

Report to Cabinet
12 November 2014
Report of Head of planning service
Subject Adoption of Norwich's local plan documents

Item

6

Purpose

To consider the conclusions of the Inspector's reports of the examination into the *Development management policies local plan* and *Site allocations and site specific policies local plan* and whether to recommend council to adopt the two local plans and associated *Policies map*.

Recommendations

To recommend council to:

- 1) Adopt the *Development management policies local plan* as modified by the Inspector's report and additional (minor) modifications (set out in Appendix 1);
- 2) Adopt the *Site allocations and site specific policies local plan* as modified by the Inspector's report and additional (minor) modifications (set out in Appendix 2);
- 3) Adopt the *Policies map* as modified by the Inspector's report, which forms part of both local plan documents (Appendix 3); and,
- 4) Delegate authority to the head of planning, in consultation with the portfolio holder for environment, development and transport, to make any further minor factual updates and corrections required to each local plan document prior to adoption, and to proceed with the necessary legal and administrative procedures to secure adoption of both local plan documents to form part of the development plan for Norwich.

Corporate and service priorities

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

Financial implications

The cost of adopting and publishing both plans is provided for by existing budgets.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment development and transport

Contact officers

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Background documents

None

Report

Background

1. The council is nearing the end of a long period of plan preparation which began in 2008-09. Norwich's emerging local plan documents, the *Development management policies local plan* ('DM policies plan') and *Site allocations and site specific policies local plan* ('Site allocations plan'), have recently undergone public examination, and the reports of the independent inspector, Chris Anstey, into the soundness and legal compliance of the plans have now been received. During their preparation the plans have undergone a process of sustainability appraisal and public consultation, and reports have been taken to members at sustainable development panel, cabinet and council at key stages as appropriate. An extensive evidence base compiled over a number of years supports the policies and proposals in both plans. Both plans were fully endorsed by members prior to submission to the Secretary of State in April 2013.
2. There have been many changes to the national and local planning context which have impacted on the plan preparation process. Changes to the legislative framework include the Localism Act 2011 which introduced neighbourhood planning, the Duty to Cooperate, and Assets of Community Value; publication of the Town and Country Planning (Local Planning) (England) Regulations (2012) which update local plan procedure to take account of the changes made by the Localism Act; publication of National Planning Policy Framework (NPPF) and Planning Policy for Traveller sites in 2012, superseding all previous planning policy guidance notes; deregulation of the planning system through changes to permitted development (2012 on); and publication of guidance on 'Viability testing for local plans' (2012).
3. In addition to these wider changes, there have been some changes to the local planning context during that period including the legal challenge to the adoption of the *Joint core strategy for Broadland, Norwich and South Norfolk* (JCS) in 2011, and adjournment of the part JCS examination in 2013, which led to some uncertainty over strategic planning policy, and delay; and the introduction of the community infrastructure levy in 2013.
4. The 2012 Planning regulations also changed terminology relating to development plan documents, referring to them as 'local plans' as this term is more readily understood. This change in terminology will be reflected in the final adopted versions of both plans which will be rebranded as 'local plans' rather than development plan documents.
5. Once adopted both local plans will supersede the 2004 *Replacement local plan* and form part of the development plan for Norwich (also known as the 'Norwich Local Plan'), alongside the adopted JCS and adopted *Northern city centre area action plan*. The end-date for both local plans is 2026. The *Site allocations plan* will enable the strategic policies in the JCS to be implemented, ensuring that we get the right type of development in the right locations, and will focus higher density development on the city centre and public transport corridors. The *DM policies plan* provides a suite of detailed planning policies to help guide and manage change in Norwich, supporting the sustainable growth strategy set out in the JCs whilst protecting the city's historic character and local environment.

