

## Report for Resolution

**Report to** Council  
2 March 2010  
**Report of** Director of Regeneration and Development  
**Subject** Joint core strategy – submission to Secretary of State

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### Purpose

To report to Council the recommendation of Executive that, having regard to the most recent additional evidence, information, representations on soundness, and consideration of an assessment under the Habitats Regulations, the joint core strategy for Broadland, Norwich and South Norfolk should be submitted to the Secretary of State, together with the required supporting documents.

### Recommendations

- 1) To agree that the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document (November 2009)” as amended by the schedule of proposed minor changes is legally compliant and sound;
- 2) To submit those documents together with the revisions to previously adopted local plan proposals maps and all necessary supporting documents to the Secretary of State under Regulation 30 of the Town and Country Planning (Local Development) Regulations 2004 (as amended).

### Financial Consequences

The financial consequences of this report are set out in paragraph 5.1 of the accompanying report to the Greater Norwich Development Partnership (Appendix 1 herewith) which states: “Costs of preparing the JCS are shared by the three local planning authorities. This report has no additional direct financial implications beyond existing budgets. However, the Public Examination in summer 2010 will have costs associated with the Inspector(s), support and accommodation”. The cost of producing this statutory plan needs to be met each year and provision is being made in the 2010/11 budget for anticipated costs.

### 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 complete the joint core strategy and start its implementation”.

### Contact Officers

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## Background Documents

**Please note:** Background documents supporting the JCS (including the extensive evidence base) are available from the Greater Norwich Development Partnership's website [www.gndp.org.uk](http://www.gndp.org.uk) (follow the 'document finder' link). Alternatively, please contact the authors of this report.

Supplementary report on "Joint Core Strategy: recommendation for submission" to GNDP Policy Group on 28 January 2010 regarding transport assessment.

Letter dated 25 January 2010 from Barton Willmore and attached legal opinions concerning the soundness of the Joint Core Strategy

Water Cycle Study Stage 2b, January 2010

Habitats Regulation Assessment, Mott MacDonald, February 2010

Norwich Area Transportation Strategy/Northern Distributor Route supporting documentation

Greater Norwich Housing Market Assessment: Update

Rackheath Eco-community: Programme of Development

Regulation 27 representations on joint core strategy

# Report

## Background

1. The Greater Norwich Development Partnership (GNDP) is managing the production of a Joint Core Strategy (JCS) for Broadland, Norwich and South Norfolk. The GNDP is an informal partnership comprising these three districts, together with Norfolk County Council and the Broads Authority.
2. When the JCS is adopted it will provide the main strategic planning policies for the city, market towns and villages across the area. It is part of the plan-making system: the local development framework, which is part of the council's policy framework and has an importance alongside the corporate plan and the sustainable community strategy. Once adopted, the strategy will set the overall spatial vision, objectives and high level policies to shape the future of the area. It has to deliver significant growth of new homes and jobs, while addressing significant concentrations of deprivation especially in Norwich, enhancing the environment and quality of life residents currently enjoy and ensuring development and change is sustainable. For Norwich, it will supersede a small number of adopted local plan policies (such as affordable housing) and make consequential changes to the proposals map. Appendix 3 of the proposed JCS submission document sets out what these changes will be.
3. Work started on the strategy started in 2007, and since then there have been wide-ranging consultations with the public and technical bodies. There have been ongoing discussions with key stakeholders, landowners, utilities, and service providers. The three local strategic partnerships and the county strategic partnership have a significant role to guide and direct this work, and there have been numerous briefings with them as the strategy has progressed. There have also been substantial informal Member briefings throughout the preparation of the strategy so Members have been kept informed, and to seek guidance on different approaches.
4. Members have previously been briefed on the main issues and potential risks to the strategy in relation to 'tests of soundness'. These tests are concerned with how the strategy has been prepared, its compliance with legal and procedural requirements and whether the plan is justified and effective. Having regard to all of the evidence to date, issues and potential risks, Members from each of the constituent GNDP councils agreed to publish the 'JCS for Broadland, Norwich and South Norfolk – Proposed submission document, November 2009' under Regulation 27 of the plan-making procedures and invite public representations on the 'soundness' of the JCS. This period for comment took place during November and December 2009.

## Representations on soundness

5. A report to the GNDP policy group on 28 January 2010 (Appendix 1 herewith) sets out the main areas of public challenge to the soundness of the joint core strategy. Over 560 representations were received from around 260 people and organisations by the 14 December 2009 deadline. The key challenges raised to

the strategy's soundness were concerned with:

- 1) Legal Compliance and process;
  - 2) Internal inconsistencies of the strategy;
  - 3) Evidence base;
  - 4) Deliverability;
  - 5) Energy, water and design policies;
  - 6) Viability of affordable housing target;
  - 7) Selection/omission of growth locations in the Norwich Policy Area;
  - 8) Settlement hierarchy (market towns and villages).
6. Appendix 5 sets out the key issues raised and the proposed officer responses to them. The representations are clearly significant for the people who made them and the majority of issues have already been considered by Members when considering potential risks to soundness. It is considered that none of the representations undermines the soundness of the strategy. Members should note that the GNDP has produced a series of topic papers to explain how key aspects of the JCS have been developed.
7. As part of the public examination, the inspector will consider the deliverability of the JCS – this is an important aspect of soundness. However, it will be important to have made further significant progress by then on:
- The development of appropriate delivery arrangements;
  - The Integrated Development Programme as the Implementation Plan for the joint core strategy, and
  - Funding sources including an area-wide Community Infrastructure Levy to help provide strategic infrastructure.
8. Councils can respond to representations on soundness by making editing changes to improve legibility or to make sure the document is up to date. The full schedule of minor changes proposed for submission is attached to this council report as Appendix 2 herewith. Government guidance states that such minor changes at this stage do not require further public consultation. The schedule of minor changes will accompany the JCS when it is submitted to the Secretary of State.
9. On 25 January 2010 the GNDP received copies of counsel's opinion from John Pugh-Smith sought on behalf of a number of interested parties. The opinion is concerned with legal aspects, procedural aspects, and the evidence to support the GNDP's favoured growth strategy, particularly in relation to South Norfolk. The opinion comes to the conclusion that:
- “Taking all the [above] factors into account my concerns have been heightened that there are sufficiently serious doubts in the fundamental soundness of the plan-making process, and, of the JCS itself, that it must

be withdrawn.”

10. The GNDP policy group gave this potential challenge detailed consideration. Legal advisors to the GNDP have pointed out that Members have previously considered the balance between managing risks to soundness with the need to make progress on the strategy. Striking this balance is a matter of judgment for Members to make, whilst also being mindful of potential risks to soundness. It is government policy to make progress on core strategies in a timely and efficient manner (PPS12), and recognises the need to deliver housing (PPS3).
11. In addition, the GNDP received a copy of counsel’s opinion on behalf of interested parties. The opinion challenged the soundness of the JCS. Whilst it was not a representation made during the Regulation 27 publication period, it does nevertheless raise issues that required detailed consideration by the GNDP and is considered in the ‘potential risks’ section, below.

### **Consideration by the Greater Norwich Development Partnership policy group**

12. The GNDP report (Appendix 1 herewith) set out the key issues and emerging evidence currently available at the time. The GNDP report provides details of the evidence that had recently emerged, and representations made on the document during the recent Regulation 27 publication period.
13. The GNDP recommended that the constituent district councils agree to submit the JCS (and proposed minor changes) to the Secretary of State subject to consideration of the final report of the water cycle study and any views on it from Natural England, the Broads Authority, the Environment Agency or Anglian Water, and the final report of the Appropriate Assessment and any views on it from Natural England. These reports had not been completed at the time the GNDP met and they have now been considered. The main issues and conclusions are set out below, for Members to take into account when making their decision.

### **Greater Norwich Water Cycle Study stage 2b – final report**

14. The final report of the Greater Norwich Water Cycle Study Stage 2b has been assessed. Position statements on it have been obtained from the key stakeholders involved in the process: Anglian Water, the Broads Authority, the Environment Agency and Natural England. This was considered by GNDP Directors and a summary paper of the main issues and position statements of the four key stakeholders is attached to this report as Appendix 3 herewith.

At present, there are uncertainties relating to:

- The Environment Agency’s Review of Consents and what this means for the availability of water resources; and
  - The infrastructure, phasing and funding of measures, including a review of technologies currently available to protect water quality.
15. A resolution to these uncertainties will involve guidance at a national level about providing growth and complying with the Water Framework Directive. Delaying the submission of the JCS will not help to resolve these matters. Moving ahead with the strategy however, will add to the urgency for a

resolution.

### **Appropriate Assessment of the Joint Core Strategy – Task 2 final report (Habitats Regulation Assessment)**

16. In accordance with the Conservation (Natural Habitats etc) Regulations 1994, Broadland, Norwich and South Norfolk councils, as “competent authorities”, are responsible for the full consideration of the potential effects of the JCS on internationally important habitats sites. These potential effects are set out in an appropriate assessment report required by the Habitats Directive.
17. The resulting Habitats Regulations Assessment is concerned with potentially damaging impacts of the JCS and other strategies in the area on the internationally important sites in the Broads and the Wensum locally and on other sites in the region. The assessment process as a whole has reviewed JCS policies and resulted in refinements to them to ensure compliance with the Directive.
18. The Appropriate Assessment concluded that with the revision of JCS policies and the inclusion of specific mitigation measures, it is highly unlikely that the JCS policies alone would have a significant direct or indirect impact on the designated sites. As such, further review under the Habitats Directive of the JCS policies is not deemed necessary. However, it also concluded the effects of the plan, in combination with other plans in the sub region, are “uncertain”. Concerns relate to visitor pressures and water quality issues.
19. Natural England’s response has been received and is attached in Appendix 4, herewith. Natural England’s comments relate mainly to the review of the regional spatial strategy (to 2031) rather than to delivery of the current regional strategy (to 2026). Natural England also seeks detailed commitments to deliver green infrastructure and water infrastructure. The GNDP are confident that the policies contained in the JCS provide the right strategic framework to enable delivery of this infrastructure through more detailed local development framework documents and detailed development proposals.
20. Having considered Natural England’s advice, GNDP Directors feel the conclusions of the appropriate assessment report remain robust and support submission of the JCS. It is anticipated that issues raised by the appropriate assessment will be covered during the public examination process.
21. The Appropriate Assessment demonstrates that while policies in the JCS do all they can to address Habitat Regulation considerations, rigorous implementation of the mitigation measures within the policies, such as green infrastructure and water measures, will be essential. A more detailed report on the issues and conclusions is attached as Appendix 4 herewith.

### **Potential risks to soundness**

22. The GNDP has previously considered risks to soundness on 24 September 2009 when considering whether to publish the document under Regulation 27, and on 28 January 2010 when considering whether to recommend that councils agree to submit the strategy. These risks, together with counsel’s opinion sought on behalf of third parties (referred to in paragraphs 9 to 11, above),

have also been considered by Members of the constituent GNDP councils.

23. There will be risks associated with any strategy and there is a balance to be struck between timely production of a plan and continuing to collect and refine evidence, and further rounds of public consultation. The potential risks for this strategy have been previously identified and relate to the evidence base, the consideration of reasonable alternatives, deliverability and flexibility. The existence of a risk does not automatically imply the strategy will be found unsound by the public examination process, but it highlights issues that need to be managed. A definitive conclusion on soundness will not be reached until the Inspectors' report on the public examination process.

24. The risks of this report are set out in paragraph 7.1 of the accompanying report to the GNDP policy group (Appendix 1) which states:

“Submitting the JCS prior to the resolution of some significant issues, particularly relating to water, may pose an increased risk to the soundness of the document. However, there is no guarantee that these issues will be resolved in the near future and submission is likely to stimulate resolution. The risk to soundness is outweighed by the risks associated with delay. Delaying submission increases the chances of housing development coming forward through planning applications and appeals without complying with the higher environmental standards required, providing sufficient affordable housing, or contributing to strategic infrastructure.”

