

Report to Sustainable development panel

26 November 2014

Report of Head of planning service

Subject Local plan update

Item

4

Purpose

This report updates members on progress with the adoption of local plan documents, strategic planning issues in relation to the emerging plans of neighbouring local authorities, and responses to government consultations.

Recommendation

To note the contents of this report.

Corporate and service priorities

The report helps to meet the corporate priority A prosperous city and the service plan priorities to implement the local plan for the city and to develop the local economy, promote inward investment, and regeneration activities.

Financial implications

None

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

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Background documents

1. Norwich City Council response to Department of Communities and Local Government (DCLG) consultation 'Housing Standards Review: technical consultation' (November 2014).
2. Norwich City Council response to joint DCLG / DEFRA consultation 'Delivering Sustainable Drainage Systems' (October 2014).

Report

Introduction

1. This report is a general update for members on matters relating to the Norwich local plan, progress with other local plan documents in the wider Norwich area, and government consultations on planning matters.
2. In particular, it will cover:
 - Progress with the adoption of the Norwich local plan document and related supplementary planning documents;
 - Strategic planning issues relating to Broadland District Council's and South Norfolk Council's emerging local plan documents;
 - Norwich City Council's response to a government consultation on changes to the national planning policy for travellers; housing standards; and sustainable drainage.

Norwich local plan documents and SPDs

3. At its meeting on 12th November, cabinet agreed to recommend to council to adopt the *Site allocations and site specific policies local plan*, the *Development management policies local plan*, and the accompanying *Policies map*. The council meeting to consider adoption of these local plan documents took place on 25th November.
4. Subject to the decision of council (which had not taken place at the time of writing), the local plan documents will be formally adopted on 1 December and will replace the saved policies of the 2004 *City of Norwich Replacement local plan*. From that date the plans will form part of the development plan for Norwich alongside the adopted *Joint core strategy for Broadland, Norwich and South Norfolk* (adopted 2011 with amendments 2014) and the *Northern city centre area action plan* (2010).
5. A number of current supplementary planning documents, which relate specifically to policies in the 2004 *Replacement local plan*, will cease to apply from 1 December when that plan is superseded. Work is already underway on a range of supplementary planning documents (SPDs) required to replace these where required to supplement the policies in the new local plan.
6. Members are already aware of progress with the Main Town Centre and Retail Frontages SPD which will be considered for adoption by Cabinet on 10th December (and is the subject of a separate report to this panel meeting). As part of its programme of updating planning guidance, the council will bring reports to sustainable development panel in the next few months on the following supplementary planning documents and advice notes :
 - Affordable housing SPD;
 - Trees and landscape SPD;
 - Open space and play SPD; and

- Heritage interpretation advice note.

Strategic planning issues

7. **Broadland District Council (BDC)** consulted on the pre-submission versions of its Development management policies plan and Site allocations plan in April – May 2014. The city council's consultation response is available to view on Broadland District Council's website. In its response the council supported BDC's commitment to bringing forward a suite of local policies and allocations to complement and support the growth planned for the area through the adopted JCS. However, there are three areas on which the council has made objections on the grounds of soundness as it is considered that the proposed policies or allocations are not compliant with the National Planning Policy Framework (NPPF) and/or adopted policy in the JCS.
 - The allocation of the site at Fir Covert Road, Taverham (PS58-01) for retail development, which the city council considers to be inconsistent with the hierarchy of retail centres set out in the adopted JCS and paragraph 23 of the NPPF which seek to promote competitive town centres;
 - The lack of a consistent approach with the other JCS authorities with regard to thresholds for impact assessments in emerging Policy R1 (District, commercial and local centres). The city council objects to the lack of a lower threshold for impact assessments as encouraged by the JCS. Both the city council and South Norfolk Council (SNC) have set lower thresholds for impact assessments to protect the centres identified in JCS Policy 19. This approach has been tested at the examination in public of Norwich City Council's *Development management policies plan* and has subsequently been found sound.
 - The quantum of office development that could result from the proposed employment allocation north of Norwich International Airport (PS37-02) which may have a detrimental impact on existing and planned new offices within the city centre, and including a definition of "airport related development".
8. BDC has made no change to its policies or site allocations in response to the council's objections, and considers them to be sound in their current form. BDC has now submitted its Development management policies and Site allocations plans to the Secretary of State for public examination. The council has confirmed that it will maintain the objections outlined above, so that they will be considered by the inspector through the examination process. The council has chosen to deal with both site specific allocations through written representations, but a council officer will give evidence at the examination hearings in relation to the R1 objection given the strategic issues raised here and the potential impact on the strength and vitality of Norwich city centre and/or district and local centres.
9. A date has not yet been set for BDC's public examination. Feedback on the outcomes of the examination process will be provided to SD Panel in due course.
10. **South Norfolk Council (SNC)** recently conducted a public consultation on its emerging Gypsy and Travellers local plan document (GTLP - Issues and Options stage), which ended on 24th October 2014. The purpose of the plan is to set out how SNC will meet the accommodation needs of the Gypsy and Traveller and Travelling Showpeople community up to 2031.

