

Report for Resolution

Report to Cabinet
16th March 2011
Director - Regeneration and Development

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Report of

Subject Joint Core Strategy for Broadland, Norwich and South Norfolk – Inspectors' Report and adoption of strategy

Purpose

This report summarises progress towards adoption of the Joint Core Strategy (JCS). It sets out progress over the past year, highlights the main issues raised in the Inspectors' report and seeks that Cabinet recommend the formal adoption of the JCS to Council.

Recommendation

That Council, at its meeting on 22nd March resolve to formally adopt the JCS, incorporating the Inspectors' changes, making it part of the development plan for Norwich, providing new strategic policies, superseding a limited number of Replacement Local Plan policies and making minor amendments to the Proposals Map for Norwich.

Financial Consequences

A Core Strategy is needed to help to deliver Corporate Plan and Sustainable Community Strategy objectives set out below. The Council has committed to producing a Core Strategy through its service plan and statutorily required Local Development Scheme. The Joint Core Strategy has been in preparation for several years and has a very considerable evidence base built up in support of it. Failure to adopt would lead to much of the work undertaken over the past few years being wasted, would create uncertainty in the planning framework for Norwich with likely adverse impacts on investment levels and Council income, and would likely result in further significant expense to undertake production of a new strategy.

Adoption of the JCS will enable work to progress on the implementation locally of the Community Infrastructure Levy (CIL). CIL will, in the majority of cases, replace section 106 agreements as the means of ensuring new development provides funding for the infrastructure required to support it.

Risk Assessment

The main risks relating to the JCS concern failure to adopt rather than adoption. These risks relate firstly to the need for up to date policies to both promote recovery from recession in Norwich and ensure that development is sustainable

and secondly to the financial implications set out above. These risks are detailed further in sections 4 and 5 of the report.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service plan priority to deliver the Local Development Framework for Norwich.

The JCS is also necessary to achieve a number of the SCS strategic objectives including:

- to develop the right infrastructure for business (through ensuring supply of land and business premises);
- to raise Norwich's profile (by supporting the development of a vibrant city centre)
- - to promote sustainable transport (by improving accessibility for people and goods; and providing greater connectivity in and between communities to promote cycling and walking)
- to become a low carbon city (by facilitating / promoting adaptation to impact of climate change)
- to ensure adequate housing for all Norwich residents (by building sustainable and thriving communities, and maximising opportunities for delivering affordable housing etc)

Cabinet Member: Councillor Morphew

Ward: All

Contact Officers

Mike Burrell

01603 212525

Graham Nelson

01603 212530

Background Documents

These are available via the following links:

1. Report of the inspectors and appendices, including schedule of minor changes.
<<http://www.gndp.org.uk/content/wp-content/uploads/downloads/2011/02/Report-into-the-Examination-of-the-Joint-Core-Strategy-for-Broadland-Norwich-and-South-Norfolk.pdf>>
2. Consequential amendments to the adopted local plan proposals map for Norwich

< <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2010/03/Changes%20to%20the%20proposals%20maps%20for%20Norwich.pdf>>

3. Revised environmental maps for inclusion in JCS

<< <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2011/02/GI-maps-combined-FINAL.pdf>>>

Report

Introduction

1. The report by independent Inspectors into the soundness and legal compliance of the Joint Core Strategy (JCS) has been received. It recommends that, subject to certain modifications, the strategy is sound and can be adopted. This report summarises recent progress on the JCS, highlights the main issues and conclusions reached by the Inspectors, and recommends that Council are recommended to proceed to adoption.