25. Areas of potential risk considered by the GNDP in September 2009 and January 2010 are summarised below:

- a) With the Water Cycle Study there is remaining uncertainty about water supply constraints in relation to the planned level of growth, the Water Framework Directive, and wastewater treatment. This is not an issue unique to Norwich and may need regional and national initiatives to resolve it. The Government Office has advised the GNDP not to delay progress because of this uncertainty. These uncertainties are potential risks to soundness. However, officers have advised that the GNDP should proceed, having considered the implications of this risk. Locally, there are implications for Acle, Reepham and Long Stratton, as well as uncertainties about the timing and funding of major water infrastructure, such as an 'interconnector sewer' serving urban Norwich and the surrounding area.
- b) There are uncertainties arising from the Habitats Regulation Assessment, some of which are inextricably linked with the water cycle study and rely on effective implementation of JCS policies with mitigation, as set out in paragraphs 17 to 21, above. Natural England's formal advice on the assessment has not yet been received: it will be reported verbally to council. Based on early discussions with Natural England there is unlikely to be a justification to delay progress on the strategy, as this would not help to resolve any remaining uncertainties more quickly;
- c) A question remains about infrastructure delivery and the efficiency of

the scale and distribution of major development compared to reasonable alternatives. There are some areas where the precise pattern of future service delivery is unknown because further detailed work needs to be undertaken and the timetable for funding is not in alignment with the preparation of the JCS. The JCS does, however, provides the opportunity for the introduction of a Community Infrastructure Levy and encourages innovative solutions for service provision;

- d) The JCS includes limited flexibility to deal with contingencies. However it does provide some flexibility for major housing growth by expressing housing allocations as minima. Having a number of strategic growth locations around 1,000 dwellings also provides some flexibility in the timescale for their planning, design and delivery. In terms of major infrastructure projects, these are fundamental to the JCS so no alternative scenarios are proposed;
- e) Delivery of the JCS is dependent on a wide range of infrastructure including some large projects such as the Northern Distributor Road, the Long Stratton bypass and the A47 southern bypass junction improvements. The NDR is particularly critical as the strategy for growth and transport within the JCS can not be delivered without it. Uncertainty and risk about the funding and delivery of the Northern Distributor Road has been mitigated following the positive government announcements about 'programme entry' and the 'community infrastructure fund';
- f) There is limited evidence to support the potential scale of development required in villages in the South Norfolk NPA to deliver the smaller sites allowance. This will have to be resolved at the site specific stage;
- g) A number of policies have been significantly revised or are new and have not been the subject of public consultation. These include policies on the settlement hierarchy (including several villages newly identified for housing allocations) and policies covering design, energy and water which may be challenging for development. However, these have been developed in direct response to new evidence or previous consultation. There has been no consultation on the revised settlement hierarchy.

26. The above factors are considered to represent the main areas of potential risk to soundness, both individually and collectively and Members need to understand them. However, regard should also be had to the potential for some of these risks to be mitigated by progress which may be demonstrated by the time of the public examination.

27. Although there can be no guarantee that the JCS will be found sound, or will not be susceptible to legal challenge, delaying progress on the strategy is likely to increase the risk of planning proposals coming forward, possibly in locations that are not supported by the emerging strategy and potentially not delivering infrastructure and the positive policy framework needed to support regeneration, development and growth across the greater Norwich area. GNDDP



Councils are increasingly vulnerable to challenges as to whether they have a five-year land supply for new homes (as required by government policy) and important decisions may be made at planning appeals.

28. Continuing to make progress on the JCS will help to establish it as a material consideration in planning decisions, albeit one to which comparatively limited weight can be attached to until it is adopted.

## **Decision making**

29. The documents on which Members are asked to make a decision are:

- a) "The Joint Core Strategy for Broadland, Norwich and South Norfolk – proposed submission document" (November 2009)
- b) Revisions to previously adopted local plan proposals maps,
- c) The 'schedule of proposed minor changes'.

30. Due to their size the strategy document and revisions to proposals maps are not attached to this report as an appendices but are available electronically from the GNDP website at [www.gndp.org.uk](http://www.gndp.org.uk) (follow the link to 'document finder'). Alternatively, printed copies are available on request from the contact officers for this report. The schedule of minor changes is attached as Appendix 2, herewith.

31. Members are asked to fully consider the additional evidence that has come forward recently. This is set out in the attached GNDP report. Members are also asked to consider the most recent reports on the Water Cycle Study Stage 2b and the Appropriate Assessment Task 2 (Habitats Regulation Assessment) which have both been considered by GNDP directors since the GNDP last met. Before making a decision Members should take into account the conclusions together with the representations on soundness.

32. GNDP Members have discussed, in considerable detail, the implications of the additional evidence and pre-submission responses, and the risks and alternative options around submitting the JCS document to the Secretary of State, together with risks associated with delaying submission.

33. The Greater Norwich Development Partnership is an informal partnership and has no executive decision making powers of its own. A decision to move to the next stage can only be taken by the constituent councils. The JCS is a 'development plan document' and is part of the local development framework, and is therefore a function of the district councils, who are the local planning authorities for the area covered by the strategy.

34. The Local Development Framework is part of the council's policy framework and should the relevant constituent councils agree the recommendations of this report, the JCS will be submitted to the Secretary of State. Once submitted, the JCS (as a development plan document) cannot be withdrawn, unless the councils are directed to do so by the Secretary of State, or the inspector requires it.

35. Submitting the document starts the public examination process, which will

include public hearing sessions, and ends when the independent inspector issues a report on the examination to the councils. The inspector's report is binding. If the inspector finds the strategy to be sound the councils would be asked to adopt the strategy and complete the final adoption procedures. If it were found to be *unsound* the councils would need to consider how to proceed at that time.

36. The decision that now needs to be made by each council is to agree that the strategy remains sound, having regard to the evidence, the representations received on soundness, and the issues and risks that have been highlighted. By submitting the document, Members understand that there is no further discretion in the plan-making process and a decision to submit is accepting that this is the strategy the councils would wish to adopt (as amended by the schedule of minor changes).
37. A decision to amend this part of the policy framework can only be made by the Council. It is not a function that can be delegated to Executive. However, the constitution first requires Executive "To prepare for adoption by the Council the budget and the plans which fall within the policy framework", and "To make recommendations to the Council on matters reserved to the Council" (Council constitution, Article 7, The Executive). Executive considered the JCS on 10 February 2010 and it agreed that council agree that JCS and the proposed minor amendments, and to submit it to the Secretary State, along with all supporting documents that are required. This recommendation was subject to final reports on the Water Cycle Study and the Appropriate Assessment, and comment son them by key organisations involved in the process.
38. All three Councils of Broadland, Norwich and South Norfolk must agree to submit the joint core strategy. Once this has been achieved, the GNDP propose to submit the strategy to the Secretary of State.
39. The next immediate steps are:

22 February	South Norfolk Council meeting
25 February	Broadland District Council meeting
2 March	Norwich City Council meeting
5 March	Submission to Secretary of State

40. The anticipated programme after submission is:

May 2010	Pre hearing meeting
Summer 2010	Hearing sessions
December 2010	Inspector's binding report
Early 2011	Adoption

### **Recommendation from GNDP policy group 28 January 2010 Item 6 – Joint core strategy**

The following recommendation was made by the GNDP policy group:

#### **Summary**

Broadland District Council, Norfolk County Council, Norwich City Council and South Norfolk Council have previously considered the Joint Core Strategy Proposed Submission Document to be legally compliant and “sound”. Members must now consider the evidence that has recently emerged and representations made on the document during the recent publication period. Some uncertainty remains, particularly related to water cycle issues. However, taking account of all the issues raised, delay is not advised.

#### **Recommendation**

Having taken account of the new evidence identified in this report and representations received during the publication period, the Greater Norwich Development Partnership Policy Group

1. consider that the Proposed Submission Document remains legally compliant and sound, subject to consideration of the final reports of the Water Cycle Study and Appropriate Assessment
2. delegate authority to the GNDP Directors, in consultation with portfolio holders, to:
  - (a) make any further typographical corrections to the schedule of minor changes that might be required;
  - (b) approve any other technical documents required to be submitted alongside the JCS under Regulation 30; and
  - (c) produce a joint assessment of the final reports of the Water Cycle Study and Appropriate Assessment for consideration by constituent authorities.
3. recommend that Broadland District Council, Norfolk County Council, Norwich City Council and South Norfolk Council:
  - (a) approve the schedule of proposed minor changes to the Joint Core Strategy; and
  - (b) resolve that the “Joint Core Strategy for Broadland, Norwich and South Norfolk: proposed submission document” and the schedule of proposed minor changes should be submitted to the Secretary of State under Regulation 30 of the Town and Country Planning (Local Development) Regulations 2004 (as amended) subject to:
    - (i) consideration of the final report of the “Water Cycle Study” and any views on it from Natural England, the Broads Authority, the Environment Agency or Anglian Water; and
    - (ii) consideration of the final report of the Appropriate Assessment and views on it from Natural England

The full GNDP policy group report is available at [www.gndp.gov.uk](http://www.gndp.gov.uk)

**Joint Core Strategy for Broadland, Norwich and South Norfolk: Schedule of proposed minor changes**

<b>Page No.</b>	<b>Paragraph/Policy</b>	<b>Proposed Change</b>	<b>Justification</b>	<b>JDI No.</b>
Inside front cover	Foreword, last para.	Replace “are immense” with “is immense”	Grammar	Internal
Page 1	Contents, Appendices, 5 <sup>th</sup> bullet	Replace “Coverage of the...” with “Strategic allocation of the...”	Clarification	Internal
Page 9	First para, 3 <sup>rd</sup> line	Delete “the”	Typo – repeated word	NE
Page 15	Para 3.1	Replace “The area has two assets of international importance – its heritage and its growing knowledge economy.” with “The area has three assets of international importance – its heritage, natural environment and its growing knowledge economy.”	Clarification	Natural England 11471
Page 17	Para 3.12, 1 <sup>st</sup> sentence	Replace “...Norwich, the Broadland Business Park...” with “...Norwich. The Broadland Business Park...”	Correct typo	Internal
Page 17	Para 3.12, penultimate sentence	Replace “at in excess of 90%” with “at over 90%”	Simplify text	Internal
Page 22	Spatial Vision, 1 <sup>st</sup> para.	Line 5: replace “36,740” with “36,820” Line 6: replace “over 33,000” with “approximately 33,000”	Clarification and consistency	Internal
Page 22	Spatial vision, 3 <sup>rd</sup> para.	Replace “...large mixed use urban extension in the...” with “...large mixed use urban extension within the...”	Clarification	Internal

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 24	Spatial Vision, The urban area of Norwich, 4 <sup>th</sup> bullet	Amended bullet to read: <ul style="list-style-type: none"> <li>Norwich will treasure and promote its rich historic, cultural and architectural heritage by encouraging new buildings built to an exceptional design quality, maintaining and enhancing its parks, wildlife sites, woodland and heathland”</li> </ul>	Clarification	Arising from an English Heritage proposed revision (11409) which was too limiting
Page 25	Spatial Vision, Towns, villages and the rural area, 6 <sup>th</sup> bullet, 5 lines from bottom	Replace: “each town’s form and function” with “each town’s form, function, historic character and quality”	Clarification	English Heritage (11410)
Page 28	Objective 9, supporting text, lines 17 and 18	After sentence ending ”agricultural land and the countryside.” Add “The scale of development we have to accommodate will require the development of some significant greenfield areas, which will affect the existing landscape.”  Amend the next sentence to begin “Where this is necessary, development must provide environmental gains...”	Clarification and consistency with strategy	Broadland Land Trust (11650)
Page 28	Objective 9, supporting text, 8 lines from end	Replace “Biodiversity and locally distinctive landscapes” with “Biodiversity, geodiversity and locally distinctive landscapes”	Clarification	Norfolk Geo-diversity Partnership (11299)
Page 29	Key Diagram	Revised description in the key: replace “Long Stratton Bypass” with “Route of permitted Long Stratton Bypass”	Clarification	Partially addresses point raised by English Heritage (11425)
Page 32	Policy 1, right hand column, para 1, line 6	Replace “protected species in the area and beyond due to storm water runoff” with “protected species in the area and beyond including by storm water runoff”	Clarification	Internal

