

Sandra Eastaugh  
GNDP Manager  
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02 August 2010

16197/A3/AW/mg

Dear Mrs Eastaugh

**GREATER NORWICH DEVELOPMENT PARTNERSHIP JOINT CORE STRATEGY  
STATEMENT OF FOCUSED CHANGES JULY 2010**

We refer to the public consultation currently being undertaken by the GNDP relating to the Statement of Focused Changes (SoFC) July 2010. We record that the SoFC, along with a supporting Sustainability Appraisal (SA) report (July 2010) and an Affordable Housing Viability Study (July 2010) have been released in response to the Inspectors' continuing concerns following the Exploratory Meeting (EM) on 13<sup>th</sup> May 2010 and future Examination in Public.

This letter does not set out our clients' formal representations to the current consultation (these will follow at a later date) but seeks to highlight to the GNDP our continuing concerns relating to the current SoFC and its failure to address the other issues that formed part of the EM in May 2010, bearing in mind the short timescales before the Examination opens in early November.

We have 3 main areas of concern:

**1. The "Focused Changes" Upon Which Consultation Is Taking Place**

We are concerned that the focussed changes only relate to 3 elements of the Joint Core Strategy (JCS). These are:

- i) Provision of Gypsy and Traveller Pitches;
- ii) Affordable Housing;
- iii) The North East Norwich Strategic Allocation.

It was clear at the EM and the 15 page Note circulated by the Inspectors, entitled 'Conclusion from the Exploratory Meeting' dated 24<sup>th</sup> May 2010, that there were 6 areas of concern. These related to:

- i) Infrastructure;
- ii) Affordable Housing;
- iii) Distribution of Development, particularly in relation to public transport opportunities;
- iv) Northern Distributor Road;
- v) Sustainability Issues; and
- vi) The North-East Growth Triangle.



It is therefore disappointing that the SoFC only relates to two of the six identified issues raised by the Inspectors. It is even more disappointing when the GNDP wrote to the Inspectors on 8<sup>th</sup> June 2010 to clarify and note the Inspectors concerns and set out the GNDP's suggested way forward on a number of these matters.

As mentioned above, our representations on these matters will follow in due course in accordance with the consultation timetable. However, we consider the current SoFC does not adequately address all the areas of concern that are required to be consulted upon in order to 'repair' the JCS in its current format. At the very least, by way of example, the SoFC should have published for consultation what the GNDP consider to be the 'critical' infrastructure versus 'non-critical' infrastructure so that the services authorities could comment on this particular issue.

## 2. Timeframe to Examination

We have noted the anticipated timescales set out in the SoFC and seek clarification on these specific dates. We recognise the current consultation period ends on 30<sup>th</sup> August 2010 relating to the SoFC but that on 4<sup>th</sup> October 2010 (5 weeks after the close of the consultation) further information will be submitted to the Inspectors by the GNDP. We understand this will relate to the background evidence work currently still being progressed.

We question at what point consultation will take place on these additional documents? Given that this date is only 4 weeks ahead of the proposed start date of the Examination, we do not consider this is an appropriate or fair timetable to review the additional documentation. This is especially so when the current SoFC contains little information that relates to the 6 areas of outstanding issues as identified by the Inspectors.

Recent correspondence sent to the GNDP from the Inspectors (23<sup>rd</sup> July 2010) has questioned the GNDP's approach to the JCS in the light of recent Government Changes. The Inspectors have identified that *'It would be helpful if this paper could be made available as an examination document before 23 August so that we can take account of it in our invitation to participants to respond in writing to the matters that we will be identifying for discussion at the hearings.'*

It is perfectly clear from this request that the Inspectors require sufficient time to review the response and determine an appropriate course of action. We therefore question how new examination documents can be submitted to the Inspectors as late as the 4<sup>th</sup> October i.e 4 weeks prior to the start of the examination. Can these documents be suitably and adequately considered by the Inspectors as well as providing a period of consultation to allow representations to be made? The Inspectors have clearly identified that the 23<sup>rd</sup> August is an appropriate timescale to consider new matters; and yet the current timetable suggests that information will be submitted up to 6 weeks after that date.

The "Local Development Frameworks Examining Development Plan Documents: Procedure Guidance August 2009 (2nd Edition)" sets out in paragraphs 3.6 – 3.9 the appropriate timeframes and manner in which to conduct the pre-hearing meetings, the content and deadline for the submission of statements by participants and the proposed timetable for the hearing. In all, the pre-hearing meeting should take place approximately 6 weeks in advance of the opening of the examination.

Notwithstanding, the Inspectors have identified that a further pre-hearing meeting is not required (11<sup>th</sup> June 2010) ahead of the Examination. Given that the GNDP intend to submit new information in early October, the Inspectors are likely to require 2 weeks to consider and conclude on these documents and prepare for the Examination. They must also ensure that all parties have approximately 4 weeks to prepare their additional statements and a further 2 weeks for the Inspectors to familiarise themselves with those statements. Realistically, some 8 weeks must elapse between the submission of the GNDP's further findings to the opening of the Examination.

