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# **Report to Broadland District Council, Norwich City Council and South Norfolk District Council**

**by David Vickery DipT&CP MRTPI**

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

**Date: 13th November 2013**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE JOINT CORE STRATEGY FOR BROADLAND, NORWICH AND SOUTH NORFOLK, THE BROADLAND PART OF THE NORWICH POLICY AREA LOCAL PLAN**

Document submitted for examination on 4 February 2013

Examination hearings held between 21 to 23 May, and on 24 & 25 July 2013

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## Abbreviations Used in this Report

Framework	National Planning Policy Framework
GNDP	Greater Norwich Development Partnership, which includes Broadland District Council, Norwich City Council and South Norfolk District Council (the three councils with responsibility for this Plan)
JCS	Joint Core Strategy
LDS	Local Development Scheme
LIPP	Local Investment Plan and Programme
LPA	Local Planning Authority
LP	Local Plan
MM	Main Modification
NDR	Northern Distributor Road
NEGT	North East Growth Triangle
NPA	Norwich Policy Area
PUD	Persistent Under Delivery
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This report concludes that the Joint Core Strategy for Broadland, Norwich and South Norfolk, the Broadland Part of the Norwich Policy Area Local Plan provides an appropriate basis for the planning of the area up to 2026, providing a number of modifications are made to it. The Councils have specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. Almost all of the modifications were proposed by the Councils, except for new Policy 22 (MM2) which ensures the delivery of housing land if there is a later significant shortfall. I have recommended the modifications after full consideration of all the representations from interested persons on the relevant matters.

The Main Modifications can be summarised as follows:

- Clarification of the amount of development that can be permitted before the Northern Distributor Road is constructed and/or without the improvements planned for the Postwick Hub junction;
- Including the national "model" policy confirming the presumption in favour of sustainable development;
- Including a new flexibility policy to ensure the delivery of housing land in the Broadland part of the Norwich Policy Area in the event of a significant shortfall;
- Revising the Appendix 6 Housing Trajectory to accord with up-to-date figures and to explain how the tables and charts should be read;
- Updating and clarification of the Appendix 7 Implementation Framework, adding a separate section for the infrastructure required for this Plan; and
- Additional indicators for the Appendix 8 Monitoring Framework to ensure that it is effective.

## Introduction

1. This report contains my assessment of the Joint Core Strategy for Broadland, Norwich and South Norfolk, the Broadland Part of the Norwich Policy Area Local Plan 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 three Councils have submitted what they consider to be a sound plan. The basis for my Examination is the submitted draft plan (February 2013) which is essentially the same as the document published for consultation in August 2012.
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 Councils requested that I should make any modifications needed to rectify matters that make the Plan unsound and not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, as set out in my report, Sustainability Appraisal (SA). My report takes into account all of the views expressed on these matters and in this light I have made some amendments to the detailed wording of the Main Modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.
5. My approach to the Examination has been to work with the Greater Norwich Development Partnership (the GNDP) and all the other participants in a positive, pragmatic and proactive manner, with the aim of resolving any elements in the Plan which are not legally compliant or sound. In doing so, I have considered all the points made in the representations, statements and during the discussions at the hearing sessions. However, the purpose of this report is to assess the soundness and legal compliance of the Plan, giving reasons for my recommendations for the main modifications, rather than to respond to all the points made in the representations.
6. Additional modifications (minor changes) can be made by the Councils on adoption of the Plan. Taken together, these must not materially affect the policies that would be set out in the Plan if it was adopted with the main modifications.

