Strategy

If you do require this notification please remember to specify your contact address on the response form.

Jobs, homes, prosperity for local people

7 August 2012

Dear consultee,

The Town and Country Planning (Local Planning) (England) Regulations 2012

Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership

Publication of a Development Plan Document and Statement of Representations Procedure

I am writing to you to inform you that Broadland District Council, Norwich City Council and South Norfolk Council, working with Norfolk County Council as the Greater Norwich Development Partnership, give notice of the publication on Friday 10 August 2012, of the Joint Core Strategy for Broadland, Norwich and South Norfolk: Proposed submission content. Representations under Regulation 20 of the Town and Country (Local Planning) (England) Regulations 2012 are invited.

This proposed submission content has been produced to address the Judgment made by Mr Justice Ouseley in the High Court on 24 February 2012, in the case of Heard v Broadland District Council, South Norfolk Council and Norwich City Council. It is important to understand that this is not a review of the whole JCS; it is a reconsideration of only those parts of the JCS which were remitted to the Regulation 19: Publication of a Local Plan Stage (previously known as the 'pre-submission stage') by the Judgment and Court Order.

Representations can be made from **Friday 10 August 2012 to 5pm on Monday 8 October 2012** and must be received by this deadline to be considered.

A Statement of Representations procedure, explaining the process for making representations is enclosed. The proposed submission content and supporting documents can be viewed on the Greater Norwich Development Partnership website, www.gndp.org.uk. The Joint Core Strategy proposed submission content and other supporting documents are also available for inspection at a number of locations and a statement detailing where and when viewing is possible is also enclosed with this letter.

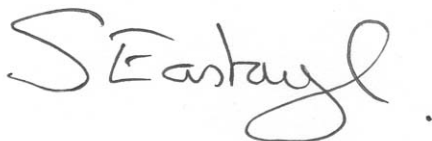
If you have any questions about the process please contact your local planning team

Broadland District Council: 01603 431133

Norwich City Council: 0344 980 3333

South Norfolk Council: 0808 168 3000

Yours faithfully



Sandra Eastaugh
Partnership Manager

info@gndp.org.uk W: www.gndp.org.uk

Jobs, homes, prosperity for local people

30 August 2012

Dear consultee

The Town and Country Planning (Local Planning) (England) Regulations 2012

**Broadland District Council, Norwich City Council and South Norfolk Council,
working with the Norfolk County Council as the Greater Norwich Development
Partnership**

Publication of a Development Plan Document and Statement of Representations Procedure: Reminder

I would like to remind you that you still have time to comment on the *Joint Core Strategy for Broadland, Norwich and South Norfolk: Proposed Submission Content* and other proposed submission documentation, published on Friday, 10 August 2012. The period during which representations can be made under regulation 20 of The Town and Country Planning (Local Planning) (England) Regulations 2012 has been extended. This period will now end at **5.00 pm on Monday 15 October 2012.**

The Proposed Submission Documents and guidance on how to respond can be inspected through the GNDP website: www.gndp.org.uk and at your local council offices.

Representations received after the deadline may not be permissible and therefore I would encourage you to respond early if possible.

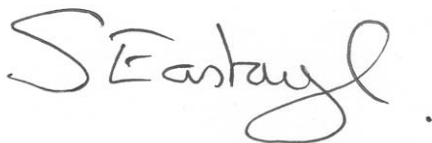
If you have any questions about the process, please contact your local planning team:

Broadland District Council 01603 431133

Norwich City Council 0344 980 3333

South Norfolk Council 0808 168 3000

Yours faithfully,



Sandra Eastaugh
Partnership Manager

Appendix 7: Libraries

List of Libraries where the Regulation 19 documents could be viewed

Acle Library
Attleborough Library
Aylsham Library
Blofield Library
Brundall Library
Costessey Library
Diss Library
Earlham Library
Hellesdon Library
Hethersett Library
Hingham Library
Loddon Library
Long Stratton Library
Mile Cross Library
Norfolk & Norwich Millennium Library
Plumstead Road Library
Poringland Library
Reepham Library
Sprowston Library
St Williams Way Library
Taverham Library
Tuckswood Library
West Earlham Library
Wroxham Library
Wymondham Library

Beccles Library
Bungay Library

Appendix 8: Schedule of Proposed Submission Content

Joint Core Strategy for Broadland, Norwich and South Norfolk: Regulation 19 Publication of proposed submission content

The schedule below details the parts of the Joint Core Strategy which are published for comment between 10 August 2012 and 8 October 2012. Representations should only be made on the proposed submission content specified in this schedule.

