

---

# Report to Broadland District Council

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 30<sup>th</sup> March 2016

---

## **PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED) SECTION 20**

## **REPORT ON THE EXAMINATION INTO BROADLAND SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 26 September 2014

Examination hearings held between 30 June and 8 July 2015

File Ref: PINS/R2610/429/3

## **Abbreviations Used in this Report**

AA	Appropriate Assessment
JCS	Joint Core Strategy for Broadland, Norwich and South Norfolk
DM DPD	Broadland Development Management DPD
GTAA	Gypsy and Traveller Accommodation Assessment
GTAAP	Broadland Growth Triangle Area Action Plan
LDS	Local Development Scheme
MM	Main Modification
SA	Sustainability Appraisal
SA DPD	Site Allocations DPD
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SPA	Special Protection Area

## **Non-Technical Summary**

This report concludes that the Broadland Site Allocations DPD (SA DPD) provides an appropriate basis for the planning of the District, providing a number of main modifications are made to the Plan. Broadland District Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Addition of a housing trajectory as an appendix to the Plan;
- Deletion of the delivery wording to make allocation policies for housing more flexible;
- Commitment to a review of the Broadland Local Plan, commencing 2015/16;
- Deletion of paragraph 2.19 which makes reference to the time limited nature of the housing allocation policies and alter para 2.20 for the same reason;
- Deletion of paragraph 13.3 which relates to site delivery and insertion of 2 new paragraphs which provide detailed information in relation to infrastructure provision;
- Additional text to explain the Council's position with regards to the provision of gypsy and traveller sites;
- Correction of housing figures in table 2 of the Plan;
- Policy PS20-02 - additional text in respect of the commercial element of the allocation;
- Policy PS37-02 - change to the wording relating to the site's airport location and additional text in relation to the potential requirement for highway improvements;
- Policy PS48-01 - changes to text to include reference to necessary highway improvement works;
- Policy PS31-02 - changes to the wording of some of the guidelines for development;
- Policy PS18-01 - one of the guidelines for development in relation to the provision of public open space is replaced with amended text;
- Replacement of glossary of terms with an updated version; and
- Insertion of a monitoring framework.

## Introduction

1. This report contains my assessment of the Broadland Site Allocations DPD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Council has submitted what it considers to be a sound Plan. The submission Plan (September 2014) is not the same as the pre-submission Plan (published April 2014). The former includes various proposed changes to address issues raised by representors at the pre-submission stage. These proposed changes were not the subject of consultation. To avoid any confusion the examination was conducted on the basis of the wording of the pre-submission Plan, having regard to the various proposed changes put forward by the Council. All of the changes advanced in the September 2014 version of the Plan were considered through the examination as potential main modifications and, where necessary to achieve soundness, they are recommended as main modifications.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report **(MM)**. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in an Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings or at the earlier Exploratory Meeting. Following these discussions, the Council prepared 2 schedules of proposed Main Modifications and carried out sustainability appraisal and these schedules have been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.
5. Following the close of the hearing sessions it came to my attention that the Council and indeed the Greater Norwich Growth Board (GNGB), in producing their latest Annual Monitoring Report (AMR), had changed their position on the buffer to be applied to the 5 year land supply requirement in the Norwich Policy Area i.e. parishes close to Norwich (NPA) from 5% to 20%. Moreover, in the AMR the buffer is not applied to the previous undersupply. Consequently the Council published an updated position statement in relation to their housing land supply methodology. I sought the views of those who had made representations in relation to the Plan previously on this revised position statement and have taken their responses into consideration.

## **Assessment of Duty to Co-operate**

6. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. It is clear from the evidence before me, including the Duty to Co-operate document, that the Council has engaged constructively with relevant bodies prescribed in s110 of the Localism Act 2011, together with other organisations, to ensure that cross boundary issues are properly coordinated and addressed.
8. There has been close collaboration between the Greater Norwich District Councils and Norfolk County Council on the Joint Core Strategy for Broadland, Norwich and South Norfolk (JCS). Various joint studies dealing with cross-boundary issues in Greater Norwich have been produced. They cover matters such as housing, gypsies and travellers, employment, transport, infrastructure, habitats and the environment, historic assets and viability evidence in relation to CIL. The Greater Norwich Development Partnership has now been replaced by the Greater Norwich Growth Board and this will carry forward its work.
9. In terms of the wider area the Norfolk Strategic Planning Group, which includes representatives from the County's planning authorities, meets on a regular basis to consider core issues. Regarding on-going compliance, a county-wide Norfolk Strategic Planning (Member) Group was set up in 2014. This comprises elected Members of all of the planning authorities in Norfolk, together with representatives of statutory bodies, such as the Environment Agency.
10. There are no outstanding issues relating to strategic matters or cross boundary issues. On the basis of these findings I conclude that the Duty to Co-operate has been met.

## **Assessment of Soundness**

### **Preamble**

11. The Plan allocates sites to meet the development needs of Broadland District set out in the JCS in the period to 2026. This Plan together with the adopted Development Management Plan DPD (DM DPD), the emerging Growth Triangle Area Action Plan (GTAAP) and the already adopted JCS will replace planning policies within The Broadland District Local Plan (Replacement) (2006). The GTAAP provides allocations for development within the growth triangle area and this Plan covers the remainder of the District.
12. The Council has sought to respond in a positive manner to representations received from the public and stakeholders at all stages of the plan making process. Where possible the Council has sought to resolve soundness issues by suggesting appropriate changes to policies or supporting text. This approach has continued throughout the Examination and consequently a number of representations have been satisfactorily addressed. Constructive engagement is an essential ingredient of the local plan system and the Council has entered into the spirit of this.

