

To: Ms Sandra Eastaugh  
Greater Norwich Development Partnership

From the Inspectors

### **Initial soundness questions**

From our preliminary scrutiny of the JCS, the representations, and some of the key items of the evidence base, we need to raise some initial concerns about the soundness of the joint strategy. These concerns are expressed in the form of 24 questions set out below. These questions are not placed in any order of relative importance. We would be grateful to receive your response to these questions by early Thursday 21st April. This will enable us to consider whether the Pre-Hearing Meeting on 13 May should be combined with an exploratory meeting at which these matters can be discussed, together with their implications for the progress of the examination.

**Infrastructure** (*see PINS Learning from Experience document – section on Infrastructure Planning, p7-8*)

The following questions arise:

Q1 Appendix 7 identifies over 80 infrastructure schemes that are said to be ‘critical’ to various aspects of the JCS. Where are these dependencies explained, and are any of the identified schemes linked to particular development thresholds that cannot be crossed without completion of certain linked infrastructure? Are all of these items equally ‘critical’ in the sense that they are potential ‘showstoppers’ that would render the JCS unsound if any part of the answer to Q2 below were to be in the negative? Would some items more appropriately be described as desirable/aspirational, and if so, which?

Q2 Do the providers of all the ‘critical’ infrastructure items referred to in Q1, especially those required in the earlier stages of the JCS, agree (a) with the principle of their delivery and (b) that there is a reasonable prospect of this being achieved by the stated date? Is there evidence to conclude that the estimated delivery dates in Appendix 7 are sound?

Q3 What is meant by the statement at p10 of JCS that: ‘we recognise that we are not yet fully geared up for delivery’ and that implementation ‘will depend on the coordinated activities of a number of agencies’. What are the mechanisms/ timescales necessary to achieve greater readiness in these respects?

Q4 Policy 20: Bullet 1: How is the ‘strategic infrastructure’ to be identified? Bullets 5 and 6: Is the GNDP in place, and who are its constituent partners? Is any revision required to paras 7.3-7.6 in the light of the draft CIL regulations?

Q5 The JCS indicates (p7) that delivery of the NDR is fundamental to the delivery of NATS and thus the JCS itself. The DfT’s announcement (December 2009) that the section from Postwick to the A140 has been accorded Programme Entry status does not seem to include the length from the A140 to the A47 west of Norwich. If this length is not to be constructed soon, what effect would this have on the soundness of

the JCS? Does the JCS clearly explain the contingent effects of only partial delivery of the NDR?

Q6 Is the JCS clear enough about what NATS actually consists of, given that the substantial concentrated growth in the north is said to 'rely' upon it? Does the diagram on p 61 give sufficient spatial expression to the main elements of NATS and demonstrate clear and appropriate integration between urban growth and the future transport network? Are all the ingredients of NATS equally essential to the JCS? What are the implications if some essential elements are not implemented on time?

**Options and an audit trail** (see *PINS Learning from Experience* document – section at p10-11)

Options Some have queried the adequacy of the optioneering process. They suggest that an insufficient range of options was identified at Reg 25 consultation stage, making it impossible to demonstrate that the strategy for growth in the NPA (Policy 9) represents 'the most appropriate strategy when considered against the reasonable alternatives' [PPS12 soundness definition, p20]. The question arises:

Q7 What considerations lay behind the relatively narrow range of options generated and considered? Do these represent the only 'reasonable alternatives' in terms of factors such as sustainability and delivery? If so, why is this?

Audit trail A representation by Barton Willmore on behalf of various clients is accompanied by two legal opinions concluding that the JCS is legally unsound and should be withdrawn. The second of these opinions refers to the process by which option 2A (later refined in the submitted JCS) was chosen to be the preferred option consulted on in March-June 2009. Reference is made to questions asked by the Inspector at the 'early engagement visit' in Jan/Feb 2009 and her conclusion that '*further (evaluative) work would need to be carried out on option 2A, particularly in relation to its sustainability appraisal; delivery; and its relationship to the overall vision and strategy and conformity to the RSS. You will need to consider the extent to which consultation undertaken for options 1, 2 and 3 can adequately inform the evaluation of option 2a, and undertake further consultation if necessary. Such consultation should be proportionate to the task.*'

The second opinion, dated 25 Jan 2010, concludes (at para 22) that '*...the infrastructure requirements and consequent soundness of the favoured option have still not been adequately substantiated.....to meet the legal and procedural requirements..... They did not exist at the relevant time when the favoured option was endorsed nor have they been adequately justified even at this current plan-making stage. Indeed, this type of issue is too fundamental to be supported now by any retrospective exercise in justification, even the EDAW study published in November 2009. Para 23 concludes 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.*' The following questions therefore arise:

Q8 What further evaluative work of the selected option was done after the Pre-Engagement Inspector's visit?

Q9 In what ways does the selected option compare favourably/unfavourably with the 3 original options and the officers' recommended option (option 1) in terms of infrastructure costs, sustainability, the emphasis on achieving a major shift in emphasis towards public transport in RSS policy NR1 (second bullet), and reliance on the concept of strategic gaps?

Q10 Bearing in mind the comments of the early-engagement Inspector and discussion of gaps/wedges in the recent decision concerning Norwich Common, Wymondham, has any work been undertaken in pursuance of PPS7, para 25, on the justification for giving continuing weight to local landscape designations?