Note: This proposed submission schedule is the same as the schedule accompanying the court order

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
PS-1 (1)	01 Our Strategy – fourth paragraph under heading “The dilemmas”	P.7	[In assessing the evidence to help identify the most appropriate locations for growth outside of the urban area,] <u>the area to the north east of the city [and the A11 corridor to the south west perform well. This allows] for a concentration of new</u> [development to maximise the use of existing infrastructure...]
PS-2 (2)	01 Our Strategy – fifth paragraph under heading “the dilemmas”	P.7	<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>
PS-3	01 Our Strategy – sixth paragraph under heading	P.7	<u>By contrast,</u> [the historic pattern of development in South Norfolk has focussed on its network of villages and market towns, such as Long Stratton and Wymondham, and has retained strategic green gaps between settlements.]

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(2)	"the dilemmas"		
PS-4 (3)	04 Spatial vision: third paragraph	Page 17	[Growth will be focussed on brownfield land in the Norwich urban area] <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>
PS-5 (4)	04 Spatial vision: under the heading "Climate change and sustainability" 3 rd bullet point	Page 18	<u>inspired by the proposed exemplar at Rackheath,</u> [zero carbon development will be the standard to be achieved through advances and innovation in the design, construction and management of sustainable communities and new buildings which improve energy efficiency and use renewable energy.]
PS-6 (5)	04 Spatial vision: under the heading "Working and getting around" Second bullet point	Page 18	[investment at strategic and other employment locations will help create a stronger economy (including at Norwich city centre; Norwich Research Park, Hethel Engineering Centre,) <u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u> [Longwater, Wymondham and around Norwich International Airport).]
PS-7	Key diagram – and under	Page 24	<u>The notation of the area to the northeast of the urban area as one of the "strategic employment sites" and "major housing growth and associated facilities"</u>

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(6)	objective 3		
PS-8 (7)	05 Area-wide policies, Policy 4 Housing Delivery: under “Housing with care”	Page 35	[Mixed tenure housing with care will be required as part of overall provision in highly accessible locations. In particular provision will be required in Norwich, and the major growth locations of] <u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle</u> , [Cringleford, Hetherset, Wymondham and Long Stratton, and at Aylsham, Acle and Wroxham.]
PS-9 (8)	05 Area-wide policies, Policy 4 Housing Delivery: Table following paragraph 5.25	Page 37	The figure of <u>9,000</u> for the ‘New Allocations to 2026’ in the Broadland (NPA) and the total of <u>11,099</u> recorded in the table for the ‘New Commitment to 2026’ in the Broadland (NPA).
PS-10 (9)	06 Policies for Places: Introduction paragraph 6.3	Page 49	[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> [at Cringleford, Easton/Costessey, Hetherset, Long Stratton and Wymondham.]
PS-11	06 Policies for places, Policy 9	Page 50	2nd bullet point <u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle:</u>

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(10)	Strategy for growth in the Norwich Policy Area: 2 nd & 8 th bullet points		<u>7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually</u> 8th bullet point <u>Broadland smaller sites in the NPA: 2,000 dwellings</u>
PS-12 (11)	06 Policies for places, Policy 9 Strategy for growth in the Norwich Policy Area: Final bullet point:	Page 51	Final bullet point [new employment development to serve local needs of major growth locations] <u>including around 25ha of new employment land at Rackheath</u>
PS-13 (12)	06 Policies for places, Policy 9 Para 6.7	Page 52	Paragraph 6.7 to read <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>
PS-14	Para 6.12	Page 53	4 th bullet point

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(13)	4 th bullet point		• <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>
PS-15 (14)	Diagram after the end of the paragraph 6.12 – Relationship between strategic growth locations within the Norwich Policy Area	Page 54	The notation for ‘Major housing growth and associated facilities’ and ‘Strategic employment locations’ entitled <u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u>
PS-16 (15)	Diagram after para 6.12, entitled “Main Housing Allocations”	Page 55	<u>Notation showing 10,000 new houses to the north east of the urban area within the Norwich policy area, and</u> <u>Notation showing 2,000 houses in the NPA part of Broadland. and</u> <u>Notation for the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u>
PS-17	Policy 10 -- Locations for major new or	Page 57	[Major growth] <u>in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and</u> [at Cringleford, Easton/Costessey, Hethersett, Long Stratton and Wymondham will be masterplanned as attractive, well-served, integrated,