## **Main Issues**

13. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. These are dealt with below. Representations on the submitted Plan have been considered insofar as they relate to soundness, but they are not reported on individually.

## **General Matters**

### **Is the Plan consistent with national planning policies – notably the National Planning Policy Framework (the Framework)? Does it reflect the Framework's presumption in favour of sustainable development?**

14. The Framework emphasises the importance of encouraging sustainable development through enabling economic growth and promoting housing development. The Plan is in line with this approach and contains allocations that have been selected with sustainability in mind. As a result, the Plan sits comfortably with the general direction of the Framework. It is based on a clear strategy that aims to meet the housing and other development requirements of the District, which are set out in the adopted JCS.
15. Also of relevance here is JCS policy 21 which specifically covers the implementation of proposals in the Broadland part of the NPA. It requires the Council to take a positive approach when considering development proposals and reflects the presumption in favour of sustainable development in the Framework.
16. I conclude, therefore, that the Plan has been positively prepared and is consistent with the Framework.

### **Is the Plan consistent with the JCS?**

17. Regulation 8(4) of The Town and Country Planning (Local Planning)(England) Regulations 2012 specifies that subject to paragraph (5) the policies contained in a local plan must be consistent with the adopted development plan.
18. The JCS was adopted in 2011 but was subject to legal challenge. As a consequence parts of the JCS concerning certain development proposals in the Broadland part of the Norwich Policy Area were remitted to Regulation 19 stage. Part of the JCS subsequently underwent an examination in 2013 and resultant amendments were adopted on 10 January 2014.
19. The JCS identifies Norwich as a main focus for growth in the East of England, for new homes and jobs, leisure, cultural and educational development. It recognises though that the economic, social and cultural influence of the city extends into the neighbouring districts, including Broadland. It notes that in the rural areas, market towns continue to provide the most sustainable focus for development. Much of Broadland District lies within the NPA. The JCS defines the NPA as 'part of the county which is centred on and strongly influenced by the presence of Norwich as a centre for employment, shopping and entertainment, generally comprising the fringe and first ring of large villages around the city of Norwich, but extending to Long Stratton and

Wymondham'. The aim is to concentrate development within the NPA, primarily in the Growth Triangle. The Plan, along with the adopted DM DPD and emerging GTAAP, seeks to do this and deliver the growth strategy for Broadland that is set out in the JCS.

**Does the Plan take appropriate account of made Neighbourhood Plans and emerging Neighbourhood Plans?**

20. There are four adopted Neighbourhood Plans: Sprowston NP (adopted May 2014), Strumpshaw NP (adopted July 2014), Acle NP (adopted February 2015) and Great and Little Plumstead NP (adopted July 2015). The Council have supported the Parish Councils' production of the Neighbourhood Plans, giving advice where required, for example in relation to conformity with the strategic policies of the Local Plan and relationship to the Development Plan Documents.
21. In producing this Plan the Council has had regard to the adopted Neighbourhood Plans, but they do not contain any matters that affect it since they do not have any development allocations. As statutory consultees, the Parish Councils have been consulted at all stages of the Plan preparation and have not raised any concerns in relation to conflict with the Neighbourhood Plans.
22. At the time of the hearings there were a number of emerging Neighbourhood Plans, including Great & Little Plumstead (subsequently adopted), Brundall, Aylsham, Blofield, Drayton, Old Catton, Rackheath and Salhouse. These Neighbourhood Plans do not contain any development allocations and no matters have been identified that affect this Plan. Again, the Parish Councils have been consulted at all stages of the Plan preparation and have not raised any concerns in relation to the Neighbourhood Plans.

**Is the Plan based on a sound process of sustainability appraisal, including testing of reasonable alternatives, and does it represent the most appropriate strategy in the circumstances?**

23. The Council has undertaken a sustainability appraisal of the Plan throughout the relevant stages. Reasonable alternatives have been tested and this has led to the most appropriate sites being selected. I am satisfied that the Plan is based on a sound process of sustainability and that it contains the most appropriate strategy.

**Have the requirements of the Habitats Regulations been met? Would there be any adverse effects on European sites? Does the plan include sufficient mitigation?**

24. The Habitat Regulations Assessment (HRA) concluded that there are potential impacts from disturbance at the Broads Special Area of Conservation and RAMSAR site and Broadland SPA although it found that any impacts would be very low. Nevertheless this invokes a requirement for impact mitigation in the form of green infrastructure/open space provision in relation to new development.

25. Policies in the recently adopted DM DPD will ensure the delivery of the necessary mitigation, along with funding from the Community Infrastructure Levy (CIL). This will go towards additional strategic green infrastructure for open space provision as identified in the Greater Norwich Infrastructure Plan (GNIP). Consequently there is sufficient confidence for negative impacts on site integrity on International Sites from the Plan to be considered unlikely. This view is shared by Natural England.
26. The HRA and addendum sets out the mitigation requirements. It notes that the HRA work carried out for the JCS in 2010 established the principle for the implementation of new and enhanced open space/green infrastructure to offset the possibility of uncertainty regarding potential in combination and cumulative effects associated with impacts on International Sites from recreational disturbance. The underlying principle is that if attractive and accessible local opportunities for everyday recreational uses such as dog walking are made available then there will be a reduced need for residents to visit International Sites. This is known as Suitable Alternative Natural Greenspaces.
27. The enhancement and expansion of the green infrastructure network across the Greater Norwich Growth Board area should ensure that additional impacts from new development on ecologically sensitive sites, particularly disturbance to bird populations from dogs, will be negligible.
28. Consequently, where appropriate, development is required to provide open space/green infrastructure to meet the daily recreational needs of new residents. This will be delivered through the application of DM DPD policies EN1 and EN3 when individual planning applications are determined. In order to be effective and justified this Plan needs to contain general information about these requirements so that it is clear to developers what will be expected of them and the importance of green infrastructure. This is remedied through a Main Modification **(MM9)**.
29. Accordingly, the HRA finds that adequate mitigation has been identified to conclude that there will not be an adverse effect on the European Sites. This has been accepted by Natural England.