Joint Core Strategy Progress Update

2. On 2nd March 2010 Norwich City Council resolved to agree that the 'Joint Core Strategy for Broadland, Norwich and South Norfolk' (JCS) and various associated and supporting documents be submitted to the Secretary of State. Similar resolutions were also made by Broadland and South Norfolk Councils and the JCS was formally submitted on 5th March 2010.
3. Following its submission the then Secretary of State appointed Inspector Roy Foster and Assistant Inspector Mike Fox to conduct an examination to determine whether the JCS was sound.
4. On 13th May 2010 the Inspectors held an Exploratory Meeting on a number of issues. Subsequent to this meeting (on 24th May) JCS Inspectors published their conclusions and raised a number of concerns about the soundness of the document submitted.
5. Following consideration of these matters the GNDP produced a proposed "Statement of Focussed Changes" to the submitted Joint Core Strategy. The matter was reported to Executive Committee on 30th June 2010 who delegated authority to officers (in consultation with the portfolio holder) to agree the detail of these changes and for them to be published for consultation over the summer.
6. The Focussed Changes were published for consultation from 19th July – 30th August 2010. The changes published for consultation concerned three issues:
 - The provision of Gypsy and Traveller pitches to meet need arising after 2011 (Policy 4);
 - The approach to seeking a percentage of affordable housing on development sites (Policy 4) resulting from new evidence on viability issues; and the reclassification of the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle as a "strategic allocation" rather than a "strategic location".
7. Following consideration of representations made on the proposed changes Council reconsidered the matter on 28th September 2010 (an all member briefing had been arranged on 27th September). Various changes to the submission draft JCS were agreed along with consequential amendments and supporting documents (Broadland and South Norfolk did likewise). It was also agreed to delegate authority to officers (again in consultation with the portfolio holder) to agree further technical statements and evidence to the Examination.
8. The Examination commenced on 9th November 2010 and sat until 9th December. Towards the end of the hearing the Inspectors indicated that they considered there was a need to consult on further possible changes before they could report on the soundness of the JCS. This further consultation

<p>lasted until 4th February 2011. The possible changes advertised related to:</p> <ul style="list-style-type: none"> ▪ Flexibility/resilience of the JCS in relation to the Northern Distributor Road; ▪ Policy 3: Energy and Water and supporting text plus consequential changes in Appendix 8: Monitoring Framework and Appendix 9: Glossary ▪ Policy 4: Housing Delivery (Affordable Housing); and ▪ Green Infrastructure diagrams
<p>9. In all 76 responses were submitted on these changes by the time the consultation closed. This number includes 33 all of which were identical and concerned flexibility and resilience of the JCS in relation to the NDR.</p>
<p>10. The Inspectors have now concluded that, subject to certain modifications, the strategy is sound and can be adopted (see below).</p>
<p>11. Subject to Council adopting the JCS on 22nd March, formal adoption statements are likely to be issued on 24th March 2011. At this point any person aggrieved by the adoption of the JCS may make an application to the High Court on the grounds that the document is not within the appropriate powers of the local authorities and/or a procedural requirement has not been complied with. Any such application will have to be made by 3rd May 2011 (assuming adoption on 24th March).</p>
<p>Issues highlighted in Inspectors' Report</p>
<p>12. The main issues highlighted in the Inspectors' report are summarised below with a brief commentary on each.</p>
<p><u>Overall level of housing growth</u></p>
<p>13. The Inspectors accepted local evidence for the scale of housing required and agreed that the housing trajectory as proposed is reasonable. Recognising there is not currently a five year land supply as required by Planning Policy Statement 3, the Inspectors have agreed that the JCS identifies growth locations to help overcome this deficiency through the preparation of early development plan documents, and/or development management decisions on early planning applications. Indeed, the inspectors are highly complimentary of the overall approach "The authorities have seized the initiative, risen to the challenges presented by the demographic forecasts for the area, and made a proactive response which recognises the scale of the issues. The JCS sets out a sound long-term strategy for this growth and the GNDP position on this issue is worthy of support" (paragraph 9).</p>
<p><u>Affordable housing</u></p>
<p>14. This is one area where the Inspectors have recommended a change, even compared with the possible changes which they advertised following the close of the hearings. They have retained the tapered approach to address viability on smaller sites, but have reduced the target of affordable housing on sites of 16 or more dwellings from 40% to 33%. The Inspectors appear to have broadly accepted the overall level of need, but not the case for front loading provision to deal with the existing backlog of housing need. This is disappointing, but the effect of changing the headline target will be mitigated by the fact that only a proportion of sites would have been able to deliver up to 40% taking into account viability. Based on the clarification of the Drivers Jonas Deloitte work requested by the Inspectors for the final day of the hearings, at current market values it is estimated that this will reduce potential</p>