<b>Page No.</b>	<b>Paragraph/Policy</b>	<b>Proposed Change</b>	<b>Justification</b>	<b>JDI No.</b>
Page 32	Policy 1, right hand column, last para., line 5	Replace which contribute to “their surroundings, the encouragement of” with “their surroundings, the protection of their settings, the encouragement of“	Clarification	Arising from a representation from English Heritage (11411), and meeting it in part
Page 34	Policy 1, references	Add: “Historic Characterisation and Sensitivity Assessment (Norfolk County Council 2009)	Clarification	English Heritage ( 11414)
Page 35	Strategic Green Infrastructure map	Key: last sentence, correct spelling of “Infrastructure”	Typo	Page 35
Page 36	Policy 2, list of objectives at end	Add reference to spatial planning objective 9.	Clarification	Partially meets representation by English Heritage (11416)
Page 38	Policy 2, references	Add: “Historic Characterisation and Sensitivity Assessment (Norfolk County Council 2009)	Clarification	Partially meets representation by English Heritage (11416)
Page 38	Policy 3	In bullet point 1 and 2 replace "renewable" with “decentralised and renewable or low-carbon energy”	Clarification	Comply with PPS1 Supplement

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 40	References	<p><b>Amend</b> list of references for Policy 3  First reference to read “East of England Plan Policies ENG1, ENG2, WAT1, WAT2 and WAT 3  Third reference to read “Greater Norwich Integrated Water Cycle Study Stage 2b (2009) and Final (Feb 2010) with Stakeholder Position Statements</p> <p><b>Add</b> to list of references for Policy 3  “Planning Policy Statement 1 [PPS1] Delivering Sustainable Development”  “Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1”</p>	<p>Correction for consistency</p> <p>Updated information</p> <p>Updated information</p>	<p>Internal</p> <p>Internal</p> <p>Internal</p>
Page 41	Policy 4, 1 <sup>st</sup> para	<p>Line 2: replace “36,740” with “36,820”  Line 3: replace “over 33,000” with “approximately 33,000”</p>	Correction for consistency	Internal
Page 41	Policy 4, Gypsies and Travellers, 1 <sup>st</sup> paragraph, 1 <sup>st</sup> sentence	Amended sentence to read: “Provision will be made for a minimum of 58 permanent residential pitches for Gypsies and Travellers between 2006 and 2011 to ensure full conformity with Regional Spatial Strategy Policy H3.”	To ensure full conformity with regional spatial strategy	Friends Family and Travellers (11249)
Page 41	Policy 4, Gypsies and Travellers, 2 <sup>nd</sup> paragraph	Amended paragraph to read: “Between 2012 and 2026, an additional minimum 78 permanent residential pitches will be provided to ensure full conformity with Regional Spatial Strategy Policy H3. These will be distributed on the following basis: Broadland 20, Norwich 20, and South Norfolk 38.”	To ensure full conformity with regional spatial strategy	Friends Family and Travellers (11249)

<b>Page No.</b>	<b>Paragraph/Policy</b>	<b>Proposed Change</b>	<b>Justification</b>	<b>JDI No.</b>
Page 42	Para 5.24, lines 21 to 29	Delete sentence: "To ensure needs are met, subsequent DPDs will make allocations outside the NPA to deliver at least 650 to 1,100 dwellings in Broadland and 1,000 to 1,600 dwellings in South Norfolk (the minimum is the requirement rounded up, the higher figure is the top end of the range identified for the locations combined and rounded up)."	Clarification. Unnecessary.	Internal
Page 44	Para. 5.29, last sentence	Replace "In circumstances where viability is a concern" with "In exceptional circumstances where viability is a concern"	Clarification	Gladedale (11436)
Page 45	Policy 4, References	Add "Norwich City Council Affordable Housing Viability Testing June 2009"	Clarification	Internal
Page 45	Policy 4, References	Add "Greater Norwich Housing Market Assessment Update – November 2009" (completed Jan 2010)	Updated information	Internal
Page 47	Policy 5, 10 <sup>th</sup> bullet (3 <sup>rd</sup> bullet on page 47)	Replace "support for enterprise hubs at Norwich Research Park, EPIC" with "support for enterprise hubs at Norwich Research Park, the University of East Anglia, EPIC"	Clarification	University of East Anglia (11385)
Page 49	Policy 6, 9 <sup>th</sup> bullet	Replace "provision of IT links and promotion of home working" with "provision of IT links, telecommunications and promotion of home working"	Clarification	Mobile Operators Association (11314)
Page 50	Para. 5.46, 2 <sup>nd</sup> bullet	Replace "junction improvements on the A47" with "junction improvements, including public transport priority, on the A47"	Clarification	Highways agency
Page 50	Para. 5.48, line 3	Replace "need to travel is managed. Ensuring that all residents have good access" with "need to travel is managed. Travel planning and smarter choices initiatives will be promoted to ensuring that all residents have good access"	Clarification	Highways agency (11490)
Page 51	Para. 5.50, line 1	Replace "Fast broadband connections are an increasingly important requirement" with "Fast broadband connections and telecommunications are an increasingly important requirement"	Clarification	Mobile Operators Association (11314)



<b>Page No.</b>	<b>Paragraph/Policy</b>	<b>Proposed Change</b>	<b>Justification</b>	<b>JDI No.</b>
Page 51	Policy 6, references	Add "JCS Transport Strategy Report (Jan 2010)" "Baseline Conditions Report – JCS Submission (Jan 2010)"	Updated information	Internal
Page 52	Policy 7, Crime	Replace "New police facilities will be provided to serve areas of major growth." with "New police facilities will be provided to serve areas of major growth and areas which are deficient."	Clarification	Norfolk constabulary (11521)
Page 55	Policies for places, para 6.2, line 3	Replace "strategy for the Norwich Policy Area and distribute growth according to..." with "strategy for the Norwich Policy Area in addition to the designation of areas for large-scale growth, and distribute growth according to..." ( See para 6.3)	Clarification	Internal
Page 55	Policies for places, para 6.2	Add new sentence at end (after list 1-5): "The policies refer to settlements which in some cases may extend into adjacent parishes."	Clarification	Sunguard Homes (11173)
Page 62	Policy 10, 6 <sup>th</sup> bullet, line 4	Replace "community and recreational facilities" with "community, police and recreational facilities"	Clarification	Norfolk Constabulary (11524)
Page 62	Policy 10, Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, 1 <sup>st</sup> sentence	Under the heading "Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle" delete the first sentence and replace with: "This strategic allocation will deliver an urban extension extending on both sides of the Northern Distributor Road, within the area shown in appendix 5."	Clarification	Internal
Page 63	Policy 10, Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle 6 <sup>th</sup> bullet, last line	Replace "impacts on the Broads SAC" with "impacts on the Broads SAC, Broadland SPA and Broadland Ramsar site"	Clarification	Natural England (11474)
Page 66	Para 6.13, line 7	Replace "and are not at risk of fluvial flooding." with "and are not at significant risk of fluvial flooding."	Clarification	Anglian Water (11585)

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 66	Paragraph 6.14	Line 1: Replace “The major urban extension in the Old Catton,” with “The major urban extension within the Old Catton,”  Lines 8-10 Delete whole sentence starting " An Area Action plan" and replace with “A Supplementary Planning Document setting out a delivery framework identifying areas of growth and relating delivery of growth to key elements of infrastructure will be prepared.”	Clarification	Internal
Page 67	Para 6.22, line 5	Replace “improvements at Whitlingham sewage treatment works” with “improvements at Whitlingham and other sewage treatment works”	Correction for consistency	Anglian Water (11583)
Page 68	Policy 10, References	Add: Planning Policy Guidance 15 (PPG15) Planning and the historic environment, Planning Policy Guidance 16 (PPG16) Planning and archaeology, and East of England Plan policies ENV 6 and ENV 7.	Clarification	English Heritage (11426)
Page 70	Policy 11, 1 <sup>st</sup> bullet	Lines 3 and 4 : delete the words “contemporary medieval”  Amend lines 3 and 4 to read: “and its distinctive character, as identified in Conservation Area appraisals, through innovative”	Clarification	English Heritage (11427)
Page 72	Policy 11, references	1 <sup>st</sup> bullet: add reference to policy ENV 6 of the East of England Plan	Clarification	English Heritage (11428)
Page 74	Policy 12, 4 <sup>th</sup> bullet	Replace “for small-scale and medium-scale redevelopments to increase densities” with “for small-scale and medium-scale developments to increase densities”	Clarification	Goymour Properties Ltd (11536)
Page 77	Para. 6.34, line 4	Replace “to ensure the availability of around employment land.” with “to ensure the availability of around 5 hectares of employment land.”	Correction of omission	Internal

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 82	Para 6.54	Add new sentence at end of the paragraph "New development will have to take particular account of surface water flood issues."	Clarification	Environment agency (11691)
Page 83	Photograph	Replace photograph of Hoveton with one within Wroxham	Correction	Internal
Page 85	Para. 6.58, second sentence	Replace "It is envisaged that for villages outside the NPA allocations will be within the range of 10-20 dwellings in each Service Village." With "It is envisaged that allocations will be within the range of 10-20 dwellings in each Service Village."	Clarity and consistency	Internal and Charles Birch (11699)
Page 88	Policy 18, second para, line 5	Replace "Broads Ramsar" with "Broadland Ramsar"	Correct name	Natural England (11474)
Page 89	Para 6.69	Add new sentence at end of the paragraph: "Co-ordinated development management policies for the three Districts will include consideration of a lower threshold for impact assessments than the national threshold set out in Planning Policy Statement 4."	To take account of Planning policy Statement 4	Internal
Page 92	Policy 20 Implementation  2nd column 2nd para	Replace "The precise timing will be carried out," with "the precise timing and phasing of infrastructure will be managed "	Clarification	Internal
Page 99	Appendix 2 Supporting Documents	<b>Under Research and studies : Housing</b> add "Greater Norwich Housing Market Assessment Update – November 2009 (completed Jan 2010)" Add " Norwich City Council Affordable Housing Viability Testing June 2009" <b>Under Research and studies : Environment</b> Amend 1 <sup>st</sup> bullet point heading from "Appropriate Assessment of the Joint Core Strategy for Broadland, Norwich and South	Updated information          Updated information	Internal          Internal



Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 101	Background documents, Broadland	Add: <ul style="list-style-type: none"> <li>• Various conservation area appraisals</li> <li>• Broadland PPG 17 open-spaces, indoor sports and community recreation assessment (2007)</li> <li>• Broadland District Landscape Assessment and Review of Areas of Important Landscape Quality (1999)</li> <li>• Broadland District Landscape Character Assessment (2008)</li> </ul>	Correction	Internal
Page 101	Background documents, City	Add: <ul style="list-style-type: none"> <li>• Northern City Centre Area Action Plan (Adopted Spring 2010)</li> </ul>	Updated information	Internal
Page 105	Appendix 5	Map title to read: "Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle Strategic Development Allocation"	Clarification	Internal
Page 112	Appendix 7, water	Replace all references to "AMP" for water (potable water and waste water) infrastructure with "AMP/Developers"	Clarification and correction	Anglian Water (11584)
Page 114	Appendix 7, water	Under "waste water, option 1", in the "critical to" column replace "whole GNDP area" with "Norwich policy area"	Clarification and correction	Internal
Page 115	Appendix 7, electricity	5th column headed "Critical to", 5th entry down, replace "South Norfolk Growth Location" with "South Norfolk Growth"	Clarification	Internal
Page 119	Appendix 7, transportation	Under "bus priority route via B1172, replace "Developer" with "Developer Contributions"	Clarification	Internal