**Why does the Plan not contain a monitoring framework and is the glossary of terms up to date?**

30. The Plan does not contain a monitoring framework. This is necessary to show how the implementation of policies in the Plan are progressing. Without this the Plan will not be effective and therefore unsound. Consequently a monitoring framework is proposed through a Main Modification **(MM16)**. The monitoring framework will be appended to the Plan.
31. A glossary of terms to aid with the understanding of the Plan is necessary. While the submitted Plan does contain a glossary the Council are proposing significant changes to it to ensure consistency with the glossary in the adopted DM DPD and these are covered by **MM15** and this is necessary for clarity and so effectiveness.



### **What alternatives to the sites in the Plan have been considered?**

32. The Council has gone through various stages of consultation and public engagement in selecting sites for this Plan. This process informed the selection of the most appropriate sites to meet the objectives of the Plan as well as those of the JCS and national planning policy. The sites which reached the latter stages of the process were subject to sustainability appraisal, as set out above. The Council also considered comments made by representors at the various stages of the plan making process.
33. It is clear from the submitted Plan and the supporting evidence that reasonable alternative sites were considered before finalising the Plan. Overall I find that the Council has adopted a robust and systematic approach to allocating sites and that alternative sites to those in the Plan have been given due consideration.

### **Is the proposed approach generally consistent with the expectations of the JCS and *Planning Policy for Traveller Sites – August 2015, (particularly Policies A & B?)* If not, why not?**

34. JCS policy 4 says that within Broadland provision will be made for 15 gypsy and traveller sites for the period 2006 to 2011 and 20 in the period 2012 to 2026. However, these figures were based on the revoked Regional Spatial Strategy and the policy does say that when this occurs new targets for the period after 2011 will be set, based on local evidence. This approach is recommended in *Planning Policy for Traveller Sites – August 2015 (PPTS)*.
35. More recent targets have been set through the Greater Norwich Gypsy and Traveller Accommodation Assessment (GTAA) 2012. This identifies a need in Broadland for 3 pitches from 2011 to 2016, which has been met through planning permissions. A further 3 pitches have been granted planning permission, thereby adding to the supply of pitches. In summary, the Council has granted planning permission for more sites than identified in the GTAA and therefore there is no evidence of any unmet need up to 2016.
36. Paragraph 11 of PPTS advises that 'criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward'. Policy H6 of the adopted DM DPD deals with windfall sites outside development limits.
37. PPTS also requires the identification of a supply of sites for 5 years and sites/locations for growth for years 6 to 10 which has to be informed by an assessment of need that stretches at least that far. The Council has only assessed need to 2016, although the 3 additional pitches with planning permission might provide some supply beyond this.
38. The Council is unaware at present of the need beyond 2016 and so cannot plan to meet this requirement, but it intends to review the GTAA in 2015/16 and the need identified through this will inform either a review of this Plan or a separate gypsy and traveller site allocation plan.

39. While it will be the job of the review of the Broadland Local Plan or a separate gypsy and traveller site allocation plan to allocate sites to meet future need, the DM DPD sets out the approach to dealing with this matter in explanatory text related to policy H6. In response to the concerns I raised about the lack of a commitment in the text in this Plan to address future need, in accordance with Policy B of PPTS, the Council has proposed a Main Modification **(MM12)** to resolve this matter. It introduces text to set out the Council's approach to dealing with future gypsy and traveller accommodation needs. It provides a clear commitment to an up to date GTAA and producing a plan that meets the identified need. This modification is necessary to make the Plan justified and effective.

**Is the Plan justified by robust and up to date evidence on housing, employment, retail and flood risk?**

40. The Plan is supported by an extensive evidence base. A great deal of the evidence was originally prepared to inform the production of the JCS which commenced in 2006 and was completed in 2014. The evidence base was therefore compiled over a long period of time, with various pieces of evidence added and updated over this period. The Plan should be consistent with the JCS and so this evidence base is relevant. Additionally, specific evidence has been gathered for this Plan. This includes documents such as a viability study, sustainability appraisals and habitat regulations assessments. Taken together, the evidence documents provide a sound underpinning for the Plan. As such I conclude that the policies in the Plan are based on a robust and up-to-date evidence base.

**Whether there should be a commitment to an early review of the Plan?**

41. The Council proposes to begin work on a review of the Local Plan in 2015/16. A new Strategic Housing Market Assessment (SHMA) is being prepared jointly with the 3 Districts in the greater Norwich area (Broadland, Norwich and South Norfolk), as well as Breckland, North Norfolk and the Broads Authority. The SHMA is part of the evidence base for this review and will include working with other local authorities in accordance with the Duty to Cooperate. This will lead to the preparation of a new local plan although it is not yet certain what form this will take and whether it will be prepared jointly with other nearby local planning authorities that are involved in the joint SHMA.
42. Given the development requirements are currently set by a JCS based on evidence which in part dates back to 2006 and that a new SHMA is being prepared, a commitment to an early review is necessary. A Main Modification **(MM3)** is proposed to the text in the Plan to set out the Council's commitment to a review of the whole Broadland Local Plan. This modification is necessary to make the Plan justified and effective.

