

Report to Council
26 March 2013
Report of Head of planning service
Subject Development Management Policies Plan and Site
Allocations Plan – authorisation and submission

Item

7

Purpose

To authorise the submission of the Development Management Policies Development Plan Document (the 'Development Management Policies plan'), the Site Allocations Development Plan Document (the 'Site Allocations plan'), and the accompanying Policies map to the Secretary of State for independent examination.

Recommendation

To:-

- (1) endorse the proposed submission version of the Development Management Policies plan (attached at Annex 1) as legally compliant and sound; and authorise it and associated submission documentation for formal submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (2) endorse the proposed submission version of the Site Allocations plan (attached at Annex 2) as legally compliant and sound; and authorise it and associated submission documentation for formal submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (3) authorise the proposed submission version of the Policies map (attached at Annex 3) for formal submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (4) delegate authority to the deputy chief executive (operations) in consultation with the cabinet member for environment and development, to approve the detail of any additional or updated technical documents and supporting evidence required to be submitted alongside both plans for consideration at examination; to make any minor edits and consequential changes necessary to either document following Council and prior to submission; and to prepare and give evidence in support of both plans at examination;

(5) agree to give authority to the inspector appointed to hold the public examination to make modifications to either or both plans under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 as amended; and

(6) agree that weight should be attached to emerging policies and proposals in the determination of planning applications.

Corporate and service priorities

The report helps to meet the corporate priority a prosperous city and the service plan priorities to deliver the Development Management Policies and Site Allocations DPDs.

Financial implications

The anticipated costs of taking the plans through examination to adoption have been incorporated into the planning budget for 2013/14.

Ward/s: All wards

Cabinet member: Councillor Bremner – Environment and development

Contact officers

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Background documents

None

Report

Background

1. The Development Management Policies and Site Allocations Development Plan Documents ('plans') and their accompanying policies map form part of the emerging local plan for Norwich, alongside the adopted joint core strategy (JCS) for Broadland, Norwich and South Norfolk (2011) and the adopted northern city centre area action plan (2010) which includes policies and site specific proposals aimed at regenerating the northern city centre. Despite the legal challenge to the JCS, its strategic planning policies remain adopted and provide the context for the other local planning documents.
2. The Development Management Policies plan sets out local planning policies to guide the council's decisions on planning applications for new development, which will apply across the whole city. The Site Allocations plan contains detailed policies for individual sites where change is anticipated or proposed. It will operate alongside the Development Management Policies plan. The policies map illustrates the policies and proposals of both plans, as well as particular policies of the adopted northern city centre area action plan which will continue to apply.
3. Both local planning documents are being taken forward on the same timescale. Upon adoption the plans will replace the existing City of Norwich Local Plan (2004); the policies map will replace the existing Local Plan proposals map and will incorporate the policies and proposals in the adopted northern city centre area action plan. It should be noted that the JCS key diagrams for greater Norwich and the city centre will continue to form part of the development plan for Norwich alongside the policies map as they form part of the adopted JCS.
4. At recent meetings of the sustainable development panel on 23 January and 27 February, members considered representations to the pre-submission (regulation 19) versions of the Development Management Policies and Site Allocations plans, and endorsed the submission versions of both plans, subject to minor amendments made in response to certain representations or to reflect factual changes. Sustainable development panel agreed to ask cabinet at its meeting on 26 March to recommend that council endorses both plans as legally compliant and sound, and to authorise them for submission to the secretary of state. Given the short timescale between Cabinet on 20 March and Council on 26 March, any changes proposed to either plan by cabinet will be reported to council as amendments to the council report.
5. The regulation 19 consultation sought views on the soundness and legal compliance of the Site Allocations and Development Management Policies Plans and the policies map, and was the last stage for public comment prior to submission of the plans to the secretary of state for examination. Views were also sought on the sustainability appraisals for each plan which were prepared by independent consultants (land use consultants).
6. The purpose of this report is to seek agreement to from council to authorise both plans and the accompanying policies map for submission to the secretary of state.