11. SNC's assessment of need is based on a new Gypsy and Traveller Accommodation Assessment (GTAA) which it commissioned for the district council area. The revised accommodation assessment has resulted in a significantly reduced level of need for South Norfolk as compared with the level for the district in the GTAA carried out for the Greater Norwich area in 2012.
12. The Issues and Options GTLP is part of the early stage of plan development, and included a 'call for sites'. SNC sought responses to a number of general questions relating to the timescale for the plan, the approach to site selection, and site size. In its response, the council highlighted the need for the local plan to refer more explicitly to the need to work with neighbouring local authorities on gypsy and traveller provision, given the patterns of movement of the Gypsy and Traveller community revealed by the GTAA and the requirements of the Duty to Cooperate.
13. The city council's response to this consultation has been submitted to SNC and is available on SNC's website. The next stage in the plan's development is consultation on the Preferred Options plan which will include sites considered suitable for travellers. This is likely to take place in early 2015. It is anticipated that the GTLP will be adopted in mid-2016.

Responses to government policy consultations

Gypsy and Travellers

14. The council is currently developing its response to a DCLG consultation ('Planning and Travellers') which ends on 23rd November. The response is not yet finalised but will be reported to members at the SD Panel meeting. The purpose of the consultation is to seek views on the government's proposed changes to planning policy and guidance which aim to ensure that the planning system applies fairly and equally to both the settled and traveller communities; strengthens protection of sensitive areas and the Green Belt; and addresses the negative impact of unauthorised occupation.
15. The key aspect of the consultation is the proposed redefinition of 'gypsies and travellers' and 'travelling showpeople' for planning purposes. Current policy (set out in the government's 'National Policy for Traveller Sites', March 2012) requires that those who have ceased travelling permanently for reasons of health, education or old age are for the purposes of planning treated in the same way as those who continue to travel. The proposal is to amend the definition for 'gypsies and travellers' as follows (with amendments underlined):

Persons of nomadic habit of life whatever their race or origin, including such persons who on ground only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
16. The definition of travelling showpeople is amended in the same way.
17. Under these proposals, where a member of the travelling community has given up travelling permanently for whatever reason, and applies for a permanent site, then this should be treated no differently to an application from the settled population (such as seeking permission for a Park Home). This would not prevent applications for

permanent sites but would mean that such applications would be considered as any other application for a caravan would be (ie not in the context of the 2012 Planning Policy for Traveller Sites).