**Can the proposed scale and location of development be accommodated without causing highway safety problems?**

43. On the basis of the evidence base and the consultation response from Norfolk County Council, I am content that the proposed scale of development is in principle acceptable. Importantly, some allocation policies contain necessary

guidelines for development that relate to highway improvements. Main modifications overcome objections in relation to a few specific developments. However I shall deal with these when I come onto specific sites later in my report.

## Housing

**Is the overall amount of housing provision and its distribution in the Plan consistent with the JCS? How has the actual number of dwellings allocated been arrived at? Is there a need for a buffer? Should it be greater, as suggested by some representors?**

44. Policy 9 of the JCS sets out the strategy for growth in the NPA, including housing targets. The majority of these are within the area covered by the GTAAP (7000 homes by 2026). Policy 4 of the JCS sets out the overall housing requirements for the District. This Plan contains tables setting out the JCS minimum requirement for housing numbers across the District (excluding the area covered by the GTAAP), as well as the actual numbers allocated through specific sites in the Plan. However, some of these figures include a number of sites in the existing local plan. This error is corrected through Main Modifications (**MMs 11, 13 & 14**). These accurate figures are necessary for the Plan to be effective.
45. To summarise, the JCS housing requirement for Broadland District as a whole, is the provision of 11,099 homes in the NPA (9,000 through allocations and 2,099 from current commitments) and 1,605-1,995 in the Rural Policy Area (RPA) (690-1,080 from allocations and 915 from current commitments). This Plan allocates sites to accommodate between 2365 and 2565 homes in the NPA and between 1036 and 1106 in the RPA. The overall amount of housing provision and its distribution is broadly in line with the JCS.
46. As can be seen from the figures above a buffer does exist and this is necessary to provide some flexibility should some sites not come forward or indeed not yield as many dwellings as expected. Some objectors argue that the buffer should be greater. However, a larger buffer would potentially result in the creation of a materially greater number of dwellings than has been tested through the JCS.
47. The evidence base for the JCS considered the capacity of services and infrastructure to deal with the level of development being promoted in that plan. Material increases in development and population above and beyond that level could be unacceptable for a number of reasons. For instance, the pressure it would place on existing services and infrastructure. Moreover, there is no identified need for levels of housing above the figures in the JCS.

**Is it assumed that all sites, both commitments and allocations, will be developed during the Plan period? Are all these sites likely to be developed? What account is taken of windfalls? What rate of windfall development is anticipated over the Plan period?**

48. In addition to the sites allocated within the Plan, it is expected that previous commitments and windfalls will be developed over the Plan period. Indeed

some already have planning permission and others are being built out. In terms of meeting the housing requirement set out in Policy 4 of the JCS, this Plan and the GTAAP allocate sites to meet this amount of housing. New windfall developments are not required to meet the housing requirements of the JCS. Further windfall development does however provide further flexibility to contributing to the overall housing land supply across the District.

49. In the past (2008-2014) windfalls across the District have averaged 158 per year (NPA 75 and RPA 83). This was during a period of recession. Windfall development normally occurs inside settlement limits and so can reduce over the Plan period as the 'gaps' within settlements are gradually filled. Nevertheless, based on the evidence before me it seems likely that a significant amount of residential development will arise in this way each year and thus help boost the supply of housing in the District. The latest AMR (2014/15), includes in its land supply figures an allowance for windfall sites based on past data.

**Will the allocated sites help ensure that the housing requirement is delivered in line with the annual target in the trajectory?**

50. The low rate of house building in recent years means that it has not kept pace with the housing requirement target set out in the JCS and consequently there is now a backlog of unmet housing requirements, particularly in the NPA. This must be considered against the backdrop of the national decline in house building in recent years as a result of the economic recession. There are signs that this is changing and also having an adopted Plan in place will be likely to increase confidence in the housing market in this District. This in turn will be likely to result in an increase in house building.
51. A housing trajectory is not included in the Plan. Although trajectories can become out of date quite quickly it is important to have one in the Plan so that it is clear how many dwellings each site is expected to yield and at what point in the Plan period. This will help measure performance against targets. It should also be reviewed and updated annually in the AMR. This omission is corrected through a Main Modification (**MM1**), which is necessary to make the plan effective.
52. The residential policies in the Plan seek to speed up the delivery of development by applying timescales for, among other things, the submission of planning applications and commencement of development as well as other related text. The penalty for failing to comply with the timeframes set out in the policies would be that the policy would no longer apply. However, it could have the opposite effect as it may affect the confidence of developers to invest time and money in preparing planning applications if because of unavoidable delays the policy is said to be no longer valid. Moreover, in deleting policies others would need to be put in place to replace them and this could take some time.
53. As a result of my concerns about this strategy and its further investigation through an exploratory meeting the Council is proposing through Main Modifications (**MM2a-2d, MM8, MM21 & 22**), to remove the wording from all

of the relevant policies. These Main Modifications are essential for soundness reasons.