7. Reference numbers for documents in the evidence base are provided within square brackets [ ] in the report.

## Preamble

8. The Plan has been produced to address the Judgment and Court Order made by Mr Justice Ouseley in the High Court on 24 February 2012 and 25 April 2012 respectively in the case of *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council*. He ordered that those parts of the Joint Core Strategy (the JCS), adopted in March 2011, involving the Broadland part of the Norwich Policy Area (the NPA), including the North East Growth Triangle (the NEGT) with a total of 9,000 proposed dwellings and 25 hectares of employment land, should be remitted for further consideration, and that a new Sustainability Appraisal (SA) for that part of Broadland in the NPA and the reasonable alternatives to it should be prepared. The Court Order stated that the remitted parts of the JCS should be treated as only having been taken up to the 2012 Local Planning Regulation 19 publication stage (previously known as the 'pre-submission stage'), and as not having been examined or adopted.
9. Thus, the Plan is not a review of the adopted JCS or of any other Plan or proposal, such as the Northern Distributor Road (the NDR) or the Postwick Hub A47 interchange. It is a reconsideration only of those parts of the JCS which were remitted by the Judgment and Court Order, updated where necessary. For this reason, and the fact that my Examination is legally restricted to only those submitted policies and proposals in the Plan itself, I did not agree to requests from various participants to widen the scope of my Examination to other adopted or proposed policies and proposals.
10. The Plan is part of the strategic planning framework established for the Broadland, Norwich, and South Norfolk districts in the adopted JCS, and provides the strategic locations for the remaining required housing and employment up to 2026. It is not a 'stand-alone' Plan, but instead inserts text and diagrams into the adopted JCS. It is accompanied by an evidence base including technical reports and studies, topic statements, checklists, and a Sustainability Appraisal (SA). It forms part of a suite of development plans which are currently being prepared, including various site allocation plans and a Growth Triangle Area Action Plan in Broadland District.

## Assessment of Legal Compliance

11. Three key areas concerning legal compliance are at issue in this Examination, and I deal with them below.

### *Duty to Co-operate*

12. Section s20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. This requires the Councils to co-operate and engage constructively, actively and on an on-going basis with neighbouring planning authorities and other prescribed bodies when preparing development plan documents with regard to a strategic matter.

13. The GNDP has prepared a 'Duty to Co-operate Statement' [SDJCS 16] which summarises how the Councils have co-operated with other Local Planning Authorities (LPAs) and with the additional bodies prescribed in Regulation 4 of the 2012 Regulations. As I have said, the Plan consists of those parts of the adopted JCS which were remitted back – that is, those proposals which were sent back to the Regulation 19 publication stage. The adopted JCS predates the introduction of Section 110 of the Localism Act and so its proposals were not subject to the Section 33A duty to cooperate because the duty does not apply retrospectively.
14. The production of this Plan was undertaken by the GNDP, and this Partnership includes not only the three Councils named on the front cover of my report, but also Norfolk County Council, the Broads Authority, and statutory consultees. I was told [SDJCS 16] that the GNDP operates in an "environment of comprehensive and long term cooperation" between not only the members of the GNDP, but also with other authorities and statutory consultees. The Plan's proposals have been a matter for discussion and debate at officer meetings of the Norfolk Strategic Planning Group, and at other meetings.
15. All surrounding LPAs to the GNDP (North Norfolk, Great Yarmouth, Waveney, Mid-Suffolk, Suffolk County, Breckland and King's Lynn & West Norfolk) have been consulted on the Plan and, with the exception of Breckland, Suffolk and the Broads Authority, there have been no issues raised. Those latter three named LPAs have not raised any objections. Although the involvement with councils outside the GNDP has been mainly at officer level, councillors (particularly Leaders of Councils) have also had opportunities for positive and constructive engagement.
16. In relation to the relevant Regulation 4 bodies, all relevant bodies have been engaged - some in more detail than others, dependant on the extent of their involvement in the Plan's infrastructure proposals.
17. In the above circumstances, I consider that during the preparation of the Plan the GNDP, including the three Councils, has engaged constructively, actively and on an ongoing basis on the Plan's strategic matters by means of various processes which have maximised its effectiveness. Additionally, I bear in mind that the Plan's remitted proposals were well publicised and debated over a number of years, not least during the 2010 public examination of the JCS proposals. I am also mindful that there has been no objection from neighbouring LPAs or Regulation 4 bodies concerning the overall level of development proposed. I therefore conclude that the Plan complies with the legal duty to co-operate in the Act.

