

**Joint Core Strategy for Broadland, Norwich and South Norfolk,
Broadland Part of Norwich Policy Area Examination**

AGENDA – RESUMED HEARINGS

Starting at 10.00 hours on Wednesday 24 July and continuing at 10.00 hours on
Thursday 25 July 2013 at the Broadland District Council Offices, Thorpe Lodge,
1 Yarmouth Road, Thorpe St Andrew, Norwich NR7 0DU

**Where the parties have clearly stated their respective positions on my questions and I
have sufficient information, then there is no specific item on the Agenda**

*Discussion should focus on whether the Plan is legally compliant as set out in the 2012 Regulations
and the 2004 Act (as amended); and if not legally compliant, how it might be modified or not; and
whether the Plan is sound or unsound (positively prepared, justified, effective & consistent with
national policy); and if unsound, how it might be modified to achieve soundness*

1. Inspector's introduction.
2. Please note that the purpose of this part JCS Examination is to address the Judgment of Mr Justice Ouseley in *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council 2012*. No other part of the adopted JCS is included – this is not a review of the whole JCS.
3. Councils' opening statement.
4. Any further evidence? [Submit now, and explain later at the appropriate point].

MATTER 1 – Legal requirements

**Whether the part JCS complies with the legal requirements in the production of the
Sustainability Appraisal (SA)**

5. I understand the **councils'** case on the vehicle emissions carbon footprint assessment put forward by the Green Party to be one of a fundamental objection in principle because it has:
1) been undertaken based on an unreasonable alternative as it does not include the Northern Distributor Road; and because 2) growth focussed on the South West Sector (Reasonable Alternative 3) was found to perform less well in meeting the Plan's Objectives than that area selected for this Plan, irrespective of carbon footprint arguments. Is this correct? If so, am I right in assuming that the **councils** would say that my investigating the detail of the Green Party's carbon footprint assessment methodology is not necessary as it fails on these key first principles?
6. If I disagree with the councils' case above, presumably the **Green Party** would say that the SA needs to be re-done in order to factor in the vehicle carbon footprint assessment using the 'reasonable' development alternative suggested? Given this, are there any rebuttals they would like to make to the council's detailed criticisms?
7. The SA did not attempt to differentiate between the three selected Reasonable Alternatives on vehicle emission carbon footprint grounds (councils' Statement at 2nd para of Matter 1 & ENV 6 on page 68 of SDJCS 3.2). Should the SA have done so (give reasons, please)?

[Note: my initial opinion is that vehicle (road transport) emissions are an important, measurable factor in the production of greenhouse gases, for which the Climate Change Act 2008 sets national targets (see 3.3.4 on page 11 of SDJCS 3.2). It could have a significant effect on the environment under Regulation 12 of the SEA Regulations and so it should be

included in any SA. However, it seems to be a factor which is missed in the 2007 SA Scoping Report (see ENV 6 on page 113 – aka page 154 – of Appendix 3 in SDJCS 3.3) and in the SA itself. If this is correct, then it should be assessed now in a revised SA (whilst being aware that inappropriate use of numeric models could give rise to fictitious precision). I welcome comments on this initial opinion.]

8. Is it **Land Estates'** case (from paragraph 4.3 of its DV32 Statement) that the alternative housing option set out in their DV6 is to be treated as an example only (a "demonstration") of how there are other reasonable alternatives which the councils have not SA'd? It is not meant to be fully worked up and/or to be a specific and detailed alternative?
9. On the detail, is it the **councils'** case that other negative factors against development in the South West Sector (Reasonable Alternative 3) would outweigh the Wymondham High School capacity evidence put forward by Landstock Estates (putting aside any doubts about that evidence)? [see pages 47 & 48, the Appraisal summary and conclusions on pages 76 to 78, and the reasons for rejection at 6.3.5 on pages 79 and 80 of SDJCS 3.2]
10. Do I understand it right that **Landstock Estates** accept that some form of new secondary school provision would be required in any event in the South West Sector? And that this could possibly be done in a way (as yet not agreed with the LEA) which would not need the number of houses said to be required by the councils, although it would still be a significant amount (around 1600 additional dwellings)?
11. Any further points?