### **Will the Plan help deliver a 5 year supply of housing?**

54. The Inspector dealing with the remitted part of the JCS, concluded at paragraph 66 of his report that whilst 'there is not a preferred answer to how past shortfalls should be handled – the two most common ways put to me were the 'Sedgefield' and 'Liverpool' approaches. In this case I agree with the GNDP that the shortfall should be added to the housing delivery target over the plan period because the JCS was only adopted in 2011 and it deals with that particular problem over the plan period (i.e. the 'Liverpool' approach), and this Plan forms part of it'. Also, a number of the housing sites are larger strategic ones, such as PS31-02 at Hellesdon, which will take some years to build out and where it may take some time to get houses out of the ground. This makes dealing with the shortfalls over a shorter period more problematic also. Indeed, Planning Practice Guidance advises that 'local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.' (my emphasis). Consequently, I find that in this case the Liverpool approach is the most appropriate.
55. In terms of the correct buffer, paragraph 47 of the Framework advises that local planning authorities should 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land'. It further advises that 20% should be added where there is evidence of persistent under-delivery of housing.
56. Planning Policy Guidance advises that identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker and that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.
57. This stance was taken by the Inspector dealing with the remitted part of the JCS. Indeed he concluded that some years before the economic downturn should be used. His findings were based on evidence provided by the GNDP (now GNGB) and others and he concluded that a 5% buffer was the most appropriate. However, since then the under delivery has continued and so, as set out above, the GNGB in its latest AMR (2014/15), conceded that there is now a record of persistent under delivery and accordingly they increased the buffer from 5% to 20%. I agree that this is a logical and sensible approach.
58. As set out above, Broadland housing land supply is divided into 2 categories – land within the NPA and land within the RPA. Historically land supply in the RPA has been plentiful and indeed far exceeded the target, but in the NPA the opposite is true and this is where most of the growth is focused in the JCS. The land supply situation remains the same now.
59. Essentially in the 2014/15 AMR, under the proposed Local Plans, a 5 year supply of housing land exists in the NPA part of the District if a 20% buffer is

applied and the Liverpool method of calculation is used. This includes sites in the Plan and the emerging GTAAP. However, that calculation does not add the buffer to the undersupply. Adding the buffer after the undersupply has been added to the annual housing requirement produces less than a 5 year supply of housing land in the NPA part of Broadland District and I consider that this widely accepted approach to calculating housing land supply is the correct one.

60. JCS policy 22 says that if in any monitoring report produced after 2 full years from the adoption of the amendments to the Plan (January 2014), there is a significant shortfall in the 5 year supply of housing land (plus the additional buffer required by the Framework), affecting the Broadland part of the NPA, then the Council will produce a short focussed local plan which will identify and allocate additional locations within the whole NPA area for immediately deliverable housing land to remedy that shortfall, in accordance with the JCS settlement hierarchy. A significant shortfall is defined in policy 22 as being when the AMR shows there to be less than 90% of the required deliverable housing land (as defined in current national policy).
61. It may be that this is triggered later this year and this seems to me to be the most favourable way of addressing any shortfall in housing land supply in the NPA part of this District. The alternative would be to delay the adoption of this Plan until further sites are found. This in my experience would take time. All the while the lack of an adopted Plan, containing deliverable housing sites, would in all likelihood result in delays with the delivery of these sites because of the uncertainty this would provide for the landowners and developers. Also, putting the Plan into suspension at this late stage is unlikely to result in additional sites being brought forward significantly quicker than if the process under JCS Policy 22 were to be triggered.
62. JCS Policy 22 is a safeguard against significant problems occurring with housing land supply in the Broadland part of the NPA. I am also mindful in reaching this view that the Council, along with local authorities, are in the process of reviewing the Local Plan (CS). Work has started on this through the preparation of a SHMA.
63. In the RPA, there is a 5 year supply of housing land whichever method of calculation is used. To summarise, although the Plan will help boost the supply of housing, it is not certain that it will guarantee a 5 year supply of housing in the NPA part of the district. However, for the reasons outlined above, this does not mean that the Plan should be found unsound. I am satisfied that this Plan will, in conjunction with the GTAAP, help deliver a 5 year supply of housing both inside the NPA and outside it.

**Are the allocations based on a robust assessment of infrastructure requirements and their deliverability, including expected sources of funding?**

64. The Plan has been produced in accordance with the Framework and having regard to relevant national planning policy guidance. It is also consistent with the JCS policies. The production of it has involved full community involvement and consultation, including of statutory undertakers and utility bodies. In addition, it has undergone sustainability appraisal through its stages as well as

viability testing and engagement with landowners and developers. This collaborative approach increases the likelihood of the sites being deliverable.

65. Deliverability is also evidenced by reason of many of the allocations already having been granted planning permission, with development progressing in some cases. The process has also involved taking into account any environmental constraints, as evidenced through the Sustainability Appraisal and a Habitat Regulations Assessment.
66. The Plan policies set out 'guidelines for the development'. These include known issues identified during the production of the Plan, such as infrastructure, housing mix or environmental constraints, which will need to be considered in a development proposal. It may be that some of the improvements to infrastructure necessary for development to come forward will need to be funded by the developer either directly or through CIL. It is important that this is known by developers and that it is clearly set out in the Plan. This is resolved through **MM10**, which adds some additional text to this effect. This is necessary for the Plan to be effective.

**In assessing the speed at which development will come forward on certain sites, has full regard been had to the proposed Northern Distributor Road (NDR)?**

67. The NDR forms part of the government's National Infrastructure Plan (2014). A shortfall in funding that existed has now been resolved through additional funding from the Department for Transport, the New Anglia Local Enterprise Partnership and Norfolk County Council.
68. Consequently, it is not expected that there is a funding risk and the NDR itself has consent. Norfolk County Council have announced that preliminary work has commenced and that it is expected to be open in early 2018. On this basis it seems very unlikely that it will unduly delay progress on any of the allocated sites which are dependent upon its delivery.

**Is the formula used to assess the number of new school places that will be required as a result of new development across the District correct?**

69. Concern has been expressed by a developer that the school place multiplier used to assess the likely requirement for school places in the future is flawed. This concern has come about following the request of Norfolk County Council for a larger multiplier in a specific settlement in a nearby District. If the same multiplier were used across this District then more school development than planned would be required.
70. Reassurance has been given by Norfolk County Council that the circumstances in the area referred to by the developer are unique and that having given further careful consideration to the formula that has been used in Broadland they are confident that this is the correct one. I am convinced that that this will be the case, based on the evidence before me. Consequently the school place assumptions upon which the Plan is predicated are considered to be as accurate as possible. Importantly I am satisfied that the Plan makes adequate

provision to ensure that school places will be available to accommodate children living on the new sites.