#### *Public consultation*

18. This Plan is unique in the way it has had to be prepared because it was sent back by the Court Order to the 'publication' stage only, after which it was then submitted to the Secretary of State for examination. Therefore, there were no 'issues and options' or 'draft proposals' stages in its preparation upon which the public could be consulted. The Statements of Community Involvement (SCIs) concerning those earlier stages of plan preparation

consequently do not apply, and so there was no requirement for there to be any public meetings or exhibitions. The requirement was for the Plan to be open for representations for a period of 6 weeks, and this was done in accordance with the SCIs by public advertisements, individual notices and letters to stakeholders, and by making the documents available on the web, at council offices and in libraries [SDJCS 7]. I was also told that Broadland District Council published a news item about the Plan and the consultation in its newspaper, which was delivered to local residents.

19. In addition, I consider that the GNDP made a commendable effort to explain a complex matter in a short format to all relevant interested parties, particularly to members of the public. This was done by, firstly, publishing a short 6 page summary [SDJCS 2], with fuller details in its accompanying schedules and appendices. And, secondly, by a 12 page non-technical summary (with maps) of the SA process of re-examining reasonable alternatives [SDJCS 3.1], which was the key reason for the High Court's remittance. For those interested in the Plan it would not have been very difficult to understand what had happened, what was proposed, and how the decisions had been taken.
20. Overall, I am satisfied that the public consultation requirements for this Plan were fully and properly carried out. The Plan complied with all UK legislation in this regard, and therefore it also complied with the relevant Articles in the Aarhus Convention (a consideration mentioned by one representor) because effective public participation was carried out.

#### *Sustainability Appraisal*

21. The GNDP reconsidered the SA as required by the Court Order, but some parties said that not of all the reasonable alternatives for major development areas had been examined. I consider later the evidence for housing numbers in my Issue 1 soundness assessment where I conclude that the Plan, and thus the SA, has correctly assessed the amount of housing needed. One of the early conclusions in the screening process was that a floating small sites allowance of 2,000 was appropriate for the Broadland part of the NPA, which left 7,000 new homes to be located elsewhere within the whole NPA. I agree.
22. Given the above, the SA looked at 11 potential growth locations at three different scales of strategic growth and 7 potential combinations of those locations in order to accommodate the 7,000 dwellings and 25 hectares of employment land over the plan period. Overall, I am satisfied that the SA established the proper strategic scope for the consideration of what might be possible reasonable alternatives.
23. Three growth locations were selected as being the reasonable alternatives that were to be tested through the full SA process. However, some representors queried whether the SA had examined all the reasonable alternatives that were possible, and a number of suggested sites were put forward which, in combinations, were said to be reasonable alternatives. However, I do not consider that any of them could be described as being reasonable alternatives. I explain immediately below why this is so for the

main alternative suggestions which were put to me in detail at the hearings but, for the avoidance of doubt, I agree with the GNDP's reasons as set out in SDJCS 7 for the unfavourable assessments of the other suggestions made by representors.

24. There was no convincing evidence that the combination of areas suggested by the Norwich and Norfolk Transport Action Group and the Green Party (partly within the Plan area and partly to the south-west of Norwich) would actually provide the required numbers of homes, or that in the south-west the development would not cause an unacceptable impact on the form and character of the existing settlements (which was the SA's conclusion regarding major development here).
25. Landstock Estates Ltd (with others) suggested additional dwellings partly within the Plan area, partly in the Wymondham area, and partly in the Hethersett/Little Melton area (or alternatively as a floating allocation). It was accepted by them that this was only an example, or a demonstration, and that it was not a detailed, fully worked up alternative. It has similar problems as the alternative proposed by Norwich and Norfolk Transport Action Group and the Green Party – that is, there was no convincing evidence that the dwelling numbers proposed could in reality be provided, and no evidence that the potential unacceptable environmental impacts on the character and setting of the existing settlements to the south-west of Norwich could be avoided. In addition, all participants agreed that there would be a shortage of secondary school places in Wymondham, but there was no clear solution which would resolve that issue (mainly because of disagreements over the numbers of school places required), and the possibilities put forward for resolving the shortfall were not accepted by the Local Education Authority or the High School (which is an Academy).
26. The above points are sufficient on their own for me to conclude that all these alternatives are not reasonable ones. But in addition, they do not include provision for the NDR. The NDR is an adopted scheme of the County Council (the Highway Authority); it is a fundamental part of the Norwich Area Transportation Strategy, the Norwich Area Transportation Strategy Implementation Plan, and Norfolk's Third Local Transport Plan; and it has been subject to SA/Strategic Environmental Assessment in these documents. The NDR also forms an integral part of the adopted JCS (e.g. in Policy 9) to which this Plan contributes. The NDR is consequently in the infrastructure baseline of this Plan's SA, against which the environmental effects of any development alternatives have to be assessed. Thus the lack of provision for the NDR in these suggested alternatives adds weight to my unfavourable assessment of them.
27. Irrespective of any flooding concerns that might limit development, Acle does not lie within the NPA, which is where the adopted JCS says that any major growth should be located (Policy 9). As it does not comply with the policy locations in the adopted JCS for major growth areas it is not a reasonable alternative.
28. The above examples of development locations illustrate the difficulties faced by both the GNDP and representors in identifying reasonable alternatives to