The Public Examination

6. At its meeting on 26 March 2013 Council resolved unanimously to endorse both plans and policies map, submit them to government for examination, and to give authority to government inspector to modify the plans. The subsequent formal submission by the council of both local plan documents to the Secretary of State in April 2013 triggered the start of the public examination process. The purpose of the public examination is to examine the soundness and legal compliance of local plans, in particular whether they comply with the Duty to Cooperate, and are positively prepared, justified, effective and consistent with national policy in the NPPF. Prior to the examination hearings, the council submitted a number of 'main modifications' to both plans to address soundness issues.
7. The Inspector held public examination hearings in late February / early March 2014, which examined key legal compliance and soundness issues for both plans. Following this, the Inspector consulted on his 'main modifications' to both plans (those changes which he considers to be necessary to make the plans sound and legally compliant), and to the sustainability appraisal for each plan, from 19th June to 15th August. A total of 34 representations were received to the main modifications for the *Site allocations plan*, 17 for the *DM policies plan*, and 3 for the *Policies map*. All representations received are available to view on the council's website (<http://www.norwich.gov.uk/Planning/PlanningPolicy/Documents/4MainModificationsResponseSummaryTables.pdf>).
8. The representations made to the main modifications for the *Site allocations plan* include several to the Deal Ground policy (R10), The Paddocks, Holt Road (R32), and Land west of Bluebell Road, Bartram Mowers Limited (R45). The council objected to the main modification for R45, chiefly on the grounds of adverse impact on the landscape character of the Yare Valley.
9. The representations to the main modifications for the *DM policies plan* include a number of objections by Broadland district council chiefly on points of detail, a representation of support from Anglian Water to DM5 (Flood risk), and a representation of support by the council to the modification to policy DM14 (Gypsies, travellers, and travelling showpeople).
10. No representations were received to the Sustainability Appraisal for either local plan.

Key conclusions of the Inspector's reports

11. The Inspector's reports for each local plan were published by the council on 16th October. The Inspector finds both plans to be sound, subject to a number of main modifications (the majority of which were proposed by the council), and:
 - concludes both plans have met the duty to cooperate, consistency with national and JCS policy and are judged to be sound, subject to modifications;
 - also concludes that the plans are based on a robust up-to-date evidence base, take account of viability issues and the need for flexibility in a changing market, provide for infrastructure delivery and address flood risk;
 - endorses the vast majority of the council's policies and proposed modifications, as set out below for each plan;

- states that the policies in the two plans “ensure that the benefits of the ambitious growth agenda are balanced by the effective protection of the historic city’s urban and natural environment”; and
- commends the council on the “constructive engagement” and positive approach taken in response to representations.

Development management policies local plan

12. Overall, the Inspector’s report

(<http://www.norwich.gov.uk/Planning/PlanningPolicy/Documents/5InspectorsReportDMPoliciesPlan.pdf>) concludes that, subject to modifications mainly proposed by the council itself, the plan complies with and enables implementation of national and JCS policy and provides an appropriate basis for the planning in the city. More specifically:

- The Inspector has accepted the council’s modification to policy DM14 (Gypsies, travellers, and travelling showpeople). The revised policy states that, if it is not possible to meet immediate needs for gypsy and traveller accommodation (a minimum 8 pitches by the end of March 2016), a short focussed local plan to identify and allocate additional traveller sites should be commenced within one year and completed within two years of adoption of the Site allocations plan;
- The Inspector has accepted the council’s modification to DM5 on flood risk to take account of recent evidence from Norfolk county council on larger ‘Critical Drainage Catchments’: planning applications in those catchments must be accompanied by a flood risk assessment and developments are to be designed to place additional focus on sustainable drainage;
- Objections to retail policies concerning thresholds for food store development and reclassification of Hall Road retail park from bulky goods sales to identify it as a district centre allowing sales of a wider range of retail goods and the inclusion of other uses were not supported by the Inspector;
- The Inspector has endorsed the amendments to policies the council was required to make to reflect changes to national policy on permitted development, for example allowing offices to be redeveloped for housing without the need for planning permission.

