

MOD 10

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BY EMAIL AND POST

21389/A3/AW/mg

07 October 2013

Dear Mrs Eastaugh

**JOINT CORE STRATEGY FOR BROADLAND, NORWICH AND SOUTH NORFOLK,
BROADLAND PART OF NORWICH POLICY AREA EXAMINATION.
REPRESENTATIONS TO SUGGESTED MAIN MODIFICATIONS SUBMITTED ON BEHALF OF
LANDSTOCK ESTATES LTD LANDOWNERS GROUP LTD AND UNITED BUSINESS AND
LEISURE (PROPERTIES) LTD.**

These representations have been submitted on behalf of Landstock Estates Ltd, Landowners Group Ltd and United Business and Leisure (Properties) Ltd in response to the consultation of the 'Suggested Main Modifications' (September 2013) to the Joint Core Strategy for Broadland, Norwich and South Norfolk.

The Main Modifications have been published following Examination Hearing Sessions in May and July 2013 in which Barton Willmore attended and participated on behalf our clients. As these Modifications are being progressed under The Town and Country Planning (Local Planning) (England) Regulations 2012 in respect of the remitted part of the Joint Core Strategy, for ease of reference, we refer to this part of the Joint Core Strategy as "this part-JCS Local Plan". This also the phraseology used in proposed Policy 22.

Our representations are focussed towards Main Modification 2 [MM2], which concerns the introduction of two new policies which have been drafted by the Inspector (Policy 21 and Policy 22).

We consider that the introduction of proposed Policy 21 [Sustainable Development] and proposed Policy 22 [Flexibility] are positive and necessary. We are content with the proposed wording of Policy 21 and have no specific comments to make on it. However, we consider Policy 22 is not 'effective', and therefore not sound.

We recognise Policy 22 introduces flexibility into this part-JCS Local Plan, which is supported. However, we do not consider the specific wording of Policy 22 results in this part JCS Local Plan as having '*sufficient flexibility to adapt to rapid change*' as set out in paragraph 14 of the National Planning Policy Framework [NPPF]. This is on the basis that:

- 1) We do not consider the 'trigger' of 2 full years from the adoption of this part-JCS Local Plan is appropriate; and
- 2) We do not consider that the 90% shortfall 'monitoring' process to initiate the 'trigger' is suitable on its own.

1. The Trigger Timeframe

The proposed 2-year wait in requiring the GNDP to review if a new focussed "Local Plan" is required to address any shortfall, is not, in our view, a proactive approach to ensuring the delivery of housing. We consider the workability of the approach outlined in the proposed policy is not clear.

Assuming this part-JCS Local Plan is adopted in January 2014, a full 2-year monitoring period will take place, with Annual Monitoring Reports (AMRs) being currently published 9 months after a March year end date. The results of the first AMR falling for consideration under the MM2 will therefore not be available until December 2016. The reality is that, at best, a new focussed "Local Plan" may not be considered as necessary until early 2017, some 3-years after the date of adoption of this part-JCS Local Plan, and, some 9-years after its base date. Assuming a new focussed "Local Plan" is indeed required, this could potentially take a further 2–3 years to adopt i.e. the outworking is such that it could be 2019/20 until any planning framework is in place to rectify the shortfall in housing that is currently evidenced.

In addition to this delay, we are also concerned that:

- there is no prescribed date set for producing an AMR;
- there is no prescribed date for its publication; and
- there is no control or means of intervention/penalty if an AMR is not published.

As a result, there is no requirement, nor any incentive, for the GNDP to be proactive with the monitoring of the above.

We consider that the time limit should be reduced to 12 months. In this instance, it can also be linked with the approval and/or the delivery of the NDR, which is fundamental to the whole strategy.

2. The Monitoring Process

The issue of timing is further compounded by the lack of clarity with regard to the way in which the shortfall will be calculated. For instance (and as was explored at the Hearing sessions), the matter of calculating a 5-year supply of land is subjective. Assumptions are made on trajectories, completion rates, start on sites etc and are often questioned and subject to significant debate.

Barton Willmore demonstrated that the trajectory put forward by the GNDP at the hearing sessions could not be fully relied upon. The differing methodology used in accommodating past shortfall (*Liverpool vs. Sedgefield*) provides uncertainty, as does on-going change in Government Policy. It was clearly demonstrated, during the Examination, that the GNDP not only preferred to use the *Liverpool* method in recovering previous years' shortfall but also preferred to use, as we demonstrated, out-of-date information on site delivery in preference to up-to-date resolutions (e.g. *the St Annes Wharf site*) of their participating authorities.