## Employment

### **What are the key employment land and jobs targets? Is the overall amount of employment provision and its distribution in the Plan consistent with the JCS?**

71. The JCS sets out specific employment land requirements for the main strategic locations in the upper parts of the Settlement Hierarchy, with employment encouraged. No specific requirements are set for the lower elements of the hierarchy. Across the whole JCS area JCS policy 5 sets a target of at least 27,000 additional jobs in the period 2008-2026. It supports the growth of the local economy through the sustainable development of employment opportunities and requires sufficient employment land to be allocated in accessible locations to meet identified need and provide choice in accordance with JCS policies 9 to 19.
72. JCS Policy 9 *Strategy for Growth in the Norwich Policy Area* sets out, among other things, the employment development at strategic locations. These include land for a new business park associated with Norwich Airport, focussing on uses benefitting from an airport location. Accordingly, around 35ha of land is allocated through this Plan for such development. I will return to this site again below. An extension to Broadland Business Park of around 25ha for a range of employment uses (to include 50,000m<sup>2</sup> of B1 uses) is expected. This will be provided through the GTAAP. Also, new employment development to serve local needs of major growth locations, including around 25ha of new employment land at Rackheath is expected and this will be delivered through the GTAAP.
73. JCS Policy 10 identifies locations for major new or expanded communities in the NPA including Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle. This includes reference to employment allocations for local needs, including the expansion of the Rackheath employment area already mentioned. Again, this area is covered by the GTAAP.
74. This Plan has allocated the land for a new business park related to Norwich Airport, as set out in the JCS. It also allows for smaller scale employment development in places lower down the Settlement Hierarchy, consistent with the relevant policies in the JCS. Where necessary I shall deal with specific employment allocations set out in this Plan below.
75. Approximately 100ha of land is allocated for employment related uses across the whole of the District, but this is more than is actually available for development. This is because, for example, the site allocated under policy PS60-01 is a re-allocation of a site that is already largely built out, and mixed use sites such as PS48-02 Station Yard, Reepham will contain residential development as well as employment uses. Also, the large allocation at Broadland Business Park (PS60-01) is allocated in the existing local plan. It has planning permission and has been developed, with the exception of around 8ha.



76. I am satisfied that the distribution of employment land in this Plan is in accordance with the strategy set out in the JCS and as such is sound.

**How much land will be lost from employment use as a result of allocations in the Plan? Is it anticipated that other employment land will be lost to other uses over the Plan period?**

77. There are some sites allocated for residential use that are or have been in employment use. They are mainly unused or underused sites. Moreover, because of the proximity of some of the sites to residential properties, such as a scrapyard in Coltishall, there are some amenity and environmental benefits from the proposed allocations.

**Retail**

78. The Plan includes two sites which contain retail use. Site PS58-01 already benefits from planning permission. The policy in the Plan states that the site is to be developed in accordance with planning permission reference 20131175. This policy recognises the planning status of the site. I shall deal with this matter in more detail below.
79. In addition, Policy PS20-02 allocates approximately 0.8 hectares of land east of School Road, Drayton. This may accommodate approximately 20 dwellings and/or retail uses falling within Class A. This site is adjacent to an existing local centre and is therefore a logical location for such a use. This policy is consistent with the JCS.

**Site specific policies**

80. A number of the site specific policies in the Plan are not specifically referred to in this report. This is because the report focuses on those parts of it where there may be soundness issues.

**Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure, affordable housing and other facilities, and taking account of environmental constraints?**

81. Subject to the Council's suggested main modifications set out in Appendix A, I am satisfied that all of the allocated sites are appropriate and deliverable. As set out above, consideration has been given to the necessary infrastructure.
82. The Plan makes appropriate provision for the delivery of affordable housing in accordance with the JCS. It strikes an appropriate balance between maximising the supply of additional homes by seeking to meet or exceed the identified housing targets of the JCS.
83. As set out above, housing delivery will be monitored in order to ensure that the Plan is effective and deliverable and I am satisfied that the Council has mechanisms for implementation, monitoring and review of the document. This will be principally through the AMR and future reviews of the Local Plan.

Allocations will be monitored on an annual basis to assess progress, a process which will run alongside the Council's housing trajectory in this Plan.

84. Turning now to environmental constraints, these formed part of the Council's site assessment criteria and they have been considered through evaluation of options in the Sustainability Report. I am content that the Council has engaged with key bodies such as Heritage England, the Environment Agency and Natural England in order to assess the deliverability of sites with regard to environmental constraints. Where relevant, the Plan identifies the relevant policies and detailed requirements that are needed to ensure environmental constraints can be overcome in order for them to be considered appropriate, feasible and deliverable.

**Are the detailed requirements for each of the allocations clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?**

85. The detailed requirements for each allocation within the Plan are sufficiently clear and justifiable taking into account the Framework, the JCS, the DM DPD and views expressed through consultation.
86. In considering each site the Council has taken account of its characteristics and the area in which it is located, not only to address constraints but to also exploit opportunities. The individual allocations policies will ensure constraints are satisfactorily addressed and sustainable development is achieved that is compatible with neighbouring uses and the wider area. It is considered the requirements are justified in order to meet JCS and DM DPD policies. The requirements are considered to be clear and reasonable.
87. The explanatory text accompanying each allocation policy provides sufficient clarity for landowners and potential developers and it highlights the key issues and potential requirements and opportunities to be considered at the planning application stage. As such, I find that site constraints have been adequately addressed in the Plan.

