

Report to Sustainable development panel
25 September 2013
Report of Head of planning service
Subject Local plan and Joint Core Strategy update

Item

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Purpose

This report provides members with an update about progress with the Joint Core Strategy and Norwich City Council's local planning documents – the Site Allocations and Development Management Policies plans. It also provides an update on current evidence studies being undertaken to support the local planning documents.

Recommendation

That members 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 priority to deliver the Site Allocations and Development Management Policies DPDs.

Financial implications

There are no direct financial implications for this report.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment and development

Contact officers

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Background documents

None

Report

Background

1. The development plan for Norwich comprises the adopted Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk (excluding those parts currently 'remitted'), the saved policies of the adopted City of Norwich Replacement Local Plan 2004, and the adopted Northern City Centre Area Action Plan 2010.
2. The council recently submitted its two emerging local planning documents to the Secretary of State for independent examination - the Site Allocations and Development Management Policies plans. The submission versions of both plans were discussed at sustainable development panel in January and February, and reported to cabinet in March. The decision to submit was taken by council on 26 March 2013.
3. Once adopted, the Site Allocations and Development Management Policies plans will form a key part of the development plan for Norwich alongside the adopted JCS and NCCAAP.
4. This report provides an update on progress with both the JCS and Norwich's local planning documents, explains the delays to the public examination process for both, and sets out anticipated timescales to adoption. It also provides an update about current work being undertaken to bolster the local plan evidence base prior to the examination.

Joint Core Strategy update

5. A number of main modifications to the Joint Core Strategy (JCS) are currently subject to consultation following the reconvened JCS public examination which took place in July. Further details are set out Appendix 1 which is a JCS progress update prepared for the GNDP Board on 19 September. This summarises progress on the JCS from the beginning of 2013 to the present.

Norwich local plan documents update

6. Following formal submission of the two local plan documents to the Secretary of State on 17 April, a planning inspector, Chris Anstey BA (Hons) DIPTP, DIPLA, MRTPI, was appointed by the Secretary of State to hear outstanding objections to the plans and to assess if they are sound, positively prepared, and legally compliant, and can therefore be adopted by the council. A programme officer (Annette Feeney) has been appointed to support the inspector throughout the examination process, and is the first point of contact for objectors and the public for matters relating to the examination.
7. The public hearings for the examination were originally planned for September 2013, but given the recent delay to the Joint Core Strategy examination the Inspector has agreed to defer the public hearings until January – February 2014. By this time the outcome of the JCS examination and any implications it may have for Norwich should be clarified.
8. A newsletter was sent to all those on the council's local plan database to ensure that all those on the database (largely individuals and organisations that have been

consulted on the plans during their development) are aware of the current position regarding the delay to the local plan examination timetable. The newsletter also provides an update about progress on the Joint Core Strategy examination, and other planning issues such as the recently adopted Statement of Community Involvement and Community Infrastructure Levy charging schedule. The newsletter is posted on the council's [website](#) for information.

9. All correspondence between the Council and the Inspector can be viewed on the council's [website](#). This will be added to throughout the examination process.

Evidence update

10. Given the delay to the local plan examination timescale, work has commenced to update our evidence base in relation to office development and viability issues.