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Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(16)	expanded communities in the Norwich Policy Area: first sentence		mixed use development using a recognised design process giving local people an opportunity to shape development.]
PS-18 (17)	Policy 10 Paragraph headed "Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle"	Page 57	Heading and paragraphs as follows: <u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle</u> <u>This location will deliver an urban extension extending on both sides of the Northern Distributor Road. Complete delivery of the extension is dependent on implementation of the Northern Distributor Road. However, there is scope for partial delivery, the precise extent of which will be assessed through the Area Action Plan. The structure of the local geography suggests that this new community will take the form of a series of inter-related new villages or quarters and will include:</u> • <u>at least 7,000 dwellings (rising to a total of at least 10,000 dwellings after 2026)</u> • <u>a district centre based around an accessible 'high street' and including a new library, education and health facilities. This may be provided by building on the proposed centre at Blue Boar Lane or by the creation of a second district centre elsewhere in the Growth Triangle. The</u>

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
			<u>development will also require new local centres</u> • <u>new pre-school provision and up to six new primary schools plus a new secondary school with an initial phase to open as early as possible. To facilitate early provision the early phases of development will concentrate on family housing</u> • <u>new employment allocations for local needs including expansion of the Rackheath employment area</u> • <u>retention of existing important greenspaces and significant levels of heathland re-creation to provide stepping stones to link Mousehold Heath to the surrounding countryside. Building design including, for example, appropriate use of 'green roofs' will help provide linkage between greenspaces</u> • <u>restoring and conserving historic parkland and important woodland. A significant area north of Rackheath will be provided as green space to act as an ecological buffer zone and ensure no significant adverse impacts on the Broads SAC, Broadland SPA and Broadland Ramsar site</u> • <u>Bus Rapid Transit to the city centre, possibly via Salhouse Road and Gurney Road, and a choice of safe and direct cycle routes to the centre</u> • <u>safe and direct cycle and pedestrian routes, and orbital bus services, to Broadland Business Park, Rackheath employment area, airport</u>

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
			<u>employment areas and to the surrounding countryside</u> • <u>new rail halts at Rackheath and Broadland Business Park</u> • <u>permeability and community integration across the Northern Distributor Road and with existing communities. This will be crucial for the successful development of the area</u> • <u>a new household waste recycling centre.</u> <u>A single co-ordinated approach will be required across the whole area. This will be provided through the preparation of an Area Action Plan (or any future equivalent process). More detailed masterplanning will be required for each quarter.</u>
PS-19 (18)	Policy 10: Para 6.15	Page 61	<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 was promoted as an eco-community under the previous Government's eco-towns programme.] The Rackheath low carbon development remains part of this strategy.</u>
PS-20	Para 6.16 second	Page	[This makes a] <u>similar</u> [large-scale urban expansion inappropriate.]

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Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(19)	line	61	
PS-21 (20)	Para 6.19	Page 62	[In particular it is necessary to allow] <u>significant development in the growth triangle and</u> [the full implementation of the remainder of the Norwich Area Transportation Strategy. The completion of appropriate improvements at Postwick junction would allow for some development] <u>in the Old Catton, Sprowston, Thorpe St Andrew growth triangle</u> [in advance of the NDR] <u>(see supporting text for Policy 20).</u>
PS-22 (21)	Para 6.20 fourth sentence	Page 62	[The growth] <u>in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew area</u> [will require the implementation of bus priority routes into the city centre including] <u>a [Bus Rapid Transit] route which may be via Gurney Road/Salhouse Road.</u>
PS-23 (22)	Paragraph 6.22	Page 62	<u>A new secondary school is needed to serve the new community in the north east.</u> [The form and location of secondary provision for growth in the west and south west is] <u>more</u> [complex and yet to be determined.]
PS-24 (23)	Diagram following policy 10, entitled "Green infrastructure priority areas"	Page 64	The 'Growth location' and 'Green infrastructure priority area' to <u>the northeast of the urban area</u> and <u>priority corridor A</u> entitled 'Norwich to the Broads'