Site allocations and site specific policies local plan

13. Almost all the main modifications proposed to the *Site allocations plan* have been accepted by the Inspector in his report

(<http://www.norwich.gov.uk/Planning/PlanningPolicy/Documents/6InspectorsReportSAPlan.pdf>). The majority of these were modifications put forward by the council in response to representations, or to reflect changes in circumstance (such as a site no longer being available for development). Some main modifications were proposed by the Inspector following discussion at the examination. The report’s conclusions for a number of key sites are as follows:

- CC9 King Street Stores (new policy reference CC8): the report concludes that the proposal by Norfolk County Council to extend the allocation to include the

Lincoln Ralphs sports hall is not justified by evidence. This endorses the council's position at examination.

- CC11 Land at Garden Street (new policy reference CC10): the report confirms the modification to this allocation to allow for a temporary option enabling provision of a primary school, in response to an objection by Norfolk county council. However, the Inspector requires any school development to provide replacement car parking, as proposed by the city council at examination.
- R32 The Paddocks, Holt Road (new policy reference R30): the report confirms the modification to this allocation in response to objection by the landowner to allow for development for general employment uses if a masterplan produced by the airport (and endorsed by the council) within 2 years of adoption of the plan demonstrates that the land is not required for airport operational uses.
- R45 Land west of Bluebell Road, Bartram Mowers (new policy reference R42): the Inspector's report confirms his main modification to site R45 in response to an objection by the landowner to include the site in the plan as a housing scheme for the over 55s, which may include assisted living and extra care housing, subject to production of a masterplan (following a brief set by the council). The masterplan will determine how the development can best be designed to minimise impact on the landscape and preserve the character of the area, setting the precise areas within which development will be located, maximum building heights, the number and type of dwellings and the layout of the open space. This modification was proposed by the inspector following discussion at the examination; the council objected to this modification during the main modification consultation as referred to above, however the Inspector's report concludes that that the considerable benefits associated with the scheme outweigh the visual harm that would result. The report specifically points to the sustainable location of the site, the benefits of using brownfield land, meeting the accommodation needs of older people and providing access to green space and enhancements to biodiversity as justification for the allocation.
- R10 Deal Ground (new policy reference R9): the Inspector's report deletes the proposed main modification to the Deal Ground policy. This modification had been proposed by the Inspector following discussion at the examination in relation to Norfolk County Council's representations that the policy should take additional account of adjoining uses. Several representations were received to this modification including one of objection from Lanpro, acting on behalf of the Deal Ground landowner. The Inspector's conclusion in his report notes that as the site now has planning permission which pays due regard to adjacent uses, it would be inequitable to modify the policy to require further work to be carried out with regard to noise, dust and odour pollution. This was the council's stance at examination and this conclusion is welcomed.

Further changes prior to adoption

14. In addition to the Main modifications referred to above, the council also proposes to make a number of additional (minor) modifications to both plans. These are minor factual updates and corrections, and were publicised at the time of the Main modifications consultation (<http://www.norwich.gov.uk/Planning/PlanningPolicy/Pages/LocalPlanDocsNov14.aspx>).

15. Recommendation 4 makes provision for any further minor factual updates and corrections required for each local plan document to be made by officers prior to adoption. This will include for example the re-numbering of policies in the *Site allocations plan*, to take account of sites which have been deleted from the plan (e.g. sites which are no longer available for development or which are now built) and to include the new site allocation for Land west of Bluebell Road, Bartram Mowers. The policy references for the *DM policies plan* will stay the same.