**Are the site allocations in the plan justified, effective and consistent with national planning policy?**

**Norwich Policy Area – Fringe Parishes**

**Policy PS20-02 Land east of School Road, Drayton**

88. This brownfield site in the centre of Drayton is being promoted for a mixed use development comprising commercial and community uses as well as residential development. The policy lacks information about the size of the commercial element. Main Modification **(MM4)** is recommended to provide greater clarity about the expected size of the commercial element of this allocation. This is necessary for the policy to be effective.
89. The Council in allocating this site have been mindful of the fact that the site is likely to be contaminated. A full assessment of the remediation works and their cost has not been carried out by the Council. Nevertheless, I am

confident that the degree of works required will not be unusually onerous for a brownfield site and that it will not prevent development coming forward. Overall I am satisfied that this policy is justified and effective subject to the above modification.

## **Taverham**

90. An addendum to the sustainability appraisal in relation to Taverham has been prepared following concerns of a landowner seeking to promote a site after the publication of the pre-submission Plan. He is concerned that the Plan does not allocate any houses in this settlement. This is despite JCS policy 12 including it within the group of 'Fringe Parishes' in the Norwich Policy Area.
91. No housing sites are allocated in Taverham reflecting that there were already a number of planning permissions for sites in other settlements in the NPA and these are included as allocations in the Plan, and that other sites in the fringe parishes (e.g. Hellesdon) were preferred. However, some sites have been promoted as additional sites through representations and I shall deal with these towards the end of my report. Importantly, there is no requirement in the JCS to allocate sites for dwellings in each of the fringe parishes.

## **Policy PS58-01 Land at Fir Covert Road, Taverham**

92. This 5.6ha site has an extant planning permission for a supermarket, petrol filling station, a public house/restaurant and a commercial unit (classes A1/A3/B1 & D1); and the policy reflects this. Norwich City Council have expressed concerns that the scale of development allocated and permitted here would be akin to a district centre proposal and that it could affect the vitality and viability of existing retailing, including in Norwich city centre. Taverham is not identified in the JCS as a location for a district centre. Moreover, paragraph 6.74 of the JCS provides no potential for out of town retailing.
93. The planning application was however accompanied by various specialist reports, including a retail impact assessment. On the basis of these the Council considered that the proposal accorded with both national and local planning policies. If the existing planning permission lapsed and a new one were to be submitted this would again need to show that the proposal is acceptable in retail planning policy terms and the Plan gives no steer as to whether this would be the case. Effectively this policy shows an existing commitment, but does not necessarily accept that a similar scheme in the future would be acceptable here (if the current planning permission lapsed). As such, I find that it is justified.

## **Hellesdon sites in general**

94. Local residents have expressed concerns about the scale of development proposed in Hellesdon and particularly the ability of infrastructure (medical services, schools etc) to cope with the overall amount of development allocated. During the production of the Plan the Council consulted relevant service providers and no objections were raised to the scale of development proposed. Moreover, the scale of development that fringe parishes, such as

Hellesdon, could accommodate was tested through the JCS process and the sites have been subject to sustainability appraisal. As such, I am satisfied that the scale of development proposed here would be sustainable.

### **Site PS31-02 Land at the Royal Norwich Golf Club**

95. This site is currently home to a golf course and clubhouse. It is split across Drayton High Road and is allocated for between 800 and 1000 dwellings. The golf club will be relocated to another existing golf club site at Western Park, which is around 8-10km from this site. That course will be increased from 18 holes to 27 holes and contain different teeing positions. The 18 hole course will be constructed to championship standard. The necessary land has been bought to complete the upgraded golf course and it will be complete in around 3 years and is not dependent on the delivery of the NDR. I am satisfied that the loss of this recreational land would be replaced by equivalent or better provision, as required by paragraph 74 of the Framework.
96. The site is adjacent to Kinsdale Infant School, Kinsdale Junior School and Hellesdon High School. It may be that these need to expand within the Plan period or indeed move into new premises. The policy does contain such requirements, but a Main Modification (**MM17**) is necessary to make this more flexible.
97. In terms of the combined traffic effects of this site and the allocation to the south (PS31-01) some highway improvements may be necessary and there is no reason to suppose that any necessary highway improvements could not be provided.
98. The policy contains guidelines in relation to the provision of recreation open space, landscaping and green infrastructure, but there is no reference to other relevant policies. Main Modifications **MMs18 & 19** would remedy this by including references to other policies that provide standards in this regard, such as those in the DM DPD. **MM19** also deletes some unnecessary text and this strengthens the policy. These Main Modifications make this policy more effective.
99. There is an area shown in green on the map accompanying this policy and that is an area identified for a community facility. However, this could be negotiated elsewhere within the site as part of a planning application and so a Main Modification (**MM20**) makes this clear.
100. Subject to the above, I consider that this policy is justified and effective.

### **Norwich Policy Area – Service Villages**

#### **PS37-02 – Land east of the A140 and north of Norwich International Airport, Horsham St Faith**

101. This 35ha site is located to the north of Norwich International Airport and is allocated for employment uses related to the airport. The policy sets out the range of uses that would be acceptable here. A great deal of debate has taken

place between the Council and other interested parties over how the types of uses that would be acceptable should be expressed. This is important to ensure that future uses at this site genuinely require a location adjacent to the airport.