delivery of affordable housing from just over 12,000 units to 11,150 by 2026. If this number can be achieved, it will represent about 94% of the currently estimated affordable housing need to 2026.
<u>Gypsies and travellers, and travelling show people</u>
15. The Inspectors have supported the proposed approach which addresses the future demise of the regional spatial strategy but will require the derivation of targets based on local evidence, moving beyond 2011.
<u>Economy and employment</u>
16. The Inspectors were extremely supportive, the only change being to clarify that more detailed planning for the Norwich Research Park will be undertaken through future development plan documents.
<u>Climate change, environmental assets, design, energy efficiency and water efficiency</u>
17. Proposals to secure water efficiency were fully endorsed and the degree of cooperation with Anglian Water, Environment Agency and Natural England in agreeing the approach was praised. Similarly, the aspiration to move away from dependency on fossil fuels and support decentralised low-carbon or renewable energy provision was supported, albeit in a less prescriptive way with the policy now requiring developers to show in their design and access statements how they have maximised sustainable local energy delivery. There have been some wording changes to the text around design of new development, but no major change to the approach adopted.
<u>Distribution of planned growth including relationship with NATS, and individual assessments of the north east growth triangle, A 11 corridor settlements, Easton/Costessey, Long Stratton and the smaller sites in the NPA</u>
18. Each location for major growth has been supported, with the Inspectors agreeing that different approaches were required in Broadland and South Norfolk. This included recognition of the local circumstances supporting growth in Long Stratton, and a recognition that the growth triangle in the north east represents the soundest approach to accommodating the scale of growth in Broadland. The Inspectors also commented that, given the quantum of growth required, the inclusion of the Ecotown proposal within the overall planned growth was an appropriate response. They also said that redistribution of growth from the north of the NPA to the south is not a viable option.
19. The Inspectors also considered the relationship of the proposed growth distribution strategy and the Norwich Area Transportation Strategy (NATS), with heavy emphasis on assessing whether the distribution would facilitate the use of non car modes, with public transport being the focus. The evidence provided reassured them that there is a realistic prospect of developing bus rapid transit and core bus routes, though they acknowledge it will require “determined political effort and commitment, coupled with a sustained level of partly developer-funded investment”.
20. Similarly, they examined in some detail the role and justification of the northern distributor road (NDR). The Inspectors are not convinced that a “non NDR package of NATS interventions” would be realistic, and give credence to the Department for Transport’s assessments which supported the NDRs acceptance into “programme entry” and the “development pool”, notwithstanding the addition of further schemes to the pool. They were however concerned to explore the extent to which the JCS could cater for

<p>necessary development in the face of continued uncertainty about the NDR, and its timing. While accepting that the full scale of development proposed in the north east will not be accommodated without the NDR, they wish to establish whether sufficient leeway exists so that if the NDR were to be delayed or not to proceed, there is sufficient scope for development to proceed while there is a review of the relevant part of the strategy. They therefore pressed for additional clarity to be added on this matter. Some text provided by the GNDP clarifying the evidence on this issue has been slightly modified by the Inspectors to clarify:</p>
<ul style="list-style-type: none"> ▪ how much development can occur in the absence of any significant improvement to the network,
<ul style="list-style-type: none"> ▪ how much further development could be served off an improved Postwick junction and more local interventions
<ul style="list-style-type: none"> ▪ a commitment to investigate through the area action plan (AAP) whether or not any additional growth could be accommodated if the AAP were to identify alternative transport and other infrastructure (short of the NDR)
<ul style="list-style-type: none"> ▪ that beyond such an acceptable level, the JCS proposals for the growth triangle would need to be reviewed
<p>21. Subject to the inclusion of this clarification, the Inspectors accepted that it is not necessary or appropriate for the JCS to incorporate a complete “plan B” as desired by some objectors.</p>
<p>Norwich city centre, remainder of urban area including fringe parishes, and hierarchy of centres</p>
<p>22. These policies are supported, subject to clarification that if a new district centre were to be created in the growth area triangle, it would not be “at the expense” of the already proposed one at Blue Boar Lane, Sprowston.</p>
<p>Main towns, key service centres, service villages and other villages</p>
<p>23. No changes proposed to the strategy, subject to some changes to clarify potential ambiguities and the consequences on existing policies</p>
<p>Does JCS provide a sound basis for planning adequate and timely provision of supporting infrastructure?</p>
<p>24. This is an area where the Inspectors focused a considerable amount of attention. The concerns expressed by the Inspectors at the pre examination meeting were addressed by a subsequent submission by the GNDP authorities, which expanded appendix 7 in the submitted JCS addressing implementation. This categorised infrastructure requirements at three priority levels, linked to the various main growth locations. The Inspectors agreed this is a clearer expression of the infrastructure requirements, and shows a clearer relationship with related implementation mechanisms including the Local Investment Plan and Programme.</p>
<p>Legal requirements</p>
<p>25. The Inspectors are satisfied that legal requirements have been complied with. However, while accepting the relationship between the GNDP Policy Group and constituent authorities was legally compliant, the Inspectors recognised that not holding meetings in public has led to “a public sentiment of exclusion, confusion, frustration and dissatisfaction”. Clearly when Members consider the future nature of cooperative working including that required to fulfil the forthcoming “duty to cooperate”, it will be important to consider how this may best be undertaken to engender the greatest degree of public confidence.</p>