a. Office floorspace survey

11. The General Permitted Development Order (GPDO) permits changes of use between specific use classes without the need for planning permission, and has recently been revised by the Government. The 2013 GDPO, which came into force on 30 May 2013, makes a number of temporary and permanent changes to permitted development rights. This includes the introduction of a new class J in the GPDO which allows for changes of use from offices (class B1a) to residential uses (class C3) without the need for planning permission. This applies for a temporary period – to 30 May 2016 – but the changes of use made in this period are permanent.
12. The ability to change use from offices to residential without the need for planning permission may result in a boost to housing numbers in the short term but could result in less good quality office floorspace in the city in the future to meet demand in the event of a recovery in the market. The development and retention of good quality office space in the city centre is a city council priority. The current mix of uses in the city centre comprising offices, retail, leisure, housing and others has been encouraged by long term planning policy (including policies 9 and 11 in the adopted JCS) and contributes to Norwich's distinctive and vibrant city centre.
13. In order to assess the potential impact of these changes we have commenced a survey of office premises (both occupied and vacant) across the city. This will assist in updating information on the city's office stock. The survey specifically investigates whether owners have any plans to use the new permitted development rights to change the use of premises to housing over the next 3 years. This information will be helpful in identifying the potential impact of the temporary permitted development changes on the city's office stock and the likely supply of additional homes that may result.
14. The amount of office floorspace in the city at summer 2013, along with an assessment of the impact of the permitted development right changes on the city's office stock, should be available by mid October. This information will form part of the evidence base for both plans and will be submitted to the inspector for the local plan examination.

b. Viability of site allocations

15. Work has also commenced on a high level study of the viability of site allocations. This builds on previous viability work carried out as part of the Strategic Housing Land

Availability Assessment (SHLAA), and work undertaken more recently as part of the JCS public examination. The purpose of the study is to assess whether there is likely to be sufficient viability within the range of sites proposed to be allocated to encourage willing landowners to develop their sites within the plan period.

16. The study will examine the viability of a range of site typologies for the city and will also assess the impact of the emerging development management policies on the viability of the allocations. This work is being carried out broadly in tandem with similar studies for Broadland and South Norfolk. It is anticipated that a report of the Norwich study will be available by late October and will be submitted to the Inspector as part of the updated evidence base for the forthcoming local plan examination.

Modifications

17. For information, the council will propose a number of 'main' (ie. more fundamental) modifications to both plans which will be submitted to the inspector in the next couple of months, prior to the examination hearings. These modifications relate to changes in circumstances, for example where development has commenced and the site is therefore no longer available (such as the Westlegate Tower and Fire Station sites which are both under construction), or reflect changes in legislation such as the recent changes to permitted development rights referred to above.
18. We are currently seeking feedback from the inspector about our proposed approach to drafting some of these modifications, in particular how to reflect temporary changes to permitted development rights in planning documents which have an end date of 2026, in order to ensure that the plans remain sound and legally compliant. Once this feedback is received, it is anticipated that the modifications will be submitted to the inspector to the same timescale as the updated evidence – by the end of October.
19. The proposed modifications referred to above are considered by officers not to bring the soundness of either plan into question as they are consequential upon either recent changes in legislation or changes in site availability. There may also be some consequential modifications required because of the evidence work currently being undertaken. If these changes are considered to raise more fundamental issues, either individually or cumulatively, they will be reported to sustainable development panel, which may have implications for the timing of the examination hearings.
20. All main modifications proposed to the plans, including those that arise during the public hearings, will be consulted upon following the end of the hearings.
21. For information, council on 26 March 2013 resolved to delegate authority to make further changes to the plans following submission as follows:

Council resolved 'to 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.'

Summary of local plan timetable

22. Provisional timescales for the next stages of the local planning documents are set out below but may be subject to change over the few next weeks, following feedback from the Inspector, and throughout the examination process:

- Submission of updated evidence and modifications to Inspector **by end of October**
- Publication of Inspector's Matters and Issues during **November**
- Examination hearings **January – February 2014**
- Post examination consultation on modifications **Spring 2014**
- Adoption of both plans **Summer 2014.**

Conclusion

23. The delay to the local plan examination timetable resulting from the JCS process has been used productively to undertake work to bolster the local plan evidence base.

24. This additional evidence will be submitted to the Inspector and will feed into his 'Matters and Issues' for the examination which are effectively the issues that he identifies as needing to be explored at examination.

25. A set of modifications will also be submitted to the Inspector which will be subject to consultation as part of the examination process.

Joint Core Strategy update

Phil Kirby, Chief Executive, Broadland District Council

Summary

This report provides an update for information on progress on the Joint Core Strategy since the last board meeting in December 2012.