<b>Page No.</b>	<b>Paragraph/Policy</b>	<b>Proposed Change</b>	<b>Justification</b>	<b>JDI No.</b>
Page 120	Appendix 7, transportation	Amend description from "Relocated rail station at Rackheath" with "Relocated rail station at Rackheath and new station at Broadland business park"  In 'estimated cost (£m)' column, replace "25" with "50"	Consistency with policy 10	Government Office (11568)
Page 120	Appendix 7, transportation	Add new scheme: "Pedestrian and cycle links to Norwich urban area, Broadland Business Park, Airport employment area, Rackheath employment area and surrounding countryside"  Promoter/Delivery Body: "Norfolk County Council/developer"  Estimated Cost (£m): "to be added"  Funding Sources: "NCC/ DfT/growth point/developer contributions"  Critical to: "Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle"  Estimated delivery dates by: "2011 – 2031"	Consistency with policy 10	Government Office (11568)
Page 122	Appendix 7, community and local services	Fire service: 'Funding Sources' column to read "Norfolk County Council/developer contribution"	Clarification and correction	Internal
Page 124	Appendix 7 community and local services	First Column, after South Norfolk, delete "88 officers" and replace with "89 officers"	Mathematical correction	Internal
Page 124	Appendix 7 community and local services	Norfolk Constabulary: 'Funding Sources' column to read "Norfolk Constabulary/developer contribution"	Clarification and correction	Norfolk constabulary (11594)
Page 127	Appendix 7, healthcare	Pages 127, 128 and 129: for each scheme 'Funding Sources' column to read "Health Authority/ developer contribution"	Clarification and correction	Internal

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 133	Appendix 7, green infrastructure	For each scheme 'Promoter/Delivery Body' column to read "GNDDP to co-ordinate delivery involving a wide range of statutory, non statutory and voluntary bodies, and developers"	Completion	Internal
Page 135	Appendix 8, monitoring framework	For indicator on 'Affordable housing completions' "Target" column to read "40% of all developments on new allocations, or above qualifying threshold where permission is first granted after adoption of this strategy"	Completion	Internal
Page 146	Appendix 8, monitoring framework	For indicator in 'Recognised participatory design process' the 'Target' column to read "Use for all major growth locations – over 500 dwellings"	Clarification	Internal
Page 150	Glossary	Add: "Health Impact Assessment – an assessment to judge whether a development proposals may have an impact on health or health inequality in terms of its effects on health and social care services, or wider lifestyle related considerations or factors such as crime, social cohesion, movement or air pollution, for example."	Clarification	Internal
Page 154	Glossary	Add : " <b>Special Area of Conservation (SAC)</b> Special Areas of Conservation are defined in the European Union's Habitats Directive (92/43/EEC), also known as the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora. They are defined to protect the 220 habitats and approximately 1,000 species listed in Annex I and II of the directive which are considered to be of European interest following criteria given in the Directive."	Clarification	Internal

Page No.	Paragraph/Policy	Proposed Change	Justification	JDI No.
Page 154	Glossary	<p>Add</p> <p><b>“Special Protection Areas (SPAs)</b></p> <p>Special Protection Areas are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.”</p>	Clarification	Internal
Various	Presentational	In final document number paragraphs within policies for ease of future reference	Convenience of use	Internal



### Greater Norwich Water Cycle Study Summary and Stakeholder Position Statements

#### Reasons for the Study

The Water Cycle Study (WCS) is needed to ensure that water supply, water quality, sewerage and flood risk management issues can be addressed to enable the growth planned to 2026 and beyond, making best use of existing infrastructure. It is a key part of the evidence base for the joint core strategy (JCS) and is required by the East of England Plan. The study has been undertaken by consultants Scott Wilson and has involved the participation of the local authorities, the Environment Agency, Anglian Water and Natural England.

The final stage, stage 2b, is now complete, subject to sign off by stakeholders. It provides a detailed strategy for infrastructure upgrades required for the chosen growth sites, ensuring:

- minimisation of adverse environmental consequences on internationally significant sites in the Broads and the Wensum, having regard to the Water Framework Directive and Habitats Directive;
- efficient use of scarce water resources.

#### Major issues

The draft final report for stage 2b of the WCS raised concerns relating to water supply and water quality arising from **new evidence**, largely emerging through the ongoing Environment Agency **Review of Consents** (RoC), to be complete March 2010. Natural England, Anglian Water, Environment Agency and the Broads Authority have produced position statements on key issues to help Members in consideration of submission of the Joint Core Strategy. Key issues covered in the position statements are identified below, and a more detailed summary of the position statements along with the full statements follow in this appendix.

#### 1. Water supply

The RoC will propose a “sustainability change”, reducing permitted abstractions at Costessey, to protect water quality. However, the Environment Agency and Anglian Water have recently confirmed that Anglian Water’s **Water Resources Management Plan (WRMP)**, to be published imminently, will provide water supply solutions for future growth. The detail of these solutions has not yet been formally released, though it is understood that groundwater resources are available to meet water supply need in the short to medium term. In the longer term, need for an effluent transfer scheme is likely to be dependent on the success of JCS water efficiency policies.

#### 2. Waste water

The Habitats Directive (HD) and Water Framework Directive (WFD) impose water quality limitations. The principal issues concern phosphorus, ammonia and Biological Oxygen Demand. Strict compliance with the WFD is likely to be unachievable, particularly in terms of phosphorus, at a number of wastewater

treatment works. The recommended strategy is therefore one of utilising existing consents fully, which could lead to a minor deterioration in water quality, but within parameters set in the WFD.

This approach requires verification nationally from the Environment Agency. Though it is understood that this approach is likely to be supported, no such commitment has been in the Environment Agency position statement on the WCS as clarification of the national position has not yet been made. Natural England's position statement has referred the present uncertainty this interpretation of the Water Framework Directive, whilst the Broads Authority consider any loss in water quality is unacceptable in the light of long term success in increasing water quality in the Broads.

## **Implications for the growth strategy:**

### **i. Specific growth locations**

Even with this relaxation, potentially expensive and complex innovative drainage solutions would be required to enable growth at **Reepham** and for 400 of the 1800 allocated dwellings **Long Stratton** at the base date of 2008 (subsequent permissions may have further eroded this spare capacity). **Acle** can only accommodate growth if the Environment Agency accepts a small deterioration in water quality.

As a last resort, if innovative solutions do not prove practicable, sufficient flexibility exists within the JCS through over allocation of housing land to enable this growth to be relocated.

### **ii. Phasing and costs**

Uncertainty also remains in relation to phasing. The study concludes **new trunk sewers** north and south of Norwich and within the urban area are needed. The study assumes construction of such large scale sewers will require a considerable amount of planning lead in time as well as construction time. As a result, **the majority of development** within Norwich and at Easton/Costessey, Cringleford and Hethersett **could be delayed until after 2020** unless short term solutions can be found by Anglian Water or provision of the strategic sewers can be accelerated. Depending on their location, this requirement may also delay delivery of the Norwich Policy Area smaller sites allowance in Broadland and South Norfolk.

This results from AW having no flexible mechanism for funding strategic infrastructure other than the AMP process, which will not enable rapid delivery of housing in the most sustainable locations. Detailed modelling of sewer capacity by Anglian Water in summer 2010 will clarify the situation.

The total cost for new strategic sewers is estimated as £44 million, with the recommendation, based on Ofwat advice, that **developers should contribute a proportion of this cost** as the sewers are needed as a result of new development. A proportion may be borne by Anglian Water, as the sewers may help to resolve existing difficulties in the network within the urban area.

Based on what housing delivery they think is realistically achievable in the next 5 years, Anglian Water have planned for less growth in the Greater Norwich than that planned in the JCS in applying for funding through the AMP process from Ofwat. Ofwat, in their funding settlement to Anglian Water, have assumed still less growth. As a result **growth funding in AMP 5 (2010-2015) is very low.**

**It is therefore important that the GNDP enters into discussions with Anglian Water to accelerate provision of the sewers.**

### **iii. Water policy**

Policy 3 in the JCS sets challenging water efficiency targets. The final WCS, Natural England and the Environment Agency all recommend amending the water efficiency policy to be even more demanding. They suggest requiring development to achieve **water neutrality** where possible, by increasing water efficiency in both new and existing development. Consideration of strengthening the policy will take place through the Examination in Public of the JCS.

## **Policy Recommendations and responses**

The WCS makes policy recommendations. These, along with the GNDP's responses, are in table 1 below:

<b>WCS recommendation</b>	<b>Policy response</b>
<b>Development Phasing</b>  New homes should not be built until agreement has been reached with the water and wastewater provider that sufficient capacity in existing or future water services infrastructure is available in accordance with the GNWCS.	Joint Core Strategy policy 3
<b>Developer Contribution</b> As well as connection fees required under the Water Industry Act, developers will be required to contribute to strategic wastewater network infrastructure required specifically to service new development areas proposed in the GNDP Joint Core Strategy.	Joint Core Strategy policy 3 and text
<b>Strategic Wastewater Network</b>  A new strategic wastewater interceptor main will be required around the north and south of Norwich to connect new development areas and transfer much of the wastewater generated to Whitlingham WwTW for treatment.	Joint Core Strategy policy 3 and text
<b>Strategic Wastewater Treatment</b>  Upgrades to wastewater treatment facilities are required in order for demands of future growth to be met without causing a failure in statutory WFD or standards or HD standards. Expansion of some works may be required.	Joint Core Strategy policy 3 and text
<b>Protection of Amenity</b>  Development will only be permitted adjacent to WwTW only if the distance between the works is sufficient to allow adequate odour dispersion.	Forthcoming Development Management DPDs
<b>Water Efficiency</b>  All new houses within developments of less than 500 homes should be designed to have a water demand in keeping with levels 3 & 4 in the Code for Sustainable Homes. For developments of greater than 500 homes, houses will be expected to have a water demand in keeping with levels 5 & 6 of the Code for Sustainable Homes. <b>(This advice may be strengthened to require water neutrality to enable development to comply with the WFD and HD)</b>	Joint Core Strategy policy 3 and text (strengthening of policy may be necessary through the Examination in Public)
<b>Protection of Water Resources</b>  New development will not be permitted in source protection zones unless the Environment Agency is satisfied that the risk is acceptable.	Forthcoming Development Management DPDs
<b>Site drainage</b>  All new development should be served by separate surface water and wastewater drainage.	Forthcoming Development Management DPDs
<b>Surface Water Management</b>  All new development must manage surface water runoff in line with PPS25	Forthcoming Development Management DPDs, taking account of the forthcoming Norwich Surface Water Management Plan

## **Stakeholder Position Statements summary on key issues**

<b>Issue</b>	<b>Organisation</b>	<b>Stakeholder comment</b>	<b>Implications for strategy</b>
<b>Water Supply</b>	Environment Agency	Water resources not a risk to proposed development.  As a water stressed area development should be as water efficient as possible, requiring further strengthening of JCS policy.	Subject to confirmation by the AW Water Resources Management Plan, groundwater resources are available to meet water supply need in the short to medium term. Long term need for an effluent transfer scheme is believed to be dependent on the success of JCS water efficiency policies. Consideration of strengthening of these policies to require water neutrality on major development, as recommended by Natural England, the Environment Agency and the final version of the WCS, will take place through the Examination in Public of the JCS.
	Anglian Water	Sufficient water supplies can be made available to meet planned growth.	
	Natural England	Uncertainty remains concerning water supplies and the ongoing Environment Agency Review of Consents. Water Neutrality should be promoted through strategy.	
<b>Water Quality</b>	Anglian Water	Minor modifications to JCS may be required due to potential impact on habitats at Reepham and Acle.	Growth strategy is reliant on a more flexible interpretation of EU Water Framework and Habitats Directives, allowing for “planned deterioration”. This issue is currently being discussed at the national level and indications are that the interpretation will enable growth. Policies 1 and 3 of the JCS require all development to have no significant adverse impacts on water quality on protected sites and to provide infrastructure to enable this. As a last resort, if innovative solutions to wastewater treatment do not prove practicable locally, sufficient flexibility exists within the Joint Core Strategy through over allocation of housing land to enable growth at Reepham and Acle and 500 dwellings at Long Stratton, to be relocated. Consultants have confirmed that growth in North Norfolk has been taken account of in relation to Belaugh and that there will be no water quality problems at the WwTW.
	Environment Agency	Growth on present evidence is deliverable but may lead to deterioration in the watercourses to which the WwTWs discharge. Environment Agency policy to allow “planned deterioration” is currently in draft form and is therefore subject to change.  Doubts concerning potential for “innovative solutions” to waste water treatment to enable growth at Reepham and Acle, final 500 dwellings at Long Stratton and possibly at Aylsham. Also concern that capacity at Belaugh has not taken account of growth in North Norfolk.	
	Natural England	Uncertainty over whether the Environment Agency allowance of ‘Planned Deterioration’ is found to be a legitimate interpretation of the Water Framework Directive.	
	Broads Authority	Concern over water quality, relating to “planned deterioration”, which is	

		considered unacceptable in the light of long term success in increasing water quality in the Broads. Specific concerns over the capacity of the WwTWs at Acle, Reepham, and Belaugh.	
<b>New Strategic Sewers</b>	Anglian Water	Sewerage provision challenging. Potential strategy outlined to be developed when detailed site locations available.	Policy 3 requires new development to meet its water infrastructure needs. Need to work closely with Anglian Water to ensure strategic sewers provided ahead of dates set out in Water Cycle Study, which would delay strategic sewer provision until 2020 and therefore jeopardise timely housing delivery.
<b>Growth beyond 2026</b>	Anglian Water	Continued growth beyond 2026 will have significant challenges to overcome.	Doubts concerning longer term environmental capacity for growth being fed into RSS review process.