Considerations
26. Having received the Inspectors' report, Norwich City Council needs to consider whether to adopt it, in which event it will become part of the development plan.
27. Officers recommend that the JCS be adopted as part of the development plan for the City of Norwich is not legally mandatory, it is not possible to adopt the JCS in any form other than that recommended by the Inspectors. There are a number of undesirable consequences, if the JCS, having been submitted, were not to be adopted:
28. The first consequence is that the Inspectors' report is in the public domain, and if a policy vacuum is allowed to develop as a consequence of non adoption, it would still be likely to form a very strong material consideration in the determination of any planning applications, including at appeal.
29. A core strategy is a mandatory part of a Local Development Framework. Failure to adopt the JCS would leave Norwich in a situation where the process has to be undertaken again, with consequent delays and the expense required to update the evidence base and go through extensive processes of consultation and examination. This would also necessitate a delay in the production of "daughter" DPDs, and put the authority at risk of "planning by appeal" for a longer period.
30. Looking beyond procedural considerations, if housing need, the housing market and future prosperity are to be addressed, it is essential that the necessary future development is properly planned and guided. The JCS is a cornerstone of this process. While the New Homes Bonus is not dependent on an adopted core strategy, the reinvigoration of the local housing market is likely to maximise the benefits of this scheme.
31. It should also be noted that the Government has committed to the Community Infrastructure Levy (CIL), subject to some refinements, as a future means of funding infrastructure. However, CIL cannot be introduced in the absence of an adopted core strategy, and therefore a failure to adopt would be likely to compromise future infrastructure funding. The full consequences of the introduction of CIL are being phased in, but from 2014, even if an authority does not adopt CIL, it will not be possible to pool revenues from more than five S106 obligations towards the same infrastructure, if it could be CIL funded. Furthermore, the legal scope of S106 obligations has been scaled back to cover only mitigations which are a direct consequence of a particular development. The effects of these changes will make funding of strategic infrastructure through any means other than CIL extremely problematic, and probably impossible.
32. If the JCS is adopted, it will have some consequences on the current development plan. The policies in the JCS will come into force, and while they are strategic and many concern specific locations, the area-wide policies covering matters such as climate change and protection of environmental assets, design, water and energy efficiency, green infrastructure, Gypsies and travellers and affordable housing will come into effect immediately. Furthermore, the JCS will supersede specific policies in the adopted local plan. These are listed in appendix 3 of the JCS. There will also be some consequential changes to the proposals maps of the adopted local plan.
33. A further advantage of having an adopted JCS is that it may help in resisting speculative and inappropriate development proposals in the absence of a five

<p>year supply of housing land. PPS3 requires housing development to reflect the spatial vision for the area. This remains a requirement even in the case where a five year supply cannot be demonstrated. An adopted JCS would give the spatial vision that could justify opposing proposals that do not meet the vision.</p>
<p>34. Adoption of the JCS will give status in a statutory document to NATS and its components, including the northern distributor road. This should be of assistance in its passage through further stages towards implementation.</p>
<p>Next steps</p>
<p>35. This matter will be the subject of further consideration at the GNDP Policy Group Meeting scheduled to take place on 17th March. It is papers for this meeting, which will have appendices including the Inspectors' Report and redrafted policy content of the Joint Core Strategy which will form the basis of the report to Council.</p>
<p>36. The next steps are for the individual local planning authorities to come to a formal decision on whether to adopt the JCS incorporating the Inspectors' recommendations. Each of the authorities has a Council meeting on 22nd March when this can be considered.</p>
<p>37. It will be necessary as soon as possible thereafter to publish the adoption statement for each of the authorities together with the sustainability appraisal report and the JCS as adopted and make them available for public inspection.</p>
<p>38. Once the risk of legal challenge has passed, the production of the final document to publication standard, including illustrations, can be undertaken.</p>