Recommendation

- (i) That members note the update report and agree that representations be submitted on MM2 and MM8 before 21st October.

1. Introduction

- 1.1 Since the GNDP Board last met on 13th Dec 2012 considerable progress has been made in relation to the Joint Core Strategy. In accordance with the recommendation agreed at the December Board meeting the three local planning authorities each resolved to submit the part JCS to the Secretary of State for Examination.
- 1.2 Submission took place on 4th Feb and Planning Inspector David Vickery was appointed to undertake the Examination. Matters and Questions for the Examination were published on 1st March and a pre-hearing meeting held on 16th April.
- 1.3 The Examination itself commenced on 21st May and ran until 23rd May. Although many of the matters debated were resolved adequately it became clear during the examination that the Inspector viewed some of the evidence in front of him as insufficient to enable him to reach a judgement that the plan was sound in all respects. In particular he wanted further information in relation to housing land supply and the viability of growth proposals. It also became apparent during the debates that the Inspector considered that some modifications to the plan would be necessary for it to be found sound.
- 1.4 In the light of the above the Councils requested an adjournment to the Examination on 23rd May to allow further evidence to be prepared. The

Inspector agreed to the adjournment, gave a deadline of 21st June for further evidence to be submitted and set the date of 24th July for the commencement of the reconvened hearing.

2. **Additional Evidence**

- 2.1 The Councils submitted additional evidence in relation to both housing land supply and viability in accordance with the specified deadlines.
- 2.2 The information on housing land supply updated the position to include the monitoring year 2012/13. It demonstrated that the land supply position in the Norwich Policy Area (NPA) had improved significantly from that contained in evidence submitted to the earlier hearing (from 67.9% of required supply in March 2012 to 87.2% of required supply in March 2013). The submitted evidence is available at [Evidence ref DV21](#). This evidence was further updated immediately in advance of the resumed hearing (see [evidence ref DV35](#)) updating some supply information to 15th July. This update demonstrated that planning consent for a further 2763 dwellings had been issued between the end of March and 15th July, meaning at the commencement of the resumed hearing there were outstanding planning consents for over 10,000 dwellings across the NPA. More than at any point since the adoption of the 1999 Norfolk Structure Plan.
- 2.3 In relation to viability testing the GNDP wrote to the Inspector on 31st May setting out a proposed approach to the work. The inspector responded on 3rd June with a number of comments and concluding that the approach appeared “sensible and appropriate”. The viability report was submitted on 21st June. It can be seen on the website (see [evidence ref DV22](#)). In summary it concluded that:
- “This exercise reveals that the development proposed in the Joint Core Strategy will be viable for developers. It also reveals that it is reasonable to conclude that there is likely to be sufficient viability to incentivise willing landowners to make the sites available for development. There is a considerable uplift across the board in relation to existing use values but in current market conditions on some of the sites margins may be insufficient to incentivise release in the short term, especially if a greater proportion of infrastructure costs are borne in early phases.”
- 2.4 Alongside the additional evidence the Councils submitted 8 suggested Main Modifications to the JCS to address the concerns that had been discussed at the earlier hearing and in response to the updated evidence base (see [evidence ref DV23](#)).
- 2.5 Of the 8 modifications proposed, two related to chapter 7 of the JCS, the remainder related to its appendices. Although the modifications did propose changes to sections of the JCS that were not remitted by the previous Court Order they did not change the substance of the existing adopted JCS with regard to non remitted policies or proposals. The main modifications proposed by the Councils are summarised in the table below:

MM	Modification	Reason
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1	Change to existing para 7.16 and subsequent table	To clarify and update text about the level of growth that can take place in advance of confirmation of the NDR's delivery
2	To introduce a new policy to guide implementation within the Broadland part of the Norwich Policy Area	To introduce the new PINS required model sustainable development policy and apply it to emerging proposals and introduce a policy requiring the production of a focussed local plan identifying alternative allocations for growth should it become apparent that sufficient growth will not be deliverable in the Broadland NPA within the plan period.
3	Note added to existing Appendix 6 to make clear that trajectory is now out of date with regard to non-remitted parts of the plan	For clarity
4	Remove housing trajectories for Broadland part of the NPA from appendix 6	For consistency with MM5 below
5	Insertion of new Appendix 6a to insert revised and updated housing trajectories for the Broadland part of the NPA	Arising from the debate about housing supply and consistent with revised evidence submitted
6	Change to existing Appendix 7 to make clear that content is outdated in relation to non-remitted parts of the Plan and delete reference to infrastructure needed to support Broadland NPA proposals	For consistency with MM7 below
7	Insertion of new Appendix 7a to insert revised and updated implementation framework for the Broadland part of the NPA	Arising from the debate about infrastructure needed and up to date evidence
8	Addition of a number of new monitoring indicators	Arising from recommendations of the Sustainability Appraisal and new policy

		proposed in MM2
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3. Resumed Hearing

- 3.1 The hearing resumed on 24th July and ended on 25th July. Taking place at Broadland DC offices. A number of further evidence statements were submitted by the Councils and other parties' both in advance of and at the hearings. This included some limited change to the suggested main modifications. All this evidence remains available for inspection on the website (see [GNDP website](#)).
- 3.2 During the hearings the Inspector indicated that with regard to suggested main modifications he was content with MM1, and MM3-7 as suggested by the Council's. He also indicated that at this stage he did not see any need for further main modifications on other aspects of the plan not identified by the Councils to make the Plan sound.
- 3.3 With regard to MM2 he indicated that he was not convinced the Councils proposals for MM2 adequately responded to need to boost housing land supply in the light of evidence on this matter and the deliverability of the Plan's proposals. Similarly he also indicated that he was not convinced that the proposals of other participants to address this issue were appropriate and indicated that he would be drafting a revised version of MM2 himself.
- 3.4 Although there was little debate about MM8, as two of the indicators proposed within the Councils proposed MM8 address the new policy proposed in MM2, the Inspector in redrafting MM2 required some consequential amendment to MM8.
- 3.5 Furthermore there was some debate regarding the adequacy of the Sustainability Appraisal (SA) particularly regarding the assessment of transport related carbon emissions resulting from the three possible Reasonable Alternatives identified in the SA process. At the hearings the Councils indicated that they accepted that it may be appropriate for the SA to be augmented to address this matter more explicitly and in more detail than it had done.

4. Main Modifications Consultation

- 4.1 Following the hearings the Councils have now published a Schedule of Main Modifications to the JCS for consultation, to allow representations to be made. A Sustainability Appraisal (SA) Addendum Report (including the further work on carbon emissions), Addendum to Habitats Regulations Assessment (HRA) and schedule of Additional (minor) Modifications to the submission document have also been published. The minor Modifications are proposed to correct typographical errors in the submitted version and are not considered to materially affect the plan.
- 4.2 All this material is available to download from the GNDP website (see [GNDP website](#)). Press notices have been placed and consultation letters issued. The consultation commenced on 9th September and lasts until 21st October. Although responses to the consultation come to the Councils it should be noted that the Examination process remains ongoing and the responses to the main modifications consultation will be considered by the Inspector and taken into

account by him before he decides how to proceed.

- 4.3 At this stage all options remain open to the Inspector. He could reconvene the hearings to debate matters raised in the consultation response or could write his report on the basis of written submissions. At this stage it still remains open for him to decide that the plan is sound (with or without change) or unsound. However, the fact that the Inspector has proceeded with consultation on suggested main modifications does give some degree of confidence that the submitted JCS is likely to be found sound with changes to the areas addressed by the suggested modifications.