assess in the SA. The requirements and objectives of the adopted JCS and the Plan, and the varied possible permutations of development locations make the task a difficult one. I consider that the SA has carried out that task rigorously, logically and clearly. The three reasonable alternatives selected were the only ones which might have the potential to meet all of these requirements, objectives and base parameters. The GNDP has given good and sound reasons for the selection of the reasonable alternatives and why other alternatives were not reasonable ones; it has carried out a fair and public analysis of those three selected reasonable alternatives (see below); and its constituent LPAs have given clear reasons for the final selection of the preferred option, Reasonable Alternative 1, for the Plan's proposals.

29. One of the Plan's environmental objectives, set out in the SA, is to "adapt to and mitigate against the impacts of climate change" (ENV 6). One of the key factors in this is greenhouse gas emission, of which vehicle carbon dioxide emissions form a significant part. The Green Party said that these had not been properly considered in the SA and produced its own vehicle carbon footprint assessment at the hearings.
30. The GNDP produced a hearing note [DV 45] which summarised how carbon emissions from vehicles had been dealt with in the SA. The GNDP accepted that it was not clear how the preference conclusions in the SA on the three alternatives had been reached from the evidence base, particularly as these aspects had been considered under both SA Objective ENV 1 (*"reduce the effect of traffic on the environment"*) and Objective ENV 6.
31. An Addendum to the SA was therefore produced which showed how the three chosen reasonable alternatives differ in their impacts on the environment through transport related greenhouse gas emissions. This was done by considering factors such as proximity to employment (by walking and cycling), proximity to services in Norwich City Centre, and proximity to potential high quality public transport routes (in particular Bus Rapid Transit). I consider these to be an equally robust method of assessing this factor as the spread sheet calculations suggested by the Green Party which were, by its own admission, fairly crude and which might provide a false sense of mathematical precision. Whilst it is possible to suggest other qualitative and quantitative ways [MOD17 & MOD18] in which such evidence can be dealt with, the Addendum deals with the matter of greenhouse gas emissions in a proportionate and satisfactory manner.
32. I am satisfied that the SA now clearly shows how the three reasonable alternatives perform in terms of greenhouse gas emissions, and that Reasonable Alternative 1 still remains the best one so far as this factor is concerned.
33. The Addendum to the SA also assesses a Main Modification (**MM2**), namely an additional Policy 22 to ensure the delivery of housing land (see later). It concludes that it would be less than ideal because growth could come forward in a more dispersed fashion and there could be more growth overall. However, this is outweighed by the key consideration of providing decent, suitable and affordable homes (SA objective SOC4) and the fact

that any additional allocations could well be limited in scale to that necessary to overcome short-term delivery issues.