Further, in terms of the current 5-year housing land supply, the shortfall (at a base date of 1st April 2013) was calculated at 4,303 completions (Table 3.1 of DV32), an extremely high and significant shortfall. We would maintain that the evidence base concludes that a 20% NPPF buffer provision should be applied within the NPA as the GNDP had persistently under delivered as demonstrated in Table 3.1 of DV32. The extent of the shortfall demonstrated through the examination is so significant, that the action required, in our view, needs to be more proactive than set out in published MM2.

Accordingly, in the event that there is no legal requirement to submit the results of any monitoring process to the Secretary of State (and thereby the consequent inability of any 3rd party to analyse those results), there could be future conflict between the GNDP and developers and landowners who consider those monitoring results are not robust. As a result, the position could then arise whereby the GNDP does not consider a focussed "Local Plan" is required but the development industry does. The only way to test this situation would then be through a Section 78 appeal, probably through the public inquiry procedure, rendering proposed Policy 22 ineffective.

We further consider that the principle of assessing whether 90% of the required housing land supply can be met/demonstrated as the sole measure is flawed and should not be used as the only way of assessing if the trigger is to be enacted. The approval/delivery of the NDR will be fundamental to whether the housing can be delivered; and it is this factor, as well as a 5-year land supply position, that should also be used to monitor whether the need for a focussed Local Plan is required.

3. Proposed Amendment to MM2

We consider that the following amendments should be made to Policy 22:

- That the timeframe is reduced from 2-years to 1-year.
- That the following wording should be added to the middle sub-paragraph, as underlined:

The Councils will consider that a significant shortfall has arisen if the MR (produced annually) shows there to be less than 90% of the required deliverable housing land (as defined in current national policy) or if it is recognised that the NDR will not be open by Spring 2017 or has not received planning permission by December 2014.

The GNDP was clear at the Examination that progress was being made on the consenting process for the NDR and that they anticipated that it would be known by May/June 2014 whether their submission had been successful. Examination document DV 55 updates this position; and we are advised that permission could be granted for the NDR towards the very end of 2014 with its opening taking place in the spring of 2017. It is therefore unnecessary to wait for a 2-full years, when it will become clear whether Policy 22 will be required 2-years in advance of January 2017 - the date arising from the introduction of the single trigger set out in the published version of MM2.

We consider the above amendments provide the ability for Policy 22 to be proactive and effective, and, to allow for a more rapid response to the present 5-year housing land supply position in the event that there is continuing lack of delivery in housing.

4. Other Matters

A. Main Modification 6 - Appendix 7

We object to the proposed amendment to the identified Infrastructure project T15 on pages 53 and 55 of MM6 (Appendix 7 to the JCS).

We consider the amendments to the original text are in part unnecessary and unjustified. We note

a subtle change in the wording of the 'funding sources' from "developer contribution" to "to developer funded" without sufficient justification or clarity as to why this change is necessary. The proposed wording now suggests that the complete costs will be met by developers as opposed to a 'contribution' by developers. We propose the following wording as set out below.

The two relevant amendments set out on pages 53 and 55 should read:

Ref:	Scheme	Required for growth in	Promoter /delivery body	Cost £m	Funding sources	Estimated delivery dates by	Source
T15	Development Link Plumstead Road to Salhouse Road	Old Catton, Sprowston, Rackheath, and Thorpe St Andrew Growth triangle	Developer Lead	2.5	Developer contributions	2016	NATS

Ref:	Scheme	Required for growth in	Promoter /delivery body	Cost £m	Funding sources	Estimated delivery dates by	Source
T15	Development Link Salhouse Road to Wroxham Road	Old Catton, Sprowston, Rackheath, and Thorpe St Andrew Growth triangle	Developer Lead	2.5	Developer contributions	2021	NATS

B. Main Modification 8 – Appendix 8a

We consider under proposed Appendix 8a '**Spatial Planning Objective 2**', proposed policy 21 (as identified in MM2 above) needs to be referenced within the list of Policies. At present it is not referenced and we consider this an oversight. We also consider that under the Column 'target', a specific date should be referenced to ensure monitoring takes place in an efficient manner.

If you require any further explanation of the above, please do not hesitate to contact me.

Yours sincerely



ANDREW WILFORD
Associate

Enc. Completed Submission Form

cc: Peter Westhorpe: Landstock Estates Ltd
Graham Tuddenham: Landowners Group Ltd and United Business and Leisure (Properties) Ltd

Joint Core Strategy for Broadland, Norwich and South Norfolk: Suggested Main Modifications

Schedule of Main Modifications: Representation Form

This form should be used to make representations on the Suggested Main Modifications. Please read the accompanying guidance notes carefully before completing this form.

This representation form has 2 parts:

- Part 1: Personal Details
- Part 2: Your representation(s). Please fill in a separate sheet for each representation you wish to make

Please note that it is not necessary to make repeat representations as previous representations have already been considered by the Inspector. The Councils are only inviting representations on the main modifications NOT on any other parts of the plan. Representations made on parts of the plan not listed as modifications will not be accepted.