MATTER 2 – The implementation of the submitted part JCS proposals

Whether policy 9 and 10's proposals and associated text for employment and housing are positively prepared, justified by the evidence, consistent with national policy, and effective

12. MM4 and MM5 split up the 'Growth Locations' section of the Appendix 6 Housing Trajectory into two parts, so both totals would now have to be added together to find the 'Growth Locations' totals. **Councils:** is this correct and is this intentional?
13. As commented previously, the above two new tables now mean that the 'whole JCS' bar chart and table at the beginning of Appendix 6 are incorrect. And clearly the other figures in this part of the whole JCS Housing Trajectory have also changed over time. **Councils:** is the note in MM3 sufficient to warn that this part of the Trajectory is out-of-date?
14. Do MM4 and MM5 have consequential modifications to the Plan as submitted? For instance, the insertions made into the table at the top of page 43 in the adopted JCS? If so, should there be a separate modification to that table or to any other part of the Plan?
15. What is the geographic area over which I should consider land supply issues? Is it the NPA as a whole; the Broadland NPA; Broadland as whole; or some other geographical area? Note: see the top paragraph on page 5 of the councils' Housing Paper DV21. **Councils:** is there a policy or text in the adopted JCS of relevance to this question (e.g. 5.22)?
16. Bearing in mind the answer to the above question, is this Plan one where I should consider a 20% flexibility allowance? What are the **councils'** views on the evidence given in Landstock Estates' DV32 Statement? Note: I shall take into account the recent PAS advice and the 12 July 2013 Chief Planning Inspector's comments as notified to representors.
17. The **councils** have taken account of emerging sites in their assessment of the 5-year housing land supply in their DV21 Housing Paper. Are these sites, firstly, suitable? That is, have they reached a point that they have become specific; have they been subject to the required levels of public consultation; are there any objections to them; if so, when would those objections be resolved by a LP examination; and are they compliant with NPPF

policies? Secondly, are they available now? Thirdly, are they achievable with a realistic prospect that housing will be delivered within five years? And, fifthly, are they viable? [See footnote 11 of the NPPF and the above PAS advice note].

18. Please would **Landstock Estates** explain their 5-year housing land supply figures given in their DV32 Statement? Please explain both sets of shortfall/backlog figures in Table 3.2 as I understood from Mr Morris' answer to me on Day 2 that the SHMA had taken the backlog into account and there was thus no 'double-counting'. See also section 8 of the PAS advice note. What are the **councils'** views on these figures?
19. Do the **councils** have any further comments on the over-supply of housing alleged in CPRE's DV29 Statement? **Councils:** what significance does the updated Forecasting Model in DV36 have on the supply of housing and the conclusions of SDJCS 14?
20. Flexibility policy: in the light of the discussions on the above, does any participant have a revised policy to suggest? Does DV16 remain as Landstock Estates' final word?
21. Flexibility policy: in the light of the discussions on the above, and of the comments made by Landstock Estates in their DV32 Statement and by SCC Norwich in their DV33 Statement, do the **councils** have any further thoughts or suggestions on this point? Do they wish to suggest any alterations to MM2?

[Note: I share some of the concerns (possibly not to the same degree) mentioned by the above representors on: waiting for 3 years from adoption before the policy becomes effective; the delay involved in waiting for work to be completed on a replacement for the present JCS; the geographical area of any search for alternatives; the review 'trigger' in paragraph 7.20 (should this be in the policy?); and the problem of effectively dealing with any potential future 'rolling forward' 5-year housing land supply problems. For instance, arguments of prematurity would not halt planning decisions – see paragraph 48 onwards the 18 July 2013 Stratford-Upon-Avon District Council 'Shottery' court judgement: <http://www.bailii.org/ew/cases/EWHC/Admin/2013/2074.html>). However, I reserve my position until I have heard the debate above].

22. On viability, please would the **councils** briefly explain what site-types might not be released in the short term (1st paragraph of the Conclusions on page 9 of DV22)? I appreciate that there are potential ways of addressing this as set out in the penultimate paragraph.
23. Do the **councils** have any comments to make on the viability concerns set out in SNUB's DV27 & DV31 documents, including the LIPP comments? Any other comments from participants on viability?
24. Any further points?

Closing

25. Summary of, and production of, any further modifications suggested at the hearings, including public consultation and any requirement for Sustainability Appraisal. **Councils:** how long will be needed to prepare SA and Mods before advertising them [for 6 weeks]?
26. Timescale of Inspector's Report – i.e. ETA of 'fact check' report.
27. Review of Examination – any comments?
28. Thanks from the Inspector and close.