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
	supporting key growth locations”		
PS-25 (24)	Policy 12: The remainder of the Norwich urban area, including the fringe parishes: 1 st paragraph	Page 69	[It will be expanded] <u>through significant growth in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and smaller [urban extensions at Cringleford, and Easton/Costessey (Policy 10).]</u>
PS-26 (25)	Policy 15 Service Villages third paragraph	Page 78	[In addition to the settlements above, Easton] <u>and Rackheath</u> [have equivalent status to a Service Village while providing a location for significant housing growth.]
PS-27 (26)	Paragraph 6.77	Page 86	[The proposed large-scale housing areas will provide for shops and services to meet local needs where they are not able to benefit from existing centres.] <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</u>

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]		
			<u>Action Plan for the area.</u>		
PS-28 (27)	Policy 19, The hierarchy of centres Point 3.	Page 84	[New district centres/high streets to be established] <u>within the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, [at Blue Boar Lane, Sprowston and Hall Road, Norwich.] 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>		
PS-29 (28)	07 Implementation and monitoring, Paragraph 7.16	Page 90	[Subject to acceptable improvements to Postwick junction (in the form of Postwick Hub or a suitable alternative) there is significant potential for further development] <u>in the growth triangle</u> [before confirmation of delivery of the NDR.]		
PS-30 (29)	Table in paragraph 7.16 first line	Page 90	[Location]	[Level of growth supported by current evidence]	[Constrained development]
			<u>Growth Triangle</u>	[At least 1600 dwellings (plus 200 exemplar at Rackheath prior to Postwick junction improvements)]	<u>New employment allocation at Rackheath</u>
			<u>Smaller sites in</u>	[Delivery of the smaller	

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			<u>Broadland NPA</u>	sites allowance will be dealt with on a site by site basis]	
PS-31 (30)	Para 7.17	Page 91	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 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. [It will be essential that the growth is delivered in accordance with the overall strategy, taking account of its wider impact across the Norwich area, including a full range of infrastructure provision, services and high-quality public transport and walking / cycling provision.]		
PS-32 (31)	Para 7.18	Page 91	[Development beyond the pre-NDR threshold] established through the AAP process [will not be possible without a commitment to the NDR. If it becomes clear that there is no possibility of the timely construction of the NDR, a review of the JCS proposals] for the growth triangle [and the implications for the strategy as a whole would be triggered.]		
PS-33	Appendix 5	Page	The whole appendix ' <u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew</u>		

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Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
(32)	<i>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i>	102	<u>Growth Triangle</u> ', including map
PS-34 (33)	Appendix 6 housing trajectory -- table entitled "Growth locations"	Page 105	The figures in the second to fourth rows are published as Proposed Submission content namely the lines entitled '<u>Rackheath</u>', '<u>Remainder of Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle (inside NDR)</u>', and '<u>Additional smaller sites around Broadland NPA (2000)</u>'. 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 Proposed Submission context.
PS-35 (34)	Appendix 7 First paragraph	Page 109	[Additional infrastructure will be needed beyond this date,] <u>including in the growth triangle where 3,000 dwellings are proposed after 2026.</u>
PS-36 (34)	Appendix 7 Table 1 Implementation	Page 109 - 149	The implementation framework lists the infrastructure required to facilitate the development promoted in the plan. Under the remit of the Proposed Submission publication all references 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

Appendix 8: Schedule of Proposed Submission Content

Proposed submission Reference (Court schedule reference in brackets)	Section of Joint Core Strategy	JCS page no.	Proposed submission text/diagram (underlined) [N.B. the words in square brackets are included for clarification purposes only]
	Framework		in Broadland District are published for comment. This applies where: <u>In Column 2 (headed “Scheme”) where there is a reference to Rackheath</u> <u>In Column 3 (headed “Required for growth in”) where there is a reference to Old Catton, Sprowston, Rackheath and Thorpe St Andrew Growth Triangle, or to ‘Broadland: smaller sites in the NPA (2000 dwellings)’.</u>
PS-37 (35)	Proposed submission Policies map amending the Broadland Proposals* Map		All instances of the ‘ <u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u> ’ 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 <u>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> (* in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Proposals maps are now known as Policies maps)