

Report to Sustainable development panel
23 July 2014
Report of Head of planning service
Subject Representations on local plan modifications

Item

4

Purpose

To comment on the proposed representations on the local plan modifications, on behalf of the council.

Recommendation

To comment on the proposed representations for submission to the local plan examination inspector.

Corporate and service priorities

The report helps to meet the corporate priority A prosperous city and the service plan priority to deliver the local plan for Norwich and decent housing for all.

Financial implications

There are no direct financial consequences for the council.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment development and transport

Contact officers

Judith Davison 01603 212529

Graham Nelson 01603 212530

Background documents

None

Report

Background

1. The council is nearing the end of a lengthy period of plan preparation. Public examination hearings were held in February and March 2014 into the soundness and legal compliance of the council's two draft local planning documents – the Site Allocations and Site Specific Policies DPD ('Site Allocations plan') and the Development Management Policies DPD ("DM Policies plan"). Once adopted, these plans and the accompanying Policies map will supersede the 2004 City of Norwich Replacement local plan, and will form part of the development plan for Norwich along with the adopted Joint core strategy and Northern city centre area action plan.

Proposed main modifications

2. Following the hearing sessions, the inspector has proposed a set of 'main modifications' to each plan (ie. those changes which he considers are required to make the plan sound and capable of adoption). The main modifications effectively summarise the Inspector's conclusions so far on policies and site allocations, but are proposed without prejudice to the Inspector's final conclusions in his report.
3. The main modifications are currently subject to public consultation, until 31st July, along with sustainability appraisal (SA) of the modifications for each plan. The proposed modifications and SA reports are set out in full on the council's website: <http://www.norwich.gov.uk/YourCouncil/Consultations/Pages/NewLocalPlan.aspx>. Minor (or 'additional') modifications are provided on the website for information only; these comprise minor editing changes or factual updates and are not part of the consultation.
4. The consultation is being conducted by the council on behalf of the Inspector. He will receive all valid representations made during the consultation period, and will take account of them in his final report. The Inspector is only likely to change his mind about the main modifications if new or substantive evidence is provided through the consultation process.

Council representations

5. The majority of the main modifications were proposed by the council in response to objections made to the plans during the Regulation 19 'soundness' consultation. Proposed modifications were reported to members prior to submission in April 2013, and later at November Sustainable Development Panel; final iterations were agreed in consultation with the Cabinet Member for Environment and Development prior to the public examination hearings (in accordance with the scheme of delegation agreed at Council on 26th March 2013). The main modifications were discussed and agreed with the inspector as part of the examination process. However several proposed modifications were subject to change by, or were suggested by, the Inspector either during or after the public hearings. They are therefore referred to as 'Inspector's modifications' in this report, and relate to:
 - Land at Garden Street (CC11)
 - Deal Ground (R10)

- The Paddocks, Holt Road (R32)
 - Land west of Bluebell Road (R45)
 - Policy DM14 (Meeting the needs of gypsies and travellers and travelling show people)
6. The council can submit representations on the proposed modifications where they have been either changed or proposed by the Inspector. This report discusses the key comments which the council wishes to submit to the Inspector through the current consultation, or explains where a modification is considered acceptable, as appropriate.

Inspector's modification to Site Allocations plan policy CC11 - land at Garden Street (SA-MM4)

7. Norfolk County Council objected to policy CC11 in the Site Allocations plan on the basis that the site should be safeguarded as a potential site for a new primary school. The city council maintained that the original allocation for mixed use (housing and commercial) development should be retained, given the lack of up-to-date evidence of the need for a primary school in this location. Following the examination hearings at which the county council provided additional evidence of need, the Inspector requested the city council and county council to put forward their respective preferred policy wordings for a policy that could allow for a new school use for a temporary period. The Inspector then proposed the policy wording that appears in the main modification for consultation.
8. The Inspector's modification allows for the site to be considered temporarily for primary school provision: the county council is given a period of 4 years from adoption of this plan to undertake an assessment of alternative sites, establish whether a primary school is required on the site, and submit a planning application. Given the need for public car parking in the area, the modification requires the school development (as with the mixed use scheme) to make provision for replacement public car parking in the vicinity of the site through direct provision or a commuted sum to extend alternative existing car parks.
9. The policy as proposed to be modified is acceptable to the city council as it places the onus on the county council to justify the need for a primary school on the site within a prescribed period. If this is not complied with then the policy allows for the site to be developed for housing led mixed use development. The county council has already submitted a representation of support for the proposed modification.