34. Representors questioned whether the SA correctly assessed sustainability issues/objectives relating to water quality, air quality, environmental amenity (e.g. noise, vibration and visual intrusion), designated historic assets (e.g. Conservation Areas, Registered Historic Parks and Gardens and listed buildings) and access to key employment locations for the reasonable alternatives. The GNDP considered that its analysis of these issues was appropriate, but the SA Addendum now makes it absolutely clear how they were assessed.
35. Overall, I conclude that SA, with the Addendum, has been properly and correctly carried out. I consider that it rectifies the deficiencies identified in the 2012 Court Judgement and that it complies with the Court Order.
36. My examination of the compliance of the Plan with all the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Schemes (LDSs)	The Plan is identified within the adopted LDSs of Broadland (2012 – 2015), Norwich (October 2012) and South Norfolk (January 2013) which set out an expected adoption date of August 2013. The Plan's content and timing are compliant with these LDSs, although the hearing adjournment from May to July and the need to publish and consult on the main Modifications and SA Addendums have set back the expected adoption date, but this slippage is acceptable in the circumstances.
Statements of Community Involvement (SCIs) and relevant regulations	The SCIs were adopted in October 2008 (Broadland), January 2007 (Norwich) and February 2007 (South Norfolk). Consultation has complied with their requirements, including the consultation on the post-submission proposed Main Modifications.
Sustainability Appraisal (SA)	SA has been carried out and is adequate, as set out above.
Appropriate Assessment (AA)	The AA dated February 2010 applies to this Plan, having been carried out for the adopted JCS. This Task 2 AA concluded that it was highly unlikely that the then JCS policies (which included those in this Plan) would have a significant direct or indirect impact on European and Ramsar designated sites, subject to certain caveats. Since then some of those caveats have been included in the adopted JCS. It was reconsidered in July 2012 as part of this Plan's preparation, and Anglian Water, the Environment Agency, Natural England and the Councils all agreed that it remained unchanged. I agree. The Water Resource Availability Study of June 2012 Addendum

	<p>to the AA has demonstrated that the existing licensed resources supplying the Greater Norwich area are sufficient to serve projected development beyond 2015. In addition, further work on the resolution of the longer term water resource requirement is progressing, and Anglian Water has put forward a number of potential solutions for the next Asset Management Plan covering the period 2015 to 2020, but the final solution will not be confirmed until it publishes its final Water Resources Management Plan in 2014. This is acceptable.</p> <p>A similar assessment was carried out for the Main Modifications and came to similar conclusions – that is, they are highly unlikely to have a significant direct or indirect impact on European and Ramsar designated sites. Natural England agreed with this conclusion, and so do I.</p>
National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategies (SCS)	Satisfactory regard has been paid to the SCSs of the GNDP constituent authorities, including that of the County Council.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Assessment of Soundness

37. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified three main issues upon which the soundness of the Plan depends.

**Issue 1 – Does the Plan make appropriate provision for the effective delivery of the overall amount and location of new housing required, having regard to national policy, and is it soundly based, fully justified and supported by an up-to-date, credible and robust evidence base?**

### *Overall level and location of housing*

38. The adopted JCS requires 37,000 homes and 27,000 jobs to be delivered to 2026. The Court Order does not affect the total housing numbers or the distribution of housing and employment in the adopted JCS, other than that in the Broadland part of the NPA. At issue, therefore, is the housing originally identified in the adopted JCS for the Broadland part of the NPA (a total of 9,000 homes with a further 3,000 beyond the plan period) and associated employment (25 hectares).
39. The GNDP carried out an assessment of housing numbers to test whether the requirements of the adopted JCS were still valid [SDJCS 14 and 14.1], including the latest Government Household Interim Projections of April 2013