The period for making representations runs from 9 September 2013 to 5.00pm on 21 October 2013, after which representations will not be accepted. Representations should be made on this form and returned to:

GNDP
PO Box 3466
Norwich
NR7 7NX

or by email to: jointcorestrategy@gndp.org.uk

Please note that late representations – received after 5.00pm on Monday 21 October 2013 – will not be accepted.

Data protection: Please note that any representations made cannot be treated as confidential. Respondent details and copies of all representations will be forwarded to the Planning Inspector appointed by the Secretary of State for consideration. All representations and related documents will be held by the Greater Norwich Development Partnership and will be available for public inspection, by appointment, as well as being published online at www.gndp.org.uk. They will be handled in accordance with the Data Protection Act 1998 and kept for at least three years after the Joint Core Strategy Proposed submission content is adopted.

Part 1. Personal Details

Representations can not be considered anonymously. All representations made will be available for public inspection by appointment, and will be published on the GNDP website. However, this will exclude address, telephone number and email address of respondents which will be used for GNDP purposes¹ only and will be removed from the published representations.

1. Personal Details*

*if an agent is appointed, please complete only the Title and Name boxes in below, but complete the full contact details of the agent in column 2.

2. Agent's Details (if applicable)

Title	<input type="text"/>	MR
First Name	<input type="text"/>	ANDREW
Last Name	<input type="text"/>	WILFORD
Job Title (where relevant)	<input type="text"/>	PLANNING ASSOCIATE
Organisation (where relevant)	<input type="text"/>	BARTON WILLMORE ON BEHALF OF LANDSTOCK ESTATES LTD, LANDOWNERS GROUP LTD AND UNITED BUSINESS AND LEISURE LTD.
Address Line 1	<input type="text"/>	THE OBSERVATORY
Line 2	<input type="text"/>	SOUTHFLEET ROAD
Line 3	<input type="text"/>	DARTFORD
Line 4	<input type="text"/>	
Post Code	<input type="text"/>	DA10 0DF
Telephone number	<input type="text"/>	██████████
Email address	<input type="text"/>	██

■ above personal data will be processed in accordance with the Data Protection Act 1998 and will only be used by the Greater Norwich Development Partnership, and its constituent bodies, for the purposes of contacting you about the Joint Core Strategy. It will not be passed on to any third parties.

Part 2a. Your Comments on Legal Compliance

3. Are the Main Modifications to the Joint Core Strategy for Broadland, Norwich and South Norfolk: Broadland part of the Norwich Policy Area legally compliant? (please refer to the guidance notes below for explanation)

Yes

No

No
Comment

Please use the space below to provide more detailed comments:

SEE ATTACHED LETTER

Part 2b. Your Representation on the Schedule of Main Modifications

Please use a separate sheet for each reference number.

4. Please state the relevant reference number that you are commenting on from the Schedule of Main Modifications in the box below (e.g. MM1). If your comment relates to the Sustainability Appraisal Addendum, HRA Addendum or the Additional (minor) Modifications please state this clearly in the box.:

SEE ATTACHED LETTER

Comments without the relevant reference number will not be accepted.

5. Do you consider the Main Modification you have referenced above to be 'Sound'? (please refer to the guidance notes for explanation of the term)

Yes

No

6. If you consider the Main Modification to be unsound please specify your reason below: (tick all that apply)

A. It has not been positively prepared*

B. It is not justified*

C. It is not effective*

D. It is not consistent with national policy*

* An explanation of the Tests of Soundness is provided in the guidance notes.

7. Please give details of why you consider the Main Modification is unsound. Please be as precise as possible. If you wish to support the soundness of the Main Modification, please also use this box to set out your comments.

SEE ATTACHED LETTER

8. Please use the space below to give details of what alteration(s) to the Main Modification you consider necessary to make it sound and why. Please suggest revised wording.

SEE ATTACHED LETTER

The Inspector will decide if further public hearing sessions are required as part of the examination process.

All representations on matters of soundness will be fully considered by the Inspector. You may choose to request to appear at a public hearing to clarify your comments on the Main Modifications.

9. Do you consider it necessary to participate at the oral part of the examination? (If reopening the hearing is required by the Inspector)

No, I do not wish to participate at the oral examination

Yes, I do wish to participate at the oral examination

10. The Inspector may hold further examination hearings as a result of the representations. If you wish to participate at any examination hearing, please outline why you consider this to be necessary:

OUR ONGOING INVOLVEMENT WITH THE EXAMINATION HEARINGS TO DATE

11. Do you wish to be notified of the following? (please tick as appropriate)

The publication of the Inspector's Final Report

The adoption of the Joint Core Strategy for the Broadland part of the Norwich Policy Area

Signature:



Date:

07 October 2013