Inspector's modification to Site Allocations plan policy R10 – Deal Ground (SA-MM16)

10. Norfolk County Council objected to policy R10 on a number of grounds, including the overall level of housing allocated (600 dwellings), lack of robust evidence to support the allocation, and impact on adjacent uses. Since the original objections were made planning permission has been granted for housing led mixed use development on the Deal Ground.
11. The county council conditionally withdrew several of its objections prior to the local plan examination hearings, as set out in the Statement of Common Ground available on the examination webpage
<http://www.norwich.gov.uk/Planning/Documents/SA5SCGNCCSubmissionMatter>

[Final.pdf](#)). The statement clarifies that the county council does not object to the principle of the allocation, and it furthermore acknowledges that significant progress is being made by the city council and the landowners to progress the scheme. However an outstanding county council objection to policy R10 was discussed at the hearings. The outstanding objection focused on the precise policy wording which was appropriate to address and mitigate potential environmental impacts from adjacent uses and activities on future occupiers of the site, and ensure that new development will not prejudice or place unreasonable restrictions on the continued operation of the adjacent safeguarded mineral railhead and associated asphalt plant. Both the policy wording and explanatory text is proposed to be amended in SA-MM16 to enable the design and layout of the development to reflect the findings of noise and other assessment in order to protect future residents, and to ensure that existing operations will not be prejudiced by the site's development. The revised policy wording also recognises that physical separation between new residents and existing development may be necessary to mitigate impacts.

12. Although the city council's position at examination was that the original (Regulation 19 plan) policy wording in R10 would not prejudice adjacent operators, the city council does not propose to make a representation to the modified policy; the proposed changes are essentially minor and in any case the Deal Ground has planning permission for development.

Inspector's modification to Site Allocations plan policy R32 – The Paddocks, Holt Road (SA-MM29)

13. The allocation of the Paddocks site (R32) in the Regulation 19 plan was for airport related uses, subject to the need for this land for airport operational purposes being demonstrated through a masterplan for the airport. The landowner objected to this policy on the basis that the airport authority has not made progress with a masterplan for airport development over a number of years. Following the public examination hearings Norwich International Airport (NIA) has confirmed its intention to start work on a masterplan in 2015. The inspector's proposed modification reflects this and allows for development of the site for general employment purposes in the event that an airport masterplan, endorsed by the city council and produced within 2 years of the plan's adoption, shows that the land is not required for airport operational uses. It will also allow for vehicular access to the site to be taken from the A140 Holt Road if it can be demonstrated that this can be achieved without unacceptable impacts on traffic or highway safety (the Regulation 19 version of the policy had required access to be taken from the rear via Gambling Close).
14. The policy as proposed to be modified is acceptable to the city council as it places the onus on NIA to bring forward its masterplan within a specified timescale, to clarify whether the site is or is not required for airport related uses. Furthermore, development of the site for general employment uses (if the site is not required for airport related development), will be subject to the resolution of access constraints.

Inspector's modification to Site Allocations plan policy R45 - land west of Bluebell Road (SA-MM33)

15. The council's position at the examination hearings was that this site should not be allocated, primarily due to potentially detrimental impact on the landscape and Yare Valley character area. This position was taken at Cabinet in July 2012, when Members agreed not to allocate the site in the Regulation 19 plan on the following grounds:
 - Allocation is contrary to the council's long-term approach to resisting development encroaching into the Yare Valley;
 - The proposed development could potentially damage the landscape in a sensitive location on the slopes of the Yare Valley;
 - Whilst the policy (*at that time*) set out to minimise the impact of development by proposing single storey buildings it could not stipulate the height and scale of future development;
 - The proposal for housing for over-55s could set a precedent for more general housing; and
 - Residential development could lead to undesirable traffic generation.
16. Following the end of the public hearings, the inspector requested council officers and the objector to seek agreement on a policy wording for the allocation of this site, should he decide to allocate it in the plan following consultation. The proposed modification is based on the inspector's comments regarding the site (set out in his letter and attachments of 4th April available on the following webpage:
<http://www.norwich.gov.uk/Planning/Pages/DMAndSAPoliciesPlans.aspx>) and on subsequent discussions with the objector.
17. The policy proposes that the site is included in the Site Allocations plan as a housing scheme for the over-55s which may include assisted living and/or extra care housing. The policy provides for new publicly accessible open space in the Yare Valley and provides opportunities for enhancing biodiversity. A key element of the policy as proposed is that a masterplan, to be produced by the applicant and agreed with the council, will guide the development to minimise the impact of the development on the character of the Yare Valley and important views.
18. The proposed modification has undergone sustainability appraisal (SA). The SA report states that whilst overall no significant positive or negative sustainability effects are identified for this allocation, development in this location would have adverse effects in terms of landscape impact. The site's location on the slopes of the Yare Valley, which defines the southern edge of the built up area of the city, is significant in landscape terms and provides a landscape buffer. The report acknowledges however that the proposed modification performs better in SA terms than the earlier (draft Regulation 19) policy, due to its emphasis on minimising impact on landscape and important views, delivery of improvements to public open space, and the requirement for a masterplan to support and guide development
19. In terms of housing numbers this site is not required to meet the target of 3000 additional units of housing to 2026 as set by Joint Core Strategy policy 4. The housing target is already met through the sites proposed to be allocated through