Adoption process

16. The publication of the Inspector's reports enables the council to proceed to the adoption of both plans. However the council can only do this if it incorporates the modifications considered by the Inspector as necessary to make the plans sound and legally compliant.
17. The Inspector's reports are effectively binding. At its meeting on 26 March 2013, the council gave the Inspector authority, under section 20(7C) of the Planning and Compulsory Purchase Act 2004, to make modifications to the both plans to ensure that they are sound. Therefore the choice open to the council at this stage is either to adopt each plan as modified by the inspector's report, or alternatively not to adopt the plan. There is no opportunity to choose which parts of the Inspector's report will or will not be incorporated in the adopted local plan document.
18. Members are therefore asked to recommend that full council resolves to adopt the *Development management policies local plan*, the *Site allocations and site specific policies local plan*, and the accompanying *Policies map*. These are set out at appendices 1, 2 and 3 respectively (available to view at <http://www.norwich.gov.uk/Planning/PlanningPolicy/Pages/LocalPlanDocsNov14.aspx>).
19. If full council resolves to adopt these plan documents on 25 November, the adoption process for local plan documents which is set out in Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 will be followed. In addition, the Strategic Environmental Assessment Directive 2001, and the Environmental Assessment of Plans and Programmes Regulations 2004, set out a requirement for an Environmental adoption statement to demonstrate, amongst other things, how environmental considerations have been integrated into each plan, and how the results of public consultation and sustainability appraisal consultation have been taken into account.
20. As soon as practicable after full council resolves to adopt both plans on 25 November, the council must make the following documents available at its deposit points and on its website, for each plan:
- a) The new local plan document
 - b) The adoption statement
 - c) The sustainability appraisal report, and
 - d) The environmental adoption statement.

21. The planned date of adoption for both plans is 1 December 2014. The adoption of the plans will be publicised through a notice placed in the press around the time of adoption.
22. The above documents will be made available for inspection from 1 December for a 6 week legal challenge period, as required by the Planning Act 2004 (section 113(4)). Any person who is aggrieved by the adoption of either plan can make an application to the High Court on the grounds that the document is not within the appropriate power of the council and / or a procedural requirement has not been complied with.

Conclusion

23. Once adopted, the plans will supersede the saved policies of the 2004 local plan (and related supplementary planning documents) and will provide an up-to-date planning framework for Norwich, along with the adopted *Joint core strategy* and *Northern city centre area action plan*.
24. It is critical to the city's future prosperity and the quality of its built and natural environment that both plans are adopted at the earliest opportunity to assist planning decision making and help deliver the significant levels of growth planned for the city to 2026, whilst retaining and enhancing its historic character and local environment. Adoption will make Norwich among the earliest local authorities to have a comprehensive set of National Planning Policy Framework compliant local plan documents adopted, showing the city is ready to meet the challenge of growth.

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:	Cabinet
Committee date:	12 November 2014
Head of service:	Graham Nelson
Report subject:	Adoption of local plan documents
Date assessed:	27 October 2014
Description:	Members are asked to endorse the plans and to recommend to council that they are adopted as modified by the inspector's reports. 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 some costs associated with adoption, chiefly the printing of plan documents, but this is a statutory requirement.
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 organise the printing of hard copies of the local plans and policies map, and upload electronic versions onto the council's website.
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Some impact on ICT services: the policies map is being developed as an interactive map on the council's website, and will be available as soon as practicable after adoption.
Economic development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of both plans will provide greater certainty to developers and should have a positive economic impact on development and the local economy.
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.

	Impact			
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No impact identified.
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 adoption of both plans will have a positive impact on transportation as full weight can be attached to the policies and proposals in the plans.
Natural and built environment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of both plans will have a positive impact on the natural and built environment as full weight can be attached to the policies and proposals in the plans.

	Impact			
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts on waste minimisation and resource use from the adoption of these plans.
Pollution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of both plans will have a positive impact on pollution as full weight can be attached to the policies and proposals in the plans upon adoption.
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	There are no direct impacts on sustainable procurement from the adoption of these plans.
Energy and climate change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The adoption of these plans will have a positive impact on energy and climate change as full weight can be attached to the policies and proposals in the plan upon adoption.
(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 if both plans are adopted as proposed.

Recommendations from impact assessment

Positive

Both plans should have many positive impacts 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 risk is the non adoption of either or both plans, which would result in uncertainty for developers and failure to implement the strategic policies of the Joint Core Strategy, with potential impacts on the local economy and environment.