## **Environment Agency Position Statement**

Norwich City Council  
Planning Department  
City Hall St. Peters Street  
Norwich  
Norfolk  
NR2 1NH

**Our ref:** AE/2006/000017/BD-01/SB1-L02  
**Date:** 27 January 2010

Dear Sir/Madam

### **Stage 2b Greater Norwich Water Cycle Study (WCS). Environment Agency Position Statement.**

We understand that the Greater Norwich Development Partnership (GNDP) wish the Environment Agency to provide a position statement in relation to the current draft stage 2b Water Cycle Study (WCS) as reported at the steering group meeting on 15<sup>th</sup> January 2010. In that respect, we wish to highlight our remaining concerns and outstanding issues as set out below. It should be noted that we are currently also drafting comments on the technical content/wording of the WCS and these will follow in the near future.

#### **Water Quality**

The WCS as a whole provides a useful and thorough evidence base with which the development growth proposed in the Joint Core Strategy (JCS) can be assessed in terms of water quality issues and impacts. The WCS has demonstrated that the total number of housing allocations for the area can be accommodated (Table 3-2). However, the distribution of dwellings based on the Waste Water Treatment Works (WwTW) consented flow capacity and environmental capacity does not fully align with that presented in the 'Wastewater Strategy' which reflects the areas of greatest housing need, as set out in the Greater Norwich Joint Core Strategy (JCS). Please see further comments below.

It should also be noted that the 'Wastewater Strategy', summarised in Table 3-4 of the non-technical report presents an optimistic representation of the waste water issues and possible solutions, and cannot therefore be supported in its entirety. Suggested amendments are set out in the detailed comments to follow.

In addition, there is uncertainty relating to the housing and employment figures used within the WCS. For example, we note that within the previous WCS draft stage 2b report the provision of 40128 dwellings was considered, whilst within the current version, 39519 have been considered. It is understood that this revision has been made in response to new figures being provided by the GNDP. However, while the total number of dwellings proposed has changed marginally, in some

locations the change has been significant e.g. NPA5 – 2503 houses revised to 503 houses. Although we appreciate the further detail forwarded to us on 25<sup>th</sup> January 2010, it is not transparent within the WCS study how the figures used relate to those within the JCS and consequently, whether the WCS represents a supporting document to the JCS. We therefore advise that the GNDP should ensure that they are satisfied the figures are fully reflective of the growth proposed.

There is also disparity between the WCS and the water company assessment of available capacity at WwTW to accommodate projected flows from the proposed development growth. This is partly due to different proposed dwelling figures being used in the calculations. The correct figures should be confirmed and if necessary assessments reviewed.

Notwithstanding the above, the WCS has demonstrated that the majority of the proposed development growth can be accommodated in the catchments of a nine WwTWs - Belaugh, Diss, Swardeston-Common, Harleston, Poringland, Sisland, Whitlingham, Wymondham and Stoke Holy Cross and consequently the proposed development growth associated with these WwTW may at this time, and with the current level of information, be considered to be deliverable.

Nevertheless, it should be understood that this may lead to deterioration in the watercourses to which the WwTWs discharge. In this respect, it should be borne in mind that Environment Agency policy relating to this situation is currently in draft form and is therefore subject to change. Furthermore, current quality consent limits for these WwTW will be reviewed and if appropriate tightened as part of the next review of water company prices. This review and consent changes will come under the requirements of the WFD to prevent deterioration or achieve 'good status' and will apply to all parameters. Consent modifications could be made as early as 2015 and could have implications for the long term deliverability of the proposed growth. Further information on this issue is unavailable at this time.

We wish to make clear at this point that some of the terminology used within the WCS is misrepresentative. In particular referring to modelling scenario A as the 'planned deterioration' scenario is misleading. The term planned deterioration applies only to WwTW where the projected flows for development growth can be wholly accommodated within existing volumetric flow consents. The term is referring to the potential deterioration in water quality as the existing capacity in the consent is used up. As the consent has been issued, the potential deterioration is deemed 'planned'. Indeed the potential impacts of this on Habitats Directive sites has already been assessed as part of the Review of Consents, which considered the fully consented situation.

In relation to the above comments, it should be noted that the implications for Belaugh WwTW have been assessed based on the GNDP growth strategy only. The North Norfolk growth strategy also incorporates projected flows for the Belaugh works. The deliverability of both growth strategies should be considered in combination. As a minimum the Appropriate Assessment for the GNDP JCS should consider the 'in combination' effects of other plans and projects including the North Norfolk JCS. To date, we have not been consulted on the amended Appropriate Assessment of the GNDP JCS.



The WCS has demonstrated that there are three locations – Long Stratton, Reepham and to a lesser degree Acle - where the level of proposed growth is compromised by the water quality requirements of the Water Framework Directive (WFD) and Habitats Directive (HD). Development growth in these locations could proceed if technologically advanced techniques were employed to reduce/treat the waste water from the dwellings, the WwTW discharge points could be moved to an alternative receiving environment or other sewage works in the catchment could be improved to compensate for the increased loads. Unfortunately, it is currently considered unlikely that any of these options would appear to offer a sustainable or economically viable solution due largely to the constraints of technology and geography. Accordingly, at this time, we do not consider that the proposed level of growth in these locations is deliverable.

We also have concerns regarding development at Aylsham. There is disparity in the figures used by both the WCS and the water company assessment. Therefore, there is uncertainty over whether there is sufficient capacity at the works to accommodate the projected flows. Further consideration needs to be given on which set of figures represent the more realistic situation. If it is confirmed that the projected flows cannot be accommodated at the works within the existing consent then development growth in Aylsham will be in a similar position to that at Long Stratton, Reepham and Acle.

If it is confirmed that the projected flows could be accommodated within the existing consent the development growth would not be immediately constrained by the 'no deterioration' requirements of the WFD. However, as stated above, it should be borne in mind that the quality consent limits could be tightened as part of the next review of water company prices which could have implications for the long term deliverability of the proposed growth.

We provide further detail on the situation at each WwTW in the table below.

Water quality constraints aside, a great deal of the proposed development growth is contingent on the provision of a mains interceptor sewer being provided. The deliverability and phasing implications of this sewer is understood to remain unclear.

#### Further work suggested

- Clarity on the different housing figures presented in the WCS and the water company assessment and consideration of the impact this may have on the WCS assessment.
- Clarity on whether the housing figures now presented in the WCS reflect those in the JCS.
- Further consideration could be given to whether there are technologically advanced techniques to reduce/ treat the waste water, opportunities to relocate the discharge points or improve other sewage works in the catchments of Long Stratton, Reepham, to a lesser degree Acle and if necessary, Aylsham. However, it is currently considered unlikely that any of these options would appear to offer a technically feasible/sustainable/economically viable solution.
- Further consideration could be given to the proposed distribution of housing allocations across the Greater Norwich area and whether the JCS has the flexibility to deliver the total number of dwellings proposed.

## **Water Resources**

We note that the Environment Agency Habitats Directive Review of Consents (RoC) has been discussed within the WCS.

The RoC investigations for the Wensum SAC are ongoing and we are in discussion with Anglian Water and Natural England over the need for reductions in abstraction in the catchment. It is possible that a solution will be identified that does not lead to an actual reduction in the Anglian Water abstractions that are affecting the river. However, should the preferred solution require an actual reduction to Anglian Water's abstraction licences, then the company will be given the time and funding to replace the reduction and there will be no loss to its overall quantity of supply in this area. The existing abstractions would not be stopped before a replacement was in place. For the above reasons, we do not currently consider the RoC and water resources to be a risk to development in the Greater Norwich area.

However, the WCS states that the East of England is, in general, a water stressed area. Therefore, future development should aim to be as water efficient as possible.

It should be noted that Anglian Water's latest water resources management plan (WRMP) is forecasting to meet the planned RSS14 growth, so should have made provisions to supply the housing included in this WCS. We consider that a review of the WCS should be undertaken once Anglian Water's final WRMP is published. In particular, we understand that the company has revised its forecasts on the phasing of growth over the next 5 years due of the recent economic climate. This should be considered in relation to the expectations on phasing of growth between the local authority and the water company.

In addition, the WCS may need to be re-visited once the RoC solution is identified to ensure that it does not affect the timing of infrastructure provision.

I hope the above comments are helpful. Should you have any questions, please do not hesitate in contacting me.

Yours faithfully

**Miss Jessica Bowden**  
**Planning Liaison Officer**

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# **Anglian Water Position Statement**

## **Greater Norwich Development Partnership Water Cycle Study Stage 2b Reports (Technical and Non Technical)**

### **General**

Anglian Water has been an active Member of the Steering Group for the duration of the Greater Norwich Development Partnership (GNDP) WCS and has provided input to all the stages (Stage 1 – Outline and Stages 2a and 2b – Detail). The purpose of this study should be to inform the relevant stage in the planning process and as such be viewed as supporting information to the Joint Core Strategy.

The purpose of this Position Statement is to provide Anglian Water Services viewpoint regarding the content and findings of the WCS Stage 2b Draft Final Report and its relation to the policies set out in the Joint Core Strategy and also the process through which it has been carried out.

Anglian Water confirms that the process by which Scott Wilson (Authoring Consultants of the WCS) carried out the study was done in such a manner that at the key milestones they have reviewed and re-evaluated what should be regarded as the best information available provided at the time. Following on from this, they have identified a range of levels of uncertainty relating to different aspects of the study, and have explored various options to mitigate the identified constraints which are based upon different levels of sensitivity in relation to these uncertainties. To this end the study, when completely signed off by all the Members of the Steering Group, having made the appropriate modifications required, should be regarded as a key document that can be utilised to inform the various Local Authorities within the GNDP, and all other relevant agencies on preparing and implementing policies that go to satisfy the requirements of the East of England Plan.

However, in providing this Position Statement, Anglian Water would like to draw attention to some of the content within the report which it considers to have differences in the interpretation of said content. Details of these will be provided on completion of AWS' internal process of checking the WCS Report.

### **Water Supply Strategy**

As it stands the WCS provides some useful perspectives on the availability of water supplies to meet planned development in Greater Norwich. It uses a range of alternative assumption and scenarios that test the WRMP. It does not challenge the conclusion of the WRMP that sufficient water supplies can be made available to meet planned growth.