Evolution of both plans

7. The Site Allocations plan has been in development since early 2009, and the Development Management Policies plan since 2010. Details of the plan-making process for both plans are set out in annexes 1 and 2 (the text of the two submission plans). Both plans have been subject to extensive public consultation to date, summarised in the table below.

DPD	Stage	Timescale	Approx number of representations
Site Allocations plan	Initial 'call for sites'	February – April 2009	170 sites identified
	First stage of public consultation on potential development sites	November 2009 – February 2010	400
	Second stage public consultation on preferred (or 'shortlisted') sites	January – March 2011	100
	Additional stage of consultation on preferred sites	July – September 2011	230
	Pre-submission consultation	August – October 2012	140
Development Management Policies plan	First stage of public consultation	January – March 2011	244
	Pre-submission consultation	August – October 2012	69

8. The Site Allocations plan commenced with a 'call for sites' in early 2009, and then had three separate formal stages of public consultation on draft versions of the plan as shown in the table above under regulation 25 of the planning regulations (now referred to as regulation 18 under the new 2012 regulations). The Development Management Policies plan had one stage of public consultation under regulation 25 as shown above. The final soundness consultation for both plans took place in August-October 2012 (under regulation 19 of the 2012 planning regulations).
9. Both plans have been subject to sustainability appraisal to meet legal requirements and ensure that they achieve sustainable development. The sustainability appraisal reports for both plans form part of the submission documentation referred to later in this report.

10. Both plans have evolved in response to representations made at each stage of consultation, internal discussion with council officers, engagement with stakeholders and statutory bodies, through discussion at sustainable development panel, and by decisions made by cabinet. Both plans have had to respond to changes in government policy over the past two to three years, particularly the national planning policy framework (NPPF) published in March 2012, the duty to co-operate introduced by the localism act 2011, and related changes to planning regulations. Further changes being promoted by government in recent months, including the introduction of permitted development rights to enable change of use from commercial to residential uses, may have significant implications for the local plan.

Overview of the submission plans

11. Both plans, as amended in response to representations, are now proposed to be submitted to the secretary of state for independent examination, and are set out in annexes 1 and 2, to be accompanied by the policies map at annex 3. A brief overview of each submission (regulation 22) plan is provided as follows:
- (1) The submission Development Management Policies plan (annex 1) sets out a range of policies to guide development within the city in accordance with the sustainable development principles of the NPPF. The plan contains 33 policies around the broad themes of the JCS, covering issues related to housing, environment and design, communities and culture, the economy, and transport. Supplementary text is provided for each policy giving further detail and clarification. The plan also contains a specific development management policy on planning obligations and viability (DM33) and commentary on the role of the emerging community infrastructure levy (CIL) regime which is likely to be in place by the time the plan is examined.
 - (2) The submission (regulation 22) Site Allocations plan (annex 2) proposes to allocate a total of 78 sites for development in the plan period for a variety of uses; 35 of these sites are proposed in the city centre and 43 in the remainder of the city. Allocation of these sites will provide land sufficient for in the region of 3,350 new homes and seven hectares of additional land reserved for new employment and business uses. This exceeds the JCS target of 3000 new homes within the plan period. The housing sites are in addition to sites already permitted or allocated but not yet developed through the city of Norwich replacement local plan (adopted 2004) and the northern city centre area action plan (adopted 2010).

Sustainability appraisal

12. The council is legally required to carry out a sustainability appraisal (SA) and a strategic environmental assessment (SEA) as part of the plan-making process for both plans. The Government recommends that both SA and SEA are undertaken in one process to meet the legal requirements and this process is referred to as the 'sustainability appraisal', with the overall aim of achieving sustainable development.