5. Main Modification MM2

- 5.1 Main modification ref MM2 as drafted by the Inspector contains two new policies proposed to be introduced into the JCS. Both policies address the Broadland part of the Norwich Policy Area. Policy 21 inserts the Planning Inspectorate's model policy into the plan in a manner not dissimilar to that proposed in the Councils version of MM2. However, policy 22 introduces a new policy related to housing land supply. This is as follows:

“Policy 22: Action to ensure the delivery of housing land in the Broadland part of the Norwich Policy Area

In addition to the JCS review “trigger” set out in paragraph 7.18, if any Monitoring Report (MR) produced after two full years from the adoption of this part-JCS Local Plan demonstrates that there is a significant shortfall (as defined below) in the 5-year supply of housing land (plus the “additional buffer” required in current national policy) affecting the Broadland part of the Norwich Policy Area (NPA) as set out in the whole JCS, then the Councils will take the course of action specified below to address the identified shortfall.

The Councils will consider that a significant shortfall has arisen if the MR (produced annually) shows there to be less than 90% of the required deliverable housing land (as defined in current national policy).

In the event of an identified shortfall, the Councils will produce a short, focussed Local Plan which will have the objective of identifying and allocating additional locations within the whole NPA area for immediately deliverable housing land to remedy that shortfall, in accordance with the settlement hierarchy set out in paragraph 6.2 of the JCS. The Local Plan will cover such a time period as may reasonably be considered necessary for the delivery delay or shortfall (however caused) to be resolved.”

- 5.2 This policy is significantly different from that proposed by the Councils. The relevant extract from the Councils suggested version of the policy for MM2 are set out below:

“If any annual monitoring report produced after three full years from the

adoption of this plan demonstrates that there is likely to be a significant shortfall of deliverable sites for housing and/or employment growth in the Broadland part of the NPA a focussed Local Plan identifying alternative allocations for growth in the Norwich Policy Area for delivery before 2026 will be commenced unless:

- a) Work has already commenced on a local plan to replace the Joint Core Strategy; or
- b) Monitoring demonstrates any shortfall in the Broadland part of the Norwich Policy Area is likely to be addressed by delivery elsewhere.

Any focussed Local Plan will identify preferred allocations for growth in accordance with the settlement hierarchy set out in para 6.2 of the JCS.”

- 5.3 It should be noted that the Councils have the ability to submit further representations on the suggested main modifications at this stage. However, it is suggested that as MM1 and 3-7 are essentially as accepted by the Councils at the hearings that the comments should be confined to MM2 and MM8 insofar as it reflects MM2. The representation will need to be submitted by 5pm on 21st October.
- 5.4 With regard to the **next steps**, assuming that the Inspector does not feel it necessary to reconvene the hearing it is expected that the Inspector’s report will be published in mid to late November. This is likely to mean that the Councils will be in a position to decide whether or not to adopt the Plan in December of January.
- 6.1 **Finance:** Costs of producing the part JCS are shared by the three local planning authorities. This report has no additional direct financial implications beyond existing budgets. However, the adjournment of the Public Examination and further work needed to inform did have costs associated with them not previously anticipated.
- 6.2 **Staff:** The part JCS is being developed with existing staffing resources in the four authorities and the GNDP.
- 6.3 (i) **Property:** Some of the authorities’ land holdings could be affected by the part JCS but this is not a matter that should influence planning decisions.
- 6.4 **Section 40, Natural Environment & Rural Communities Act 2006:** The part 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.

- 6.5 **Legal Implications:** Following the legal challenge and the issuing of the court order, legal advice has been taken throughout the process whilst preparing the part JCS to comply with the court order. The Regulations which accompany the preparation of a Development Plan Document and SA/SEA are to be adhered to. Failure to consider the Regulations and proceed in accordance with them could result in either the document being found unsound or legal challenge.

- 6.6 **Human Rights:** None

- 6.7 **Equality Impact Assessment (EqIA):** An Equalities Impact Assessment was completed to accompany the submission documents

- 6.8 **Section 17 – Crime and Disorder Act:** As a high level strategy the JCS remitted parts has limited direct impact on crime and disorder. The JCS includes a number of policies that will help to address crime and disorder issues including those relating to design, community development and infrastructure. These will be expanded in subsidiary local development documents

Officer Contact

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

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