### **Wastewater Strategy Development**

The assumptions stated at the beginning of the report set out quite succinctly the tone of the report and whilst ideally it would have been preferable for some of

these assumptions not to have been required Scott Wilson have endeavoured to overcome some of the constraints these have presented.

Understanding the existing wastewater network systems and treatment facilities and the impact that the proposed growth has on these assets and their ability to meet the constraints imposed upon them by the various legislative requirements i.e. Habitats Directive, Water Framework Directive, has been the main challenge facing Scott Wilson in the undertaking of this study. Within these constraints they have gone a long way to identify how and where the proposed growth may be accommodated.

Because of there having been no detailed information available regarding exact location of the various developments within each Potential Growth Areas (PGA), mitigation measures demonstrating clear viable and sustainable solutions have not been identified for all constraints and as such further work would be required to identify these. Complex and innovative measures may be required to address the constraints however these will need to be tested to ensure sustainability and compliability.

Detailed checking is not complete but AWS does not expect to find any serious objections to the WCS report. It may prove necessary that some minor modifications to the Core Strategy will be required due to the potential impact on Habitats particularly Reepham and Acle.

Sewerage provision will be challenging and a potential strategy has been outlined. This will of course be developed when detailed site locations are available. It should be pointed out that though provision to accommodate the full allocation up to 2026 may be demonstrated the longer term issues of continued growth beyond this date will have significant challenges to overcome.

Rob Morris  
Strategic Planning Engineer  
Anglian Water Services Ltd

## **Greater Norwich Water Cycle Study – Stage 2b Reports Natural England Position Statement**

Natural England has been represented on the Steering Group for the development of the Greater Norwich Water Cycle Study (GNWCS) and has provided input to Stage 1, Stage 2a and Stage 2b. The study should be viewed as supporting information, to the Norwich Joint Core Strategy.

The purpose of this Position Statement is to provide Natural England's endorsement of the process which has been undertaken in delivering the two key draft documents which represent the conclusion of Stage 2b:

- Non Technical Planning Report - Draft Final - January 2010
- Technical Report - Draft Final - January 2010

Natural England can confirm that in developing Stage 2b, Scott Wilson have ensured that at all points in the process, they have reviewed, and re-evaluated what should be regarded as the best information available at all points along the time line. Following on from this, they have captured the various levels of uncertainty relating to different aspects of the study, and have explored a range of options, each based upon different levels of sensitivity in relation to these uncertainties. The study can therefore be regarded as a key document to inform Local Authorities and Agencies in order that they satisfy the East of England Plan (Revision of the Regional Spatial Strategy, May 2008) – Policy WAT3 – Integrated Water Management.

However, in providing this Position Statement, Natural England also wish to provide advice with regard to the interpretation of the options that have been presented, and the need to take a precautionary approach in decision making in relation to these options. As levels of uncertainty are resolved, the options presented in the report will be narrowed down, and decision makers must adopt options which are compatible with the requirements of both the Water Framework Directive, and the Conservation (Natural Habitats &c.) Regulations 1994. This reflects the East of England Plan (Revision of the Regional Spatial Strategy, May 2008 - Policy ENVC – Biodiversity and Earth Heritage.

At present, the two greatest areas of uncertainty which relate to environmental protection are:

- The Environment Agency's Review of Consents under Regulation 50 of the Conservation (Natural Habitats &c.) Regulations 1994, and in particular, the implications in relation to the availability of water resources.
- Whether the Environment Agency concept of 'Planned Deterioration' is found to be a legitimate interpretation of the Water Framework Directive, and what the implications of adoption or rejection of this might be, particularly in relation to the phosphate targets.

With regard to water resources, the Environment Agency have refined their estimates in relation to the non compliance of flows in the River Wensum Special Area of Conservation (SAC), when compared with flow targets expressed in terms of the Habitats Directive Ecological River Flows objectives. If the Site Action Plan

for the River Wensum SAC (which will concludes Stage 4 of the Environment Agency's Review of Consents for the River Wensum SAC), concludes that sustainability reductions are indeed necessary, then this would require that water resource surpluses elsewhere in the vicinity of Norwich would have to be used to balance current environmental concerns, rather than to supply additional growth. This might also mean that plans for a Whittlingham Effluent Flow Compensation Scheme would need to be brought forward within Anglian Water's Asset Management Planning timetable. This reflects East of England (Revision of the Regional Spatial Strategy, May 2008) – Policy WAT2 – Water Infrastructure.

In relation to 'Planned Deterioration', there are significant uncertainties as to the acceptability of this approach, and the development of an Environment Agency national policy will dictate whether the relaxations in targets might be regarded as legitimate. The development of Environment Agency policy will involve consultation and deliberations with Defra and Natural England. However, it should be noted that following a recent review of Biodiversity Action Plan Habitats, all rivers have been afforded recognition as Priority BAP habitat. Prior to this review, a number of the water courses including tributaries of the rivers Bure and Wensum are Chalk rivers, a habitat which already had the status of Priority BAP habitat. If Environment Agency national policy concludes that 'Planned Deterioration' is not compliant with the Water Framework Directive, then this would have significant implications for the acceptability of further growth in a number of the Norwich Policy Areas.

The implications of scenarios where significant issues need to be addressed are expressed in the Non-technical Summary, Policy Recommendation 1: Development Phasing, which states that, "New homes should not be built until agreement has been reached with the water and wastewater provider that sufficient capacity in existing or future water services infrastructure is available in accordance with the GNWCS." Natural England strongly endorses this policy recommendation.

If the Environment Agency conclude that significant levels of sustainability reduction will be required to satisfy the conclusion of the Review of Consents on the River Wensum SAC, then this will focus attention onto how the opportunity for development hinges on mechanisms to achieve water efficiency savings, and Water Neutrality. Water Neutrality is discussed in the Non-technical Summary, and it is Natural England's long term view that this is likely to become an increasingly important element underpinning sustainable development in the East of England.

When the Greater Norwich Water Cycle Study was initiated, it had been envisaged that other key areas of work, such as the Environment Agency Review of Consents for the River Wensum SAC, and Anglian Water's Water Resources Management Plan would have been completed, and would feed into the development of the study prior to completion. However, this has not been the case, and as reflected in the Stage 2b reports, the consequence of this is that future funding will need to be in place to ensure that the Water Cycle Study can be updated as required. It is Natural England's view that this will be essential so that the study continues to reflect the best information available at future points in time, and will be fit for the purpose of informing the Joint Core Strategy for Norwich.

Yours sincerely

Richard Leishman  
Conservation & Land Management Officer

**POSITION STATEMENT BY THE BROADS AUTHORITY  
WATER ISSUES RELATING TO THE GREATER NORWICH JOINT CORE  
STRATEGY**

**8 February 2010**

**Produced for Members of the GNDP**

**1.0 Background**

- 1.1 The Broads Authority submitted objections during the public consultation period on the publication version of the Joint Core Strategy (JCS) in December 2009. The objections were made on the grounds that the document was unsound. The Broads Authority believed that the document did not meet the tests of soundness in that it was not “justified” or “effective” largely on the basis of water issues. Evidence to support the JCS in the form of the emerging Water Cycle Study (WCS) indicated that there were serious issues with water supply, with the quality of water returning to the rivers (and ultimately the Broads) once it had been treated by Waste Water treatment Works (WWTW) and that there would be difficulties in meeting targets for water quality set by the Water Framework Directive (WFD). The Broads Authority considered that the JCS would not be able to prove that its strategy once implemented would have “no effect” on European Designated Wildlife Sites as required by the Habitats Regulations. At the time of the publication of the JCS, the Water Cycle Study had not been completed and therefore the Appropriate Assessment was still outstanding. The fact that the evidence produced to date did not support the JCS and that doubt remained over its deliverability led the Broads Authority to raise objection.

**2.0 Water Cycle Study Stage 2b**

- 2.1 Further work has been undertaken by the consultants working on the Water Cycle Study since the publication of the JCS in November 2009 and clarification of the scale, nature and resolvability of some of the specific issues around the Waste Water Treatment Works has been completed.
- 2.2 Whilst the further work undertaken on the WCS is welcomed and the fact that a number of the uncertainties that existed in December 2009 have been clarified, the severity of the issue is now much clearer. The Water Cycle Study considers the scenario of “planned deterioration” i.e that the quality of the receiving water courses will deteriorate over the life of the plan. Even with that scenario in mind the WCS highlights that to keep the deterioration to an absolute minimum there is a need for very innovative and potentially very expensive solutions to be included at a number of the Waste Water treatment Works around the system and that any move to improve the situation from that of “planned deterioration” would require solutions that are currently beyond Best Available Technology (BAT).

**3.0 Broads Authority Specific Concerns**

- 3.1 The Broads Authority recognises that considerable effort has been put into the completion of the Water Cycle Study and to resolve the outstanding concerns. The Environment Agency have confirmed that whilst the East of England remains in general a water stressed area that there should be no loss to the overall quantity of supply in the area. The only water related issue that remains of concern to the Broads Authority is that of water quality and specifically the capacity of the WWTWs at Acle, Reepham, and Belough. By the Water Cycle Study’s own admission there are some difficulties associated with meeting the requirements of the Water Framework Directive and the Habitats Regulations.

3.2 This process highlights the need for the Environment Agency to consider at a national level whether it agrees to “planned deterioration” and if so to what level. Even if the Environment Agency agrees to this the Broads Authority remains concerned about the issue of quality and the acceptability of decline in water quality over the plan period. Over the last 20 years the Broads Authority (and its partners) has worked hard to make considerable and tangible improvements to the water quality of the Broads. It should be noted that whilst the Broads Authority has concerns over the impacts on water quality that may fall within existing consent regimes that these consents could be tightened in the future within the plan period and therefore this could have implications for the delivery of the proposed growth. The scenario of “planned deterioration” that the JCS presents would appear to fly in the face of these sustained efforts to improve water quality and therefore is considered unacceptable.

3.3 Specific concerns include:

- **Acle WWTW** – The WCS indicates that compliance with WFD phosphorous targets cannot be achieved as the mechanism to do this is currently beyond Best Available Technology Not Entailing Excessive Cost (BATNEEC). There is also a need for the Environment Agency to agree to agree to a planned deterioration level of 4% beyond WFD targets levels which require no deterioration and which the Broads Authority consider to be unacceptable. There is also no certainty that the Habitats Regulations can be complied with over a more significant portion of the Broads because it is not only downstream of Acle that will be affected, as each tide takes water further upstream on the Bure (Bure Broads & Marshes SSSI/SAC impacted) and Thurne.
- **Reepham WWTW** – This discharges directly into the Wensum SAC however additional nutrient inputs here will have an in-combination effect on the Yare Broads & Marshes SSSI/SAC not just the immediate Wensum SSSI/SAC.
- **Belaugh WWTW** – The WCS consultants believe that WFD and Habitats Regulations can be met but there is a need for a new strategic main and significant investment in infrastructure. However, Belaugh WWTW will also take some growth in the North Norfolk LDF planned for Hoveton (100-150 dwellings) which is factored into the GNDP WCS, however, the Broads Authority believes that there is still no certainty that there will not be an effect on the Broads Special Area of Conservation and compliance with the Habitats Directive.

#### 4.0 Conclusion

4.1 The Broads Authority remains concerned that the direct impact of the JCS would be to lead to deterioration in the water quality of the Broads and that that this would be at the expense of the considerable amount of effort that has gone into improving the water quality of the Broads in the last 20 years.



### The Joint Core Strategy: Habitats Regulation Assessment summary

#### Introduction

Broadland, Norwich and South Norfolk councils, as “competent authorities”, are responsible for the full consideration of the potential effects of the Joint Core Strategy (JCS) on internationally important “designated” habitats sites. These potential effects are set out in an appropriate assessment report required by Conservation (Natural Habitats etc) Regulations 1994.

Within the GNDP area, the internationally protected Natura 2000 sites are the River Wensum north west of Norwich and a number of locations in the Broads, though plans are also assessed for their potential effects on sites in the wider area.