13. Legislation requires that sustainability appraisals must be prepared alongside local plans, identifying key sustainability objectives, assessing policies and proposals against these objectives, examining any reasonable alternatives, and putting forward recommendations where necessary to improve the overall sustainability of the plan. The aim of the SA process is to ensure that the proposed Site Allocations Plan and Development Management Policies Plan have as many positive effects as possible, and that any potential negative effects are avoided or mitigated.
14. The SA process has run in tandem with the development of both plans and is set out in detail in the separate SA reports for each plan. These are available on the council's website as part of the submission documentation for each plan, and are available here for members' consideration through the following link:
<http://www.norwich.gov.uk/Planning/Pages/LocalPlanCabinetDocuments.aspx>

Submission documents and supporting documentation

15. The documentation which is required under the town and country planning (local planning) regulations 2012 to be provided to the secretary of state upon formal submission is set out below:
- (1) The proposed submission document for each plan (attached at annexes 1 and 2 of this report)
 - (2) The sustainability appraisal report for each plan (links provided in paragraph 14 of this report)
 - (3) The submission policies map (attached at annex 3 in reduced form and available online at
<http://www.norwich.gov.uk/Planning/Pages/LocalPlanCabinetDocuments.aspx>)
 - (4) The appropriate assessment of each plan available online at
<http://www.norwich.gov.uk/Planning/Pages/LocalPlanCabinetDocuments.aspx>)
 - (5) The adopted statement of community involvement (March 2010)
<http://www.norwich.gov.uk/Planning/documents/Sci.pdf> Please note that this is currently being reviewed; the current adopted version will be submitted to the Secretary of State in April and the revised SCI will be submitted later once formally adopted (anticipated June 2013).
 - (6) The Regulation 22c document which sets out details of the whole consultation process for each plan including representations made at each stage and how these have been responded to by the council. Note: this cannot be finalised for either plan until after the Council meeting on 26th March. However links are provided below to the existing consultation statements for each plan on the council's website, and the details of the latest consultation under Regulation 19 are attached to this report in annexes 1, 2, 3, 5 and 6.

- (a) Site allocations plan – Consultation statement for first stage of Regulation 25 consultation:
<http://www.norwich.gov.uk/YourCouncil/Consultations/ClosedConsultations/2011/documents/Statementofconsultationreg251.pdf>
 - (b) Site allocations plan – Consultation statement for second stage of Regulation 25 consultation:
[http://www.norwich.gov.uk/Planning/Documents/ConsultationStatementReg25\(2and2a\).pdf](http://www.norwich.gov.uk/Planning/Documents/ConsultationStatementReg25(2and2a).pdf)
 - (c) Development Policies plan - Consultation statement for first stage of Regulation 25 consultation:
<http://www.norwich.gov.uk/Planning/Documents/DMPConsultationStatementJun12.pdf>
- (7) Copies of all representations made in accordance with regulation 20: these are the representations made on the Regulation 19 consultation which are discussed in this report. Copies of the representations will be placed on the council's website prior to submission.

16. In addition to the above documents, the council must also submit the key supporting documentation which it considers relevant to the preparation of each plan. This will include the evidence base for the plan, topic papers, and documents demonstrating compliance with the planning regulations and national policy. All these documents will be available on the council's website prior to submission as part of the submission documentation. Key supporting documents are set out below for information. Please note that the topic papers referred to below are currently available on the council's website in draft form and the final version of each will be available on the website by the time the plans are submitted.

- Housing topic paper
- Employment topic paper
- Transport topic paper
- Retail and town centres topic paper
- Open space, sport and recreation topic paper
- A joint statement for both plans of how the council has complied with the new duty to co-operate
- A joint statement for both plans demonstrating how their policies and proposals comply with the NPPF
- A joint statement for both plans of how the council has complied with the soundness requirements
- A statement for each plan on how the council has complied with legal compliance requirements
- A monitoring framework for both plans.

Legal issues

17. There have been changes to examination procedures arising from the 2012 planning regulations which reflect amendments to section 20(7C) of the planning and compulsory purchase act 2004. Following submission the council will be asked by the planning inspectorate (PINS) whether it gives authority to the inspector under Section 20(7C) of the act to make modifications to the plan as part of the examination process, or whether it declines to do so.
18. The implications of agreeing to give the inspector authority to make modifications are:
 - (1) This will allow the inspector to make any changes to the plan to ensure its soundness.
 - (2) This is the normal approach taken by those local planning authorities who have submitted plans under the new regulations to date: PINS advises that no planning authorities have declined to give the inspector this authority.
19. Any subsequent modifications to either plan proposed by the inspector to address issues of soundness would require a period of consultation and would need to be subject to sustainability appraisal prior to being confirmed. This is likely to delay the examination process by 2 to 3 months. Council would then have the opportunity to resolve to adopt the plans as proposed to be modified by the Inspector.
20. A decision not to give the inspector authority to make modifications would mean no delay to the examination process arising from such modifications, but would increase the risk of the plan being found unsound. The inspector's report would be confined to identifying any soundness or legal compliance failures. If any such failures were found, the plan could not be adopted as submitted. Advice from the planning inspectorate suggests that all plans which have gone through examination since the introduction of the new regulations have involved modifications to plans to make them sound.