the main modifications excluding site R45, with a buffer of approximately 70 units above the 3000 requirement.

20. In conclusion, the Yare Valley is a unique and irreplaceable asset for the city of Norwich, providing for a linear country park linking the proposed country park at Bawburgh Lakes to the west of the city with the existing country park at Whitlingham to its east. Although the site's development would deliver housing for the elderly, such housing could be provided on any allocated housing site in the emerging local plan and this does not outweigh the harm to the landscape. Whilst the requirement in the revised policy for a masterplan to guide development may reduce impact on the Yare Valley it may not be possible to prevent significant harm and consequent reduction in the landscape buffer around the southern edge of the city.
21. Consequently the council proposes to make a representation to the main modification. This is set out in Appendix 1, objecting to the site's allocation chiefly on landscape grounds, and on the grounds that there is no need for an additional allocation in terms of housing numbers.

Inspector's modification to Policy DM14 - (DM-MM9)

22. The issue of gypsy and traveller provision is significant nationally with several plans recently found unsound due to lack of provision to meet established need. There is no allocation for gypsy and traveller provision in the Site Allocations plan, as a site to meet established need has not yet been identified. However policy DM14 in the Development Management Policies Plan as proposed to be modified states the council's intention to meet at least the objectively assessed need of 8 pitches by the end of 2016 through grant applications submitted by the end of this year. Failure to meet the end of 2014 target for grant applications would trigger the need for a short focussed local plan, to be produced within 2 years of adoption of the DM Policies plan. The wording of proposed main modification DM-MM9 was agreed by the Inspector and the council following discussions at the public examination.
23. The city council supports the Inspector's modification as a basis for meeting the established need for gypsy and traveller accommodation, and is actively working to develop funding bids to enable grant applications to be made this year.

Conclusions and next steps

24. Officers recommend that the Sustainable Development Panel agrees submission of 2 representations to the main modifications consultation: a representation of objection to the main modification for site allocation R45 (ref SA-MM33) and a representation of support to the main modification for policy DM14 (DM-MM9). The proposed content of both representations is set out in appendix 1.
25. The public consultation will conclude on 31st July. All representations will then be summarised and passed to the Inspector by late August to enable him to produce his report. This is likely to be published in early to mid-September.

26. Following that, a report will be taken to Cabinet and Council, in September if possible, seeking member approval to adopt both plans as modified by the Inspector in his report. The planning regulations provide no further opportunity to amend content, and accordingly the council will have the option either to adopt each plan or withdraw.
27. Significant progress has been made over recent months in the examination process, and the council is nearing the end of the plan preparation process. It is important that both plans are adopted as soon as possible to provide an up-to-date framework for planning decision making in Norwich so that planned growth can be managed sustainably.

APPENDIX 1

Draft representations

(a) Representation to SA-MM33 (policy R45)

Rep Number:

(For official use only)

SECTION B – Main Modifications:

Please fill in a separate form for each representation you wish to make.