The aim of such an assessment is to investigate the effects on the integrity and conservation status of the sites. Mott MacDonald was commissioned in 2007 to carry out the relevant impact assessments of the draft JCS policies as shown below. The final assessment has been completed and is available as a background document to the submission of the JCS.

#### The Assessment

The work has been carried out in stages:

- Task 1 “Tests of likely significance” (TOLS) (July 2009): This established whether JCS draft policies could potentially affect designated sites. Following the review and consequent policy iterations, policies 3 Energy and water, 4 Housing delivery, 6 Access and transportation, 10 the major new communities and 12 The remainder of the Norwich urban area, of the November 2009 JCS Proposed Submission document were identified as potentially resulting in **significant effects**.
- Task 2 “Appropriate Assessment” (AA): This was a more detailed assessment of whether JCS policies would have a significant direct, indirect or in-combination impact on the designated sites and qualifying features identified following Task 1. This stage identified the outstanding **uncertain effects** referred to below.
- Task 2 has been reviewed to take account of issues raised by the Water Cycle Study 2b (2010) before the final appropriate assessment could be fully considered by Natural England (NE). NE has been continually involved as a mandatory consultee.

An important part of the process has been the continuous review and revision of the policies being assessed to ensure that they are compliant with the requirements of the Habitats Regulations.

Policy Group Members considered and agreed the available appropriate assessment evidence in September 2009 when considering the publication of the

JCS proposed submission document, but were not able to take into account a final assessment at that time due to the outstanding Water Cycle Study issues.

## Identified Effects

The assessment concludes that, with the review of JCS policies and inclusion of mitigation measures, it is deemed highly **unlikely** that the **JCS policies alone** would have **significant direct or indirect impacts** on European and Ramsar designated sites. As such, a further review of JCS policies is not deemed necessary.

However, it also concludes that the effects of the plan, **in combination with other plans** in the sub region, are “**Uncertain**”. Concerns relate to visitor pressures and water quality issues in relation to the following policies:

- Policy 4 Housing, in combination with planned growth elsewhere in the region, leading to increased **visitor pressures** on designated sites in Breckland, Great Yarmouth, North Norfolk and the Broads. (This coincides with the outcomes of Habitat Regulation assessments undertaken by adjacent local authorities on an equivalent combination of effects on certain designated sites within the same areas).
- Policies 3 Energy and water, 4 Housing, 10 The major new communities, and 12 The remainder of the Norwich urban area, regarding effects from the increased abstraction from the River Wensum on **water quality**.

The assessment concludes that these uncertainties can be **avoided** and **mitigated against**. The assessment demonstrates that while policies in the JCS do all they can to address Habitats Regulations considerations, rigorous implementation of the mitigation measures within the policies, such as green infrastructure and water infrastructure and efficiency measures, will be essential.

## Conclusion

The Habitats Regulation Assessment has been carried out in accordance with the requirements of the Habitats Regulations. It has been taken into account by officers and Members who have agreed the consequent policy iterations and their final inclusion in the submission version of the JCS.

The assessment concludes that the effects on the internationally important sites of the overall level of growth in the Joint Core Strategy, in combination with other plans in the sub region, are “uncertain”. Concerns relate to visitor pressures and water quality issues and the need for full implementation of mitigation measures. It is essential that these are achieved through the implementation of the Integrated Development Programme and measures by other agencies in good time to serve new development.

Natural England’s response has been received and is attached in Appendix 4, herewith. Natural England’s comments relate mainly to the review of the regional spatial strategy (to 2031) rather than to delivery of the current regional strategy (to 2026). Natural England also seek detailed commitments to deliver green infrastructure and water infrastructure. The GNDP are confident that the policies

contained in the JCS provide the right strategic framework to enable delivery of this infrastructure through more detailed local development framework documents and detailed development proposals.

Having considered Natural England's advice, GNDP Directors feel the conclusions of the appropriate assessment report remain robust and support submission of the JCS. It is anticipated that issues raised by the appropriate assessment will be covered during the public examination process.

## Comments from Natural England on Task 2 Habitats Regulations Assessment 18 February 2010



Date: 18 February 2010  
Our ref: S/Policy/GNDP/JCS HRA

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Dear Mark

### **Habitats Regulations Assessment of the Joint Core Strategy for Norwich, South Norfolk and Broadland**

Thank you for involving Natural England in an ongoing dialogue on the Habitats Regulations Assessment of the Joint Core Strategy. This letter should be read in conjunction with our earlier detailed comments on Tasks 1 and 2 from my emails dated 18 June 2009, 14 September 2009, 4 February 2010 and 15 February 2010. Please note that we have not yet seen a copy of Revision D of the Task 2 AA report referred to in your email of 12 February 2010.

In preparing our response, we have applied the precautionary principle of the *Conservation (Habitats &c) Regulations* 1994, which requires the competent authority to be able to ascertain that the plan will not adversely affect the integrity of European sites. Under the precautionary principle, the onus is on the applicant to demonstrate no harm. While there remains uncertainty over the impacts of the plan, which the concerns over the funding and implementation of the necessary infrastructure (green and water) clearly highlight, it is not possible for us to conclude no adverse effects on European designated sites. We therefore agree with your conclusions regarding Likely Significant Effect on the River Wensum SAC and in combination impacts on a number of other European sites.

We would also draw your attention to the fact that this conclusion has also been reached in the Appropriate Assessment of the East of England Plan review, prepared by Scott Wilson for the East of England Regional Assembly. Their HRA cites evidence of catchments where planned growth cannot be accommodated to ensure current and/or future water quality thresholds/targets are met, affecting the River Wensum, Broads and Broadland European sites. A need to revise housing allocations downwards in some areas, including Norwich and South Norfolk, was identified through the water quality assessments carried out by Entec, on behalf of the Environment Agency and Anglian Water (report dated November 2009). The Entec report recommends that levels of growth should be reconsidered in the Rivers Ant, Bure, Wensum and Yare catchments, affecting the housing numbers proposed in the Joint Core Strategy. The Entec report's conclusions on the River Wensum are that: 'Growth cannot be accommodated without significant risk of harm to the ecology of the river *even when possible water infrastructure improvements are taken into account*. Changes to the RSS allocation and distributions should be considered'. Although this specifically relates to

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the higher reaches of the river, the growth impacting on the lower reaches, where flows are even more constrained, must be considered *in combination* under the Habs Regs tests. Entec's conclusions for Broadland are that 'Current investment in improvements in water infrastructure may make it possible to improve the status of the sites but this will be jeopardised by the substantial growth proposed in the RSS Review. The allocations should therefore be reconsidered. This affects growth in Norwich and South Norfolk'. The report's clear conclusions are that there is insufficient environmental capacity to accommodate the proposed levels of growth within the 'highly constrained catchments' they have identified.

It is the conclusion of the HRA for the JCS that mitigation for anticipated impacts on the European sites will be secured through the additional water and green infrastructure resources proposed in the overarching plan, but we would reiterate our earlier evocation of the guidance issued by DCLG in 2006 that: 'Mitigation measures need to be viable, timely and possible to implement' (p.12). Mitigation which is not deliverable cannot remove uncertainty. Natural England does not believe that sufficient evidence has been presented for us to accept the proposed mitigation, given the implementation uncertainty. If, as confirmed in your email of 12 February 2010, - 'The developments will be phased, and cannot commence until the appropriate water and transport infrastructure **[n.b. to which we would add green infrastructure]** is in place', it may be that the plan itself is undeliverable in its current form.

While we welcome the robustness of the JCS policies on water and climate change adaptation (including green infrastructure provision), this document only sets out the strategic way forward. Our conclusion on the JCS proposed submission document was that there remains a 'need for greater certainty over key elements identified in the plan, not only to facilitate growth, but to make it legally compliant', and it is our view that the HRA, in considering in detail the practicalities of delivery, does not offer that certainty.

Thank you again for actively engaging Natural England in this consultation process.

Please contact me if you have any questions about the content of this letter or would like to discuss these further.

Yours sincerely,

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## Appendix 5 Joint Core Strategy: Responses to Key Challenges at the Publication Stage

Policy/Area of Challenge	Key Challenge	Summary response
Legal Compliance (Process)	1. Lack of transparency in decision making.	<ul style="list-style-type: none"> <li>• The Greater Norwich Development Partnership (GNDP) was established as an informal partnership of Broadland, the City of Norwich, South Norfolk and Norfolk County Councils to implement the requirement of the Regional Spatial Strategy for a joint approach to the planning for Norwich and its surrounding area.</li> <li>• The production of policies by the partnership was informed by a group of officers from each local authority backed by evidence studies and the results of technical and public consultations. This was overseen by informal meetings of the GNDP Policy Group comprising appropriate Cabinet Members of the GNDP local authorities.</li> <li>• The decisions on the adoption of policies were taken by the GNDP local authorities through their individual council Cabinet and full Council meetings.</li> <li>• The public was made aware of the successive stages of decision making through the publication of agendas for the Cabinet and full Council meetings.</li> </ul>
	2. Mismatch between Sustainability Appraisal and Strategy	<ul style="list-style-type: none"> <li>• Sustainability appraisals are intended to examine the social, economic and environmental impacts of proposed policies to inform their potential suitability as a basis for sustainable development.</li> <li>• The values applied to the positive and negative impacts identified by such appraisals are intended to inform but not specify the choice of policies and overall strategy.</li> <li>• The choice of policies and overall strategy for growth in the Joint Core Strategy is the result of an interpretation of the sustainability appraisal outcomes, technical and public consultations, continually emerging new evidence and the</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		consideration by elected Members of growth options in the above context.
	3. Late appearance of Water and Energy designs and policies	<ul style="list-style-type: none"> <li>• Following the Regulation 25 Technical Consultation (August 2008), officers and elected Members considered that the policy emphasis on the overall need to address climate change and the need to make the most efficient use of energy, water and natural resources required updating as a result of rapidly changing government policy, in addition to improvements to other policies to promote sustainable development, place shaping, and local distinctiveness. Most of these issues had been addressed in the Technical Consultation strategy but in a less focused way.</li> <li>• The Regulation 25 Public Consultation (March 2009) strategy (paras. 8.1/8.2) referred to the need to provide for a local energy study to inform an energy plan and set local energy standards and the need for an overarching policy.</li> <li>• However the supporting evidence studies to justify the specific policy requirements for energy conservation had not been completed at this stage because their methodology depended on the publication of the necessary government advice for such studies to meet the requirements of government policies in PPS 1 "Planning and Climate Change – Supplement to Planning Policy Statement 1 (December 2007)".</li> <li>• Although The Water Cycle Study Stage 1 was started in 2007, i.e. before the relevant Environmental Agency guidance was published in January 2009, the scope of the subsequent studies has required ongoing work that has revealed that water efficiency will be a key requirement to enable delivery of the proposed growth.</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
Internal inconsistencies of strategy	1. Climate/Environment (CO2 targets) v. Growth/Road infrastructure	<ul style="list-style-type: none"> <li>• Strategies will always have policy aims that may be in conflict. The intention is to provide for growth and change in the most sustainable manner.</li> <li>• The impacts of the strategy's provisions for growth and new roads have to be considered as a whole. The Joint Core Strategy and the Norwich Area Transportation Strategy (NATS) promote a range of transportation measures to accommodate the increased demand for travel that will inevitably arise from significant growth. The measures are a range of public transport enhancement, improved walking and cycling opportunities and road building and capacity improvements to the existing road network.</li> <li>• NATS provisions are intended to produce a combination of environmental and sustainable transport benefits for both existing and new populations, and to meet the requirement to deliver a major shift towards public transport as stated in Policy NR1 of the East of England Plan. Additional transport modelling work has been carried out to clarify the benefits of the Northern Distributor Road. These will include environmental benefits and the potential to free up existing road space in Norwich for the enhancement of public transport, walking and cycling. A Long Stratton bypass already has planning permission.</li> </ul>
Evidence base	1. Incomplete WCS; Appropriate Assessment; NATS justification/modelling	<ul style="list-style-type: none"> <li>• Although The Water Cycle Study Stage 1 was started in 2007, i.e. before the relevant Environmental Agency guidance was published in January 2009, the scope of the subsequent studies has required ongoing work that has revealed new issues that are still to be resolved.</li> <li>• The Water Cycle Study has involved a multi-stage approach involving several iterations to advise on the broad suitability of general locations for growth, the suitability of specific locations</li> </ul>