Conclusion and next steps

21. In conclusion, both submission plans, as proposed to be amended in annexes 1 and 2, and the accompanying policies map in annex 3, have been prepared in accordance with the duty to co-operate, legal and procedural requirements, and are considered to be sound.
22. Assuming council approves the recommendations of this report, the plans, policies map and other submission documentation will be submitted to the secretary of state in April for public examination. The examination hearings are likely to take place in summer 2013, and adoption should take place by the end of 2013, although the timescale for adoption of either or both plans is dependent on the issues and matters to be identified by the inspector following submission and any modifications proposed to either or both plans.
23. An important principle of the examination process is that the inspector, not the city council, determines which particular matters should and should not be discussed at examination and decides who should appear at the hearings. Officers' expectation is

that the more fundamental issues - involving areas of disagreement or where further policy changes are proposed - are most likely to be the focus of debate at examination. However it is open to the inspector to raise any issues he or she sees fit and to invite objectors to appear where it would assist in the overall understanding of the plan and enable a proper judgement to be reached on its soundness. This may include consideration of any previous objections (made at the draft stage) considered to be unresolved, as well as objections arising from the previous round of consultation.

24. Members should note that, as the plans near submission and adoption, progressively greater weight will be attached to the emerging policies and proposals they contain for development management processes.

Integrated impact assessment



NORWICH
City Council

The IIA should assess **the impact of the recommendation** being made by the report

Detailed guidance to help with completing the assessment can be found [here](#). Delete this row after completion

Report author to complete

Committee:	Council
Committee date:	26 th March 2013
Head of service:	Graham Nelson
Report subject:	Submission Development Management Policies and Site Allocations Plans
Date assessed:	1 st March 2013
Description:	The impact assessment is based on the recommendation to authorise the plans for submission, and not on the contents of the plan. Both plans have been subject of Sustainability Appraisal (including consideration of environmental, social and economic objectives) and have been screened for impacts on diversity considerations.

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are costs associated with conducting the public examination but this is a statutory requirement and is budgetted for.
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Limited impact on Design Print and Production service which will provide a small number of hard copies of the submission plans and supporting documents, and upload electronic versions on the council's website. A budget transfer will reflect.
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The submission of the plans will not have a direct impact on economic development, which is reflected in the impact score. However eventual adoption of the plans following the examination process should have a positive impact on development generally.
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.

	Impact			
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The submission of both plans will have a positive impact on transportation as weight can be attached to the policies and proposals in the plans upon submission.
Natural and built environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The submission of both plans will have a positive impact on the natural and built environment as weight can be attached to the policies and proposals in the plans upon submission.
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts of submission of these plans on waste minimisation and resource use.

	Impact			
Pollution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The submission of both plans will have a positive impact on pollution as weight can be attached to the policies and proposals in the plans upon submission.
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts of submission of these plans on sustainable procurement.
Energy and climate change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The submission of both plans will have a positive impact on energy and climate change as weight can be attached to the policies and proposals in the plans upon submission.
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Likely to be neutral impact subject to clear reasons being given if any changes are made to the either plan.

Recommendations from impact assessment

Positive

Both plans should have many positive impacts following submission, and eventually following adoption, through the implementation of development management and site specific policies that will guide development in Norwich to support the growth promoted through the Joint Core Strategy.

Negative

No negative impacts have been identified.

Neutral

No impact has been identified in relation to the majority of issues.

Issues

The key issue is to ensure that risks to the soundness of both submission plans are minimised by clearly documenting the rationale behind any decision by Council to amend either plan.