18. Key aspects of the council's response are set out below. In summary the council considers the proposed policy to be inequitable, likely to be difficult to implement, and has the potential for legal challenge.
19. The council does not support the proposal to amend the definition of gypsies and travellers, and travelling showpeople, as proposed. Gypsies and travellers are classified as a minority group and their culture and overall lifestyle makes them and their needs different to the settled population in a number of ways, not just because they travel.
20. Although the Equality Act 2010 does not define race, case law has established that Roma Gypsies and Irish Travellers are covered by the protected characteristic of race for the Act. This not only provides citizens with protection against discrimination but also impose duties on public authorities to promote equality and good race relations, and prevent discrimination. There is much evidence to suggest that the British travelling community experiences wide-ranging inequalities across a number of areas including access to health and education services and social care. Figures provided by the Equality and Human Rights Commission indicate a life expectancy 10 years lower than the national average, with similar inequality found amongst health and education outcomes. Understanding the barriers faced by Gypsy and Traveller communities is key to improving life outcomes and tackling ongoing inequality.
21. Amendment of the planning definition of travellers to exclude those who have permanently ceased to travel would inevitably lead to a reduction in need for specific accommodation for the travelling community, while also leading to an increase in numbers of this group living in 'bricks and mortar' housing alongside the settled community. The latter group may be less likely to have their specific needs addressed if living permanently in general market accommodation which could run counter to the objectives of the Equalities Act. This change may also lead to increased instances of unauthorised encampments, with potential negative impact on local authority resources and on community relations.
22. It may also be hard to apply the proposed policy in practice. There is no guidance of how to assess whether someone has ceased to travel 'temporarily' in the consultation document. This could create problems in terms of monitoring and enforcement, impact in a negative way on local authority resources, and have the potential for legal challenge.

Housing standards

23. The government recently conducted a 'Housing Standards Review' consultation from 12 September until 7 November 2014. This follows on from a previous consultation on Housing Standards carried out in 2013, which was reported to the Panel on 25 September 2013.
24. The 2014 consultation proposes detailed technical changes to a number of standards including space, access, water efficiency and security. The government is proposing through this review to transfer control of many standards relating to housing development from the planning process to the building control process. However it

does not propose that the new space standard is covered by the Building Regulations as it does not consider that there is a case for statutory regulation in this area. The government proposes a national space standard to replace the many existing space standards used by local authorities. This can be required by planning policies, where justified by need and subject to viability.

25. The council's key comments submitted to the government in response to this consultation are summarised below:

- The space standards in the soon to be adopted *Development management policies local plan* are largely in line with the proposed national space standards. This plan has been through extensive consultation and a local plan examination process. The council has commented, in response to the consultation, that it is critically important that councils with adopted local plans which include identical or very similar standards to those now proposed as national standards, and which have been thoroughly consulted on, assessed and confirmed as being appropriate by an examiner, do not have to repeat the whole exercise by a requirement to test viability.
- The government proposes introduction of an optional standard relating to water efficiency, requiring that water consumption per person occupying a new building should not exceed 105 litres per day (the Building regulations standard is 125 litres pppd). This standard is reflected in *Joint Core Strategy* policy 3 and is currently being implemented by the council. However the JCS intention to reduce consumption to 80 litres pppd on developments of over 500 dwellings by 2015 will not be able to be implemented if these changes are introduced.
- In response to a question about the adequacy of the government's proposed approach in ensuring compliance with the standards in order to address a clear and evidenced need, the council reiterated that there should be no need to require councils to repeat a further review exercise where they have adopted local plan policies which are the same or similar to national or optional standards. This would be wasteful for everyone including local authorities and the development industry, and unlikely to result in any material change to the currently adopted standards.

Sustainable drainage

26. The government recently conducted a consultation on 'Delivering Sustainable Drainage Systems', from 12 September to 24 October 2014. This sets out an alternative approach to the one envisaged in the Flood and Water Management Act 2010 which was to deliver effective sustainable urban drainage systems (SuDS) through a separate regulatory process to the planning system. The purpose of this consultation is to seek views on delivering sustainable drainage systems through changes to the current planning regime.

27. The council's comments were submitted to government in late October. The key elements of the council's response are summarised as follows:

- The key issue is ensuring the deliverability of long term maintenance of SuDS. The government's proposal to create a new role for planning authorities in relation to SuDS could fragment responsibility, create confusion for developers, and add costs to the public sector. A better approach would be amend the Building Regulations to ensure that SuDS drainage is checked pre-commencement and is properly implemented in the same way as other drainage matters.

- There are no specialist skills at district level in Norwich so the proposals would be reliant on expert advice being available to the local planning authority. This could be provided by the county council as Lead Local Flood Authority. Procuring independent advice would be very costly and time-consuming for the LPA.
- There are concerns about the practicality of applying SuDS to all major development (ie conversions as well as new build) which may include viability issues. A phased introduction would be preferred.