Nevertheless, on 11<sup>th</sup> June 2010, the Inspectors sent an email to the GNDP and stated '*As my guidance material for the PHM made clear, the Inspectors intend to provide participants with an opportunity to respond in writing to the list of matters that we will identify for the hearings. We plan to issue this on or about 16 August, by which time any proposed changes will, by your own timetable<sup>1</sup>, have been advertised, with responses to be submitted within 4 weeks (ie by 13 September).*'

The current timetable does not conform with the Inspectors request as table 1 below demonstrates that the Inspectors intend to circulate Inspector Matters either on the 16<sup>th</sup> August or, based on their most recent correspondence, after 23<sup>rd</sup> August with a maximum of 4 weeks to respond to matters. This deadline is either 13<sup>th</sup> September or sometime shortly after 20<sup>th</sup> September (based on latest correspondence). It is evident the timetable for the JCS is running ahead of the democratic process of the GNDP and the participating Local Authority bodies as each Authority (including the GNDP itself) does not have a Committee Meeting to agree the representations received and any necessary changes to the SoFC before representations on matters arising are submitted. Furthermore, at present, the Written Statements that will form the basis of the hearing sessions are required to be submitted before the GNDP has submitted all the evidence on 4<sup>th</sup> October 2010.

**Table 1: Current Event Timetable for JCS Examination**

Event	Date	Source
Consultation on SoFC	19 <sup>th</sup> July – 30 <sup>th</sup> August 2010	SoFC
Circulation of Inspectors Matters Arising	16 <sup>th</sup> August 2010	Email from PO to GNDP dated 11 <sup>th</sup> June 2010
Submission of Statement in response to Inspectors Questions re. Government Changes	23 <sup>rd</sup> August 2010	Inspectors letter dated 23 <sup>rd</sup> July 2010
<b>Responses required to be submitted to Inspectors based on matter arising</b>	<b>13<sup>th</sup> September 2010</b>	<b>Email from PO to GNDP dated 11<sup>th</sup> June 2010</b>
Policy Group meeting	23 <sup>rd</sup> September 2010	SoFC
Broadland DC Meeting	28 <sup>th</sup> September	SoFC
Norwich City Council Meeting	28 <sup>th</sup> September 2010	SoFC
South Norfolk District Council Meeting	TBC	SoFC
Submission of Additional Documents to the Inspector	4 <sup>th</sup> October 2010	SoFC
Norfolk County Council Cabinet Meeting	11 <sup>th</sup> October 2010	SoFC
Examination in Public	8 <sup>th</sup> – 19 <sup>th</sup> November 2010	SoFC
Adoption	March 2011	SoFC

<sup>1</sup> This timetable indicated the Examination to begin on 25<sup>th</sup> October.

Given that the Inspectors require written statements to be submitted 4 weeks after the circulation of Matters, and some 4 – 5 weeks ahead of the start of the Examination (based on the 11<sup>th</sup> June 2010 correspondence) it is therefore unlikely that the Examination can safely commence in early November if the GNDP intend to submit new information in October.

### 3. Sustainability Appraisal

One fundamental issue that surrounded the soundness of the JCS and which was discussed at length at the EM was the lack of flexibility in providing for an 'alternative' or fallback strategy (or a Plan B). An alternative strategy or 'Plan B' was considered necessary to be explored in the light that a number of locations identified for growth are reliant on the delivery of infrastructure projects such as the Northern Distributor Road or the Long Stratton Bypass.

It was therefore expected that the GNDP would assess the preferred strategy against reasonable alternatives to demonstrate that a) the preferred approach selected was the most suitable and b) in the light of the failure to deliver the infrastructure projects, how would the plan continue with the delivery of the housing and employment growth. This was described as the 'what if' scenario in the Inspectors Guidance.

We have noted that these 'alternative' options' have not been presented within the current SoFC nor tested within the current SA (July 2010). Under the SEA Directive: "*Where an environmental assessment is required... an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and **reasonable alternatives** taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated*" (our emphasis)

The SA (July 2010) has only assessed two options for the North East Norwich Growth Area namely:

- Option 1: Strategic Site; and
- Option 2: Non-Strategic Site.

This is a fundamental shortcoming of the SEA process undertaken by the GNDP as no suitable 'alternative options' (i.e. Plan B) has been tested against the inclusion of the delivery of a Strategic Allocation. Our views on the original Sustainability Appraisal are well documented in previous representations to the JCS process.

Furthermore, the SA (July 2010) relies on the original Scoping Report for the JCS dated 2007. This scoping report does not provide for an assessment of a 'Strategic Allocation' and therefore the current SA (July 2010) is not in accordance with the scoping report on which it has been based. A scoping report addendum testing further alternatives should have been prepared. We would suggest that Scott Wilson need to explain how this can proceed to a formal report without an up to date scoping report.

The SEA Directive requires that '*authorities with environmental responsibilities and the public shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme*'.

The Planning Inspectorate has further emphasised, within LDF's Lessons Learnt (June 2007), that: "*At examination, LPAs will need to show a clear trail of options generation, appraisal, selection or rejection and the role that Sustainability Appraisal (SA) and community engagement have played in this process*"

We are concerned that the current SA does not demonstrate or test the 'suitable alternatives', and, that insufficient scoping or public consultation has been undertaken to allow an appropriate time frame to express opinions. Given the lack of a 'Plan B' in this current consultation, or how the preferred strategy was reached (and supported by an SA), we can only assume that this will be submitted as part of the

new evidence to the Inspectors on 4<sup>th</sup> October 2010. We therefore question how this provides for sufficient consultation to take place in accordance with the SEA Directive.

We request that the further issues (as outlined by the Inspectors above), and, the proposed submission of new evidence are addressed in a more timely fashion in order to allow all interested parties the opportunity to review and comment ahead of the forthcoming Examination.

Yours sincerely



**LEE NEWLYN**  
Senior Partner

cc:	Phil Kirby	:	Broadland District Council
	Paul Rao	:	Norwich City Council
	Andrew Gregory	:	South Norfolk District Council
	Simon Osborne	:	GNDP JCS Programme Officer
	Graham Tuddenham	:	Landowners Group
	Damon Turner	:	Landstock Estates
	John Pugh-Smith	:	39 Essex Street Chambers