**The evidence base** (see PINS Learning from Early Experience document – section at p9-10)

There are suggestions that principal parts of the evidence base have been released only just before/after the JCS was published in November 2009 and cannot therefore be seen as having informed the early emergence of the strategy (eg the Stage 8 SHLAA in September 2009; the Infrastructure report in October 2009, the Water Cycle Study (later stages). It is also suggested that no records exist of some critical working party meetings at which the final JCS emerged. The following questions arise:

Q11 Has the JCS been justified at a late stage, or retrospectively, by new evidence? Do agenda, reports and minutes exist for all relevant meetings?

**Employment** The following question arises:

Q12 How does the figure of 27,000 additional jobs for 2008-26 (policy 5) relate to the figure of 35,000 for 2001-2021 in RSS policy E1? How does the JCS reflect the RSS figure, and is this achieved sufficiently clearly?

**Affordable Housing (AH)** (see PINS Learning from Experience document – section at para 35, p10)

The Blythe Valley judgement indicates that viability testing is crucial to soundness. It is noted that there has been some testing in Norwich (Doc H5), but the JCS evidence base does not appear to contain similar viability studies in Broadland and South Norfolk. The question therefore arises:

Q13 Is there a fatal lack of evidence on AH testing? Could the Broadland testing (undertaken at the time of the local plan) fit with the terms of the Blythe Valley judgement concerning the subsequent change in the national definition of AH in PPS3?

**Housing Land Availability** The following question arises:

Q14 Considering the housing trajectory at Appendix 6 and the conclusion on housing land availability in the appeal decision concerning Norwich Common, Wymondham, is there be a sufficient supply of specific deliverable sites to deliver housing in the first 5 years?

**Policies 1 & 3** The following questions arise:

Q15 Are these policies consistent with PPS1 supplement para 11 (re non duplication of controls under planning and other regulatory regimes) and paras 31/32 (re the possibility of situations where it ‘could’ be appropriate to anticipate levels of building sustainability in advance of national standards and, in such cases, demonstrating clearly ‘the local circumstances that warrant and allow this’ and focusing ‘on development area or site specific opportunities’)? Bearing in mind these points, what is the justification for departing from the national programme for strengthening the Building Regulations (bullets 3 and 4 of policy 3)?

Q16 Policy 3: 1<sup>st</sup> bullet – what is a ‘dedicated, contractually linked decentralised and renewable or low carbon source? How can development be linked permanently into a particular contract, and is this reasonable? How would it be monitored and enforced? What is the low carbon infrastructure fund? How is this ‘justified’ and how will it work? [see also 5.18]

Q17 Policy 3: 2<sup>nd</sup> bullet – what is the carbon offset fund? How is it ‘justified’ and how will it work? [see also 5.18]

**Circular 05/05** The following question arises:

Q18 Is it consistent with Circular 05/05 to use the fund to (a) improve the energy efficiency of existing houses (para 5.16) or (b) address current service and infrastructure deficiencies (introduction to policy 10)?

**Old Catton/Sproston/Rackheath/Thorpe St Andrew triangle – strategic site** (See PINS Learning from Earl Experience document – section at p9) The following questions arise:

Q19 Is there sufficient evidence to justify the clarificatory ‘Minor Change’ making this a ‘Strategic Allocation’ with boundaries fixed in the relevant appendix? Will the whole area be delivered under a ‘single coordinated approach’ master-planned by a consortium covering all of the area, including any part not included in the eco-town proposal? Is the nature/ mix of the development sufficiently firmly established in the JCS to make the proposed change from an AAP to SPD an appropriate vehicle for implementation?

Q20 How will provision of the planned transport infrastructure and the various other identified required types of infrastructure be assured? In particular, are two new rail halts likely to be achievable?

Q21 At what level will the NDR pass through the new development (cutting/embankment/grade)? Will it be possible to achieve real integration of the two parts?

**Other major growth locations** The following questions arise:

Q22 Representations suggest that specific growth directions/sites should be identified as part of the JCS, as opposed to being left for identification in future DPDs? Has there been any front-loaded consultation/sustainability appraisal of any such specific directions/sites? What is the timescale for publication of the relevant DPDs that would deal with these matters?

Q23 Will the fairly dispersed pattern of development in South Norfolk be the most sustainable that could reasonably be achieved? Are Hethersett and Long Stratton allocated more growth than their positions in the hierarchy may suggest? How does development at Long Stratton contribute to achieving 'a major shift in emphasis across the NPA towards travel by public transport' (RSS policy NR1)? At what stage would a bypass become necessary?

Q24 The JCS provides for 2000 dwellings to be allocated in the Broadland part of NPA and 1800 in the South Norfolk section, including 'possible additions to named growth locations'? This total is presumably to be allocated in (a) the fringe parishes of the Norwich Urban Area (policy 12) – number unspecified, plus (b) the NPA Key Service Centres (policy 14) – totals up to 700 dwellings, plus (c) any small allocations in the fifteen NPA Service Villages (policy 15) – range said to be 430-860. The question therefore arises – does the JCS provide sufficient guidance for the co-ordinating mechanism to be applied to ensure the effective allocation of 3800 dwellings across these areas?

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