Policy/Area of Challenge	Key Challenge	Summary response
		<p>for growth and the specific infrastructure requirements to provide for the preferred growth option.</p> <ul style="list-style-type: none"> <li>• The outcomes of this study have been affected by the uncertainties affecting water supply and effluent treatment and disposal arising from the ongoing review of Consents by the Environment Agency, and uncertainties arising from the timing of the Anglia Water Asset Management Plans and the Anglia Water Resources Management Plan (WRMP). The review of Consents is due to be finalised in March 2010. The WRMP is not due to be published until later in 2010.</li> <li>• The Appropriate Assessment must acknowledge the above uncertainties. In these circumstances, Natural England may be unable to sign this off.</li> <li>• Additional transport modelling work has been carried out to better understand the effects of the likely NATS implementation package and the relationship of the Northern Distributor Road to the package of proposed sustainable transport measures and the chosen growth option. This work has taken additional time to complete, in part as a consequence of the carrying out of extra work for the Department for Transport to support "Programme Entry" (i.e. for consideration in the relevant Regional Funding Allocation).</li> </ul>
Deliverability	1. Lack of detail in Implementation Schedule and challenges to the costs apportionment.	<ul style="list-style-type: none"> <li>• The Implementation Schedule is intended to provide an indication of the requirements for and provision of the necessary services and facilities. This information is being clarified in the associated Integrated Development Programme. This will provide a basis for discussions with services and infrastructure providers to establish the final costs and implications of infrastructure delivery. Any proposed Community Infrastructure Levy (CIL) would need to be the subject of a separate submission and examination. Early consultations by</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		the Government on a CIL recognised that a decision at this stage is likely to be impossible.
	2. Dispersal of growth in South Norfolk makes delivery of “big infrastructure” harder	<ul style="list-style-type: none"> <li>Evidence based on the “Greater Norwich Infrastructure Needs and Funding Study”(2009) suggests that the necessary infrastructure can be provided. The detailed delivery of the required infrastructure will be confirmed in the Integrated Development Programme.</li> </ul>
	3. Some of NE development could proceed before additional (particularly road) infrastructure	<ul style="list-style-type: none"> <li>The intention of the strategy is that the development area to the north east should be developed in a coordinated approach dependent upon a commitment to the delivery of the Northern Distributor Road.</li> <li>A fragmented approach would be unlikely to provide satisfactorily for other high level infrastructure such as green infrastructure, secondary education, renewable energy, or that required for sustainable transport.</li> </ul>
	4. A lack of flexibility of the strategy to accommodate the proposed growth if major infrastructure requirements such as the Northern Distributor Road are delayed or not delivered..	<ul style="list-style-type: none"> <li>It is accepted that there remains some uncertainty over the provision of major infrastructure. This is to be expected. However uncertainty will be managed through the Integrated Development Plan process, through the development of the appropriate delivery arrangements, and further development funding options such as the CIL.</li> <li>The strategy does include some flexibility to deal with delayed delivery by over allocating land for housing and employment development. The strategy also provides for housing growth in significant locations as minimum targets, thus allowing for a degree of additional development through applications and allocations to deal with delays elsewhere.</li> <li>The Northern Distributor Road (NDR) has recently gained “Programme Entry”. As with any significant infrastructure project there is always some uncertainty over the precise delivery on the scheme. The NDR now has greater certainty</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		<p>over funding and is promoted in the County Council's 2<sup>nd</sup> Local Transport Plan and the Regional Spatial Strategy. There is a clear timetable for the next stage of statutory process. Should the NDR not proceed, there would need to be a fundamental review of the spatial distribution of growth promoted in the JCS.</p>
	5. Deliverability of Long Stratton	<ul style="list-style-type: none"> <li>• The major landowners to the east of the village have supported the proposed submission version of the Joint Core strategy in terms of the level of growth at Long Stratton, the need for growth to be accompanied by a bypass, and policies relating to the economy, access and transportation, supporting communities and implementation.</li> <li>• A number of sites to the west of the village have also been proposed.</li> <li>• The Water Cycle Study indicates that growth above 1400 dwellings can only be accommodated if innovative solutions that meet the requirements of the Water Framework Directive and Habitats Directive are to be implemented.</li> <li>• The 1800 units total is a minimum allocation. However further increases could trigger other significant infrastructure including the need for a new/relocated high school, and have additional impacts on unimproved sections of the A140.</li> </ul>
	6. Deliverability of water infrastructure (EA)	<ul style="list-style-type: none"> <li>• The Water Cycle Study has identified issues regarding the availability of water related infrastructure which could have implications for the provisions for new development.</li> <li>• These issues remain to be resolved as soon as possible in association with the Environment Agency, Anglian Water and Natural England.</li> <li>• See the attached appendix addressing this issue.</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
Policy 3: Energy and Water	1. Justification and viability of water and energy policies	<ul style="list-style-type: none"> <li>The policies are considered to support the requirements of government policy in PPS 1 “Planning and Climate Change – Supplement to Planning Policy Statement 1 (December 2007)” and East of England Plan Policies ENG 1, ENG 2 and WAT 1, within the context of the outcomes of the relevant evidence studies.</li> <li>Further evidence has increasingly supported the need for the water-related policies.</li> </ul>
	2. Challenges to design policy	<ul style="list-style-type: none"> <li>Objections relate to the interpretation of the CABE “Building for Life” criteria. The strategy is considered to be justified in requiring compliance with a defined set of standards. It is considered that all settlements defined by the strategy as being suitable for new housing land allocations enable development to meet the standards required.</li> </ul>
	3. EA want tougher water targets	<ul style="list-style-type: none"> <li>The Water Cycle Study supports standards above the national levels. (See the attached appendix addressing this issue).</li> </ul>
Policy 4 : Housing delivery	1. Viability and justification of Affordable Housing targets (Blyth Valley)	<ul style="list-style-type: none"> <li>Objections relate to the impact of the viability of new housing of the requirement for a 40% affordable housing requirement where developers are also required to financially provide for a range of other development–related services and infrastructure requirements.</li> <li>The Blyth Valley reference refers to a high court appeal to oppose a 30% affordable housing requirement for all new developments of ten or more dwellings in the Blyth Valley Core Strategy. This policy had previously been considered to be “sound”, but was subsequently declared to be “unsound” on the basis that the Government Planning Inspector had failed to consider the economic viability of the policy.</li> <li>Evidence from local housing needs assessments suggests that 43% affordable housing should be a requirement over the</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		<p>Joint Core Strategy area, but local experience has shown that 40% is the maximum achievable without a public subsidy.</p> <ul style="list-style-type: none"> <li>• The “Greater Norwich Infrastructure Needs and Funding Study” (2009) accepted the proposed 40% affordable housing target in its assessment of housing development trajectories and associated infrastructure provisions, and its assessment of the potential for “land value capture”. This also took account of varying assumptions about the housing market.</li> <li>• More detailed work has been done in relation to where the prevalence of brown field sites means that viability is a more acute issue.</li> <li>• The strategy accepts that viability may be an issue. Therefore Policy 4 makes clear that “In negotiating the proportion and tenure of affordable housing, account will be taken of site characteristics and the economic viability of provision.”</li> <li>• Therefore it is considered that the policy provides for the appropriate consideration of the affordable housing target.</li> </ul>
Policies 9 (Strategy for Growth in the NPA) & 10 (Locations for----)	1. Challenges to Long Stratton and Easton in particular	<ul style="list-style-type: none"> <li>• The overall strategy for growth in the Joint Core Strategy is the result of an interpretation of sustainability appraisal outcomes, technical and public consultations, continually emerging new evidence, and the consideration by elected Members of growth options in the above context.</li> <li>• The rationale behind the consideration and selection of the area is set out in the topic paper “Strategy to Accommodate Major Housing Growth in the Norwich Policy Area”.</li> </ul>
	2. Promotion of more growth elsewhere especially Wymondham & Hethersett	<ul style="list-style-type: none"> <li>• The overall strategy for growth in the Joint Core Strategy is the result of an interpretation of sustainability appraisal outcomes, technical and public consultations, continually emerging new evidence, and the consideration by elected Members of growth options within this context.</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		<ul style="list-style-type: none"> <li>The rationale behind the consideration and selection of the area is set out in the topic paper “Strategy to Accommodate Major Housing Growth in the Norwich Policy Area”.</li> </ul>
	3. Challenges to NE – Scale, nature, better alternatives, rates of development not achievable, dispersal preferable	<ul style="list-style-type: none"> <li>The strategy provides for the major growth area to the north east to be developed in a single coordinated approach dependent upon the delivery of the Northern Distributor Road.</li> <li>The rationale behind the consideration and selection of the area is set out in the topic paper “Strategy to Accommodate Major Housing Growth in the Norwich Policy Area”.</li> </ul>
	4. Need more clarity on locations for “floating” allocations	<ul style="list-style-type: none"> <li>The small sites allowance is specifically intended to provide some flexibility. The strategy makes it clear that sites will be selected in accordance with the Settlement Hierarchy.</li> </ul>
Policies 13-17	1. Insufficient consideration of role of Market Towns especially Diss (and its boundary issues)	<ul style="list-style-type: none"> <li>The identification of the market towns was based on a long standing context including previous local plans and policies of the Norfolk Structure Plan (1999). The proposed scales of growth reflect the policies of the East of England Plan.</li> <li>Market town functions were acknowledged by their inclusion in two studies. The Norwich Sub-Region Retail and Town Centres Study (2007) examined the vitality and viability of their centres and their potential for retail and leisure growth. The Greater Norwich Employment Growth and Sites and Premises Study (2008) examines their wider economic role. The strategy reflects this evidence.</li> <li>The provisions for Diss reflect its role and extensive rural catchment. Its location on the County boundary was considered to mean that larger scale growth could require development across the boundary in Suffolk which would not contribute towards the growth to be provided for by the strategy. However this issue was not formally addressed.</li> </ul>

Policy/Area of Challenge	Key Challenge	Summary response
		<ul style="list-style-type: none"> <li>• South Norfolk Council could consider more detailed strategy development through subsidiary local development documents and is currently producing an Area Action Plan to inform the implementation of development in a central part of Diss.</li> </ul>
	2. Unclear rationale for housing numbers in towns, KSCs, Service villages etc.	<ul style="list-style-type: none"> <li>• The East of England Plan provided for most growth to be focused on the Norwich Policy Area which is expected to accommodate some 89%-92% of growth. The strategy apportions the remaining growth to locations reflecting their positions in the Settlement Hierarchy and known local constraints and services provision.</li> <li>• The rationale behind the provisions for growth in the Settlement Hierarchy is referred to in the "Settlement Hierarchy" topic paper.</li> </ul>
	3. Inconsistent approach to hierarchy between Broadland and SNC	<ul style="list-style-type: none"> <li>• The settlement hierarchy reflects the significantly differing distributions of population and places within the districts of Broadland and South Norfolk as referred to in the Settlement Hierarchy topic paper. Broadland has a greater proportion of its population within the Norwich fringe parishes within the Norwich built-up area resulting in fewer significant settlements and a range of relatively small villages elsewhere. South Norfolk district has a greater number of settlements including many villages serving local catchments with much less of a social and economic dependency on Norwich.</li> <li>• The review of the villages categories to provide for local flexibility arising from the Regulation 25 Technical Consultation is detailed in the above topic paper. The Broadland and South Norfolk "Service Villages" provide broadly similar ranges of services. The much smaller number of Broadland "Other Villages" albeit with relatively high services provisions reflects the numbers and distribution of large and small villages within that district.</li> </ul>