102. As a result, two Main Modifications are recommended. **MM5** changes the requirement from 'associated with Norwich International Airport' to 'benefitting from an airport location'. Moreover, the glossary will be amended through **MM15** to expand upon this phrase and provide greater clarity. This will ensure that the site is available for those users who need or would benefit from an airport location and that it does not become a general business or industrial park. These changes are important for soundness reasons.
103. The site is dependent of the delivery of the NDR which will pass close to the site. As set out above, this is expected to be open in early 2018. Consequently, it is unlikely that this site will be completed before then as there are implications for the access to and from this site. However, given the level of certainty now over the delivery of the NDR it is unlikely that its delivery would adversely affect the delivery of this site within the Plan period. Some highway junction improvements may be required and this is remedied by the insertion of an additional bullet point through **MM6**, which is necessary for the Plan to be effective.

### **Outside Norwich Policy Area – Key Service Centres**

#### **Is the proposed amount of housing in these settlements in accordance with the JCS?**

104. This is a matter that was carefully considered when the JCS was prepared. The JCS sets out the spatial vision for this District. The numbers and the capacity for these settlements to absorb the allocated levels of development were rigorously tested. Policy 14 of the JCS says that land will be allocated for residential development in these 3 settlements for the scale indicated 'subject to detailed assessment, including impact on form and character and the resolution of any specific servicing constraints'. This Plan allocates sites within all 3 settlements that will yield between 100 and 200 dwellings.

### **PS48-01 – Land off Broomhill Lane, Reepham**

105. This particular site has generated a significant level of interest from local residents, most of whom are opposed to it. Their concerns were explored in detail at a hearings session. I shall deal with the main points below.
106. In terms of sustainability the site has been assessed at various stages of the sustainability appraisal process. Moreover, Reepham is identified as a Key Service Centre in policy 14 of the JCS and therefore identified as capable of accommodating 100-200 dwellings in total over the Plan period. It is expected that this individual site will accommodate between 100 and 120 dwellings. The developer anticipates development will commence here in August 2016, with the first homes occupied in May 2017 and that the build rate will be around 35 homes per year. This policy is likely to result in the provision of a

steady supply of dwellings in this sustainable location and contribute to the 5 year supply of homes.

107. While local residents are concerned that the development of this site for housing will affect a public footpath, the Council have confirmed that there is no footpath running through the site. There are a number of lanes adjacent to the site that are classified in the highway network as 'soft lanes', but these could be incorporated into the overall scheme.
108. Paragraph 112 of the Framework advises that 'where significant development of agricultural land is necessary, local planning authorities should seek to use poorer quality land in preference to that of a higher quality'. This site is classified as Grade 3 and so not of the highest quality, which is Grade 1. Therefore in this regard the use of this land for housing is in accordance with the Framework.
109. One of the main concerns of local residents is in relation to highway safety. Access would be along a realigned Broomhill Lane. Various safety measures would need to be incorporated into the design and a public footway created to the site. An amended guideline for development through a Main Modification covers these requirements (**MM7**). I note that the County Council's highway engineers have raised no objection to this allocation and are content that a safe means of access to the site could be secured. Subject to the proposed Main Modification I agree.
110. Local concerns have also been raised about whether foul and service water could be adequately dealt with. The relevant statutory undertakers (Anglian Water and the Environment Agency) have been consulted at all stages of the Plan preparation and have raised no objections, following monitoring to assess the capacity at Reepham Water Recycling Centre. Also, no objections have been raised in respect of surface water discharge or sewage capacity by Anglian Water or the Environment Agency.
111. Subject to the above **MM**, the policy is justified and effective.

## **Outside Norwich Policy Area – Service Villages**

### **PS18-01 – Land at Rectory Road, Coltishall**

112. This 1ha site is allocated for housing (25-30 units). At present the wording is inflexible in relation to the provision of informal and formal recreation open space in connection with the development. Some flexibility here is important given the modest size of the site and its very close proximity to existing public open space. **MM23** introduces the necessary flexibility. Subject to this Main Modification this policy is sound.

## **Additional sites**

**Is there is a need to identify additional land for housing? Have the alternative sites been subject to sustainability appraisal compatible with that for the Site Allocations DPD and to public consultation?**

113. A number of alternative/additional sites are being promoted. Some of these were considered by the Council previously and discounted and others have only recently come forward.
114. While reference was made to some of these sites in the sustainability appraisal for the Plan at the Preferred Options stage and at the submission document stage the Council chose the sites based on a number of criteria, including which performed best in terms of sustainability. Clearly not all sites could be allocated in the Plan since the amount of housing has to be in accordance with the targets set in the JCS. In addition there has not been public consultation comparable with that for the sites in the Plan before me.
115. In any event, as set out in my report above, I am satisfied that the Council have allocated sufficient sites to ensure that they can meet their housing targets handed down by the JCS. Moreover, regular monitoring will assess whether that is the case and if any additional sites need to be added in the future this will be done as part of a formal review. As such, it is not necessary at the present time to allocate any further sites. The exclusion of the sites from the Plan does not necessarily prevent them being brought forward as windfall sites, provided they are in locations where housing development is supported.

## Assessment of Legal Compliance

116. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Broadland Site Allocations DPD is identified within the approved LDS April 2015 which sets out an expected adoption date of November 2015. The Site Allocation DPD's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in April 2006 and updated in October 2008. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes <b>(MM)</b> .
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report sets out that the Plan may have some negative impact, and a full assessment should be undertaken. This was carried out in August 2014 and Natural England is satisfied with the outcome.
National Policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
2004 Act (as amended) and 2012 Regulations.	The Site Allocations DPD complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

117. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

118. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendices to this report the Broadland Site Allocations Development Plan Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Louise Crosby*

Inspector



**This report is accompanied by the Appendix containing the Main Modifications. These comprise of the recommended Main Modifications, the housing trajectory, the monitoring framework and the updated glossary of terms.**