NAME/ORGANISATION:	Norwich City Council
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Relevant documents:

- **Schedule 1a** – Site Allocations plan main modifications
- **Schedule 1b** – Development Management policies plan main modifications
- **Schedule 1c** – Policies map main modifications

1. Please specify which main modification this representation relates to:

MOD REF:	SA0MM33	POLICY/SI TE:	R45 Land west of Bluebell Road
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2. Please specify if you 'support' or 'object' to the modification *(mark with an X)*:

SUPPORT:		OBJECT:	X
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3. With the inclusion of the main modification do you consider the relevant plan or policies map to be legally compliant? *(mark with an X)*:

YES:	X	NO:	
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If you have answered 'no' to question 3 please explain why in the response box under question 6

4. With the inclusion of the main modifications do you consider the relevant plan or policies map to be sound? *(mark with an X)*:

YES:		NO:	X
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5. If you consider the documents as modified are unsound, please identify on the following page which soundness test(s) you think are failed (*mark with an X*):

Positively prepared – <i>the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development</i>	
Justified – <i>the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence</i>	X
Effective – <i>the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities</i>	
Consistent with national policy – <i>the plan should enable the delivery of sustainable development in accordance with the policies in the Framework</i>	

6. Please enter your full representation in the box below with any changes you feel are necessary to make the plan sound and/or legally compliant:
(NB Please continue on a separate sheet if necessary)

REPRESENTATION:

The city council objects to the proposed modification to allocate land west of Bluebell Road (R45) for housing development for the over-55s on the following grounds:

- (a) The proposed allocation would have an adverse impact on the landscape of the Yare Valley which is a unique and irreplaceable asset for the city of Norwich. The Yare Valley provides a section of unspoilt river valley wrapping around Norwich's southern flank which is valuable as a corridor for access to the open countryside and in landscape and biodiversity terms. Evidence prepared by the council for the local plan examination hearings concludes that new development in this area would change the landscape character of the Yare Valley green infrastructure corridor as defined in the Joint Core Strategy (policy 1), create a precedent for residential development in the valley and create a visual block between the development site and the river valley. The recent Sustainability Appraisal of the Main modifications states that development in this location would have an adverse sustainability effect in terms of impact on landscape, townscape and historic environment.

Although the proposed main modification introduces the requirement for a masterplan to support and guide development with the aim of minimising impact on landscape and important views, it still may not prove possible to prevent significant harm and consequent reduction in the landscape buffer around the southern edge of the city.

(b) The allocation of this site is not required to meet Norwich's target of 3000 additional units of housing to 2026. The housing target will be met through the sites proposed to be allocated through the main modifications excluding site R45, with a buffer of approximately 70 units above the 3000 requirement. Although the site's development would deliver housing for the elderly, such housing could be provided on any housing site allocated in the emerging plan and this is not considered to outweigh the potential harm to the landscape through development.

Please state if you wish to be notified when *(mark with an X)*:

The Inspector's report is published	
The document is adopted	

SIGNATURE:		DATE:	
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Please continue to Sections C and/or D where applicable

(b) Representation to DM-MM9 (policy DM14)

Rep Number:

(For official use only)

SECTION B – Main Modifications:

Please fill in a separate form for each representation you wish to make.

NAME/ORGANISATION:	Norwich City Council
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Relevant documents:

- **Schedule 1a** – Site Allocations plan main modifications
- **Schedule 1b** – Development Management policies plan main modifications
- **Schedule 1c** – Policies map main modifications

6. Please specify which main modification this representation relates to:

MOD REF:	DM-MM9	POLICY/SITE:	DM14
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7. Please specify if you 'support' or 'object' to the modification *(mark with an X)*:

SUPPORT:	X	OBJECT:	
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8. With the inclusion of the main modification do you consider the relevant plan or policies map to be legally compliant? *(mark with an X)*:

YES:	X	NO:	
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If you have answered 'no' to question 3 please explain why in the response box under question 6

9. With the inclusion of the main modifications do you consider the relevant plan or policies map to be sound? *(mark with an X)*:

YES:	X	NO:	
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10. If you consider the documents as modified are unsound, please identify on the following page which soundness test(s) you think are failed (*mark with an X*):

Positively prepared – <i>the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development</i>	
Justified – <i>the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence</i>	
Effective – <i>the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities</i>	
Consistent with national policy – <i>the plan should enable the delivery of sustainable development in accordance with the policies in the Framework</i>	

7. Please enter your full representation in the box below with any changes you feel are necessary to make the plan sound and/or legally compliant:
(NB Please continue on a separate sheet if necessary)

REPRESENTATION:

The City Council supports main modification DM-MM9 to policy DM14 and is actively working to develop funding bids to enable grant applications to be made this year.

Please state if you wish to be notified when (*mark with an X*):

The Inspector's report is published	
The document is adopted	

SIGNATURE:		DATE:	
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Please continue to Sections C and/or D where applicable