- [TP 13]. This concluded that local evidence (including an update to the Strategic Housing Market Assessment calculations) showed that the adopted JCS housing provision still sat well within the latest regional and national population projections and a range of estimates of housing requirements. The GNDP also provided the latest (July 2013) update to the East of England Forecasting Model, an economic forecasting tool [DV 36] which produced figures at the lower end of the range.
40. This conclusion on housing numbers was challenged by various parties, some arguing for lower and some for higher numbers. However, I am not convinced that the adopted JCS figure is so wrong that the amounts of housing proposed in this Plan need to be reduced or increased. This is not an exact science, and population projections are just that – projections. The GNDP figures indicate that the adopted JCS total still lies comfortably within the range of various projections based on completion extrapolations, affordable housing requirements, and population and economic figures [Table 1 of SDJCS 14 and TP 13].
41. Windfall housing development is not included within the adopted JCS 37,000 homes total, and it cannot be included because no evidence was submitted to show that it will continue to be a reliable source of supply as required by paragraph 48 of the Framework. I accept that windfall development would make the housing total higher if it continues at current rates (Table 1 of SDJCS 14 estimated that it would result in 42,000 homes). I also accept that the adopted JCS housing total does not lie at the bottom end of the range of projections. However, housing targets are not a maximum number, and the Government's policy in the Framework is to boost significantly the supply of housing (paragraph 47). Moreover, there is no evidence to indicate that there are good planning reasons to restrict the proposed housing numbers in the Plan area, even if windfall development is included.
42. It was alleged that there was a backlog or shortfall in the provision of housing numbers in the adopted JCS that had to be made up in this Plan. I have already referred above to the possibility of an increase in total numbers due to the fact that windfall development is not included - this introduces an important element of flexibility. In addition, the housing numbers in the adopted JCS are based upon, and slightly exceed, the now revoked May 2008 Regional Strategy totals which, with the previous Regional Planning Guidance for East Anglia of 2000, had taken account of housing backlogs during those plan periods. And the Strategic Housing Market Assessment (and its updates) included an allowance to meet the affordable housing backlog (although there are practical difficulties in achieving it) in the adopted JCS. I have seen no convincing evidence that there is any significant housing backlog or shortfall either now or in the adopted JCS that cannot be accommodated by this Plan.
43. The GNDP has had regard to a range of population projections, some of which are higher and some lower than the adopted JCS target. I do not consider that the submitted evidence shows that the housing numbers in this Plan, which is for only a part of the adopted JCS total, need to be decreased or increased. In any event, as the GNDP said in evidence, the

question of increasing or decreasing housing numbers in the adopted JCS for the whole NPA (and other areas) is a matter for a future review of that Plan if monitoring later reveals there to be a problem.

*The viability of the proposed development areas*

44. The GNDP prepared a paper which tested the financial viability of the proposed development in the Plan [DV 22], guided by paragraphs 173 to 177 of the Framework and the Harman Report of 2012 (*Viability Testing Local Plans*) [DV 14]. Infrastructure costs were based on the emerging Local Investment Plan and Programme (LIPP), the expected operation of the Community Infrastructure Levy, the various policy requirements in the adopted JCS, and the public funding of the NDR. The testing was carried out using a number of site typologies which represented a range of development sites that might come forward in the Plan contributing towards the delivery of the housing and employment development proposed.
45. I appreciate that there are limitations to this type of work, and that the results are very sensitive to factors such as sales values and affordable housing targets. Nevertheless, the work has been carried out following the Harman Report methodology and it represents robust evidence based on the best information presently available. So, despite accepted limitations, I am satisfied that this financial testing shows that the developments proposed will be viable for developers and that there is likely to be sufficient viability to incentivise willing landowners to make the sites available for development. There are no financial reasons to presently doubt the Plan's deliverability.

*Infrastructure delivery*

46. The GNDP has engaged with infrastructure providers throughout the preparation of the Plan and it has refined the proposals accordingly, particularly in terms of delivery timelines. There are some housing and employment specific infrastructure requirements, but these are proportionate and should not hamper delivery. Appendix 7 in the adopted JCS lists the infrastructure needed to facilitate development, and the Plan inserts those items required for its proposals, primarily taken from the latest LIPP, and it includes matters such as costs, phasing, funding sources and delivery dates.
47. The LIPP is an evolving document and its latest version is therefore just a 'snapshot' in time of the likely requirements. The latest LIPP is different from the information in the submitted Plan, and other infrastructure needs have become clearer over time. Moreover, Appendix 7 as submitted is difficult to understand and to find in it the infrastructure requirements for the Plan's proposals because they are intermingled and are not specifically identified. In order to be effective (by being up-to-date and clear), two modifications are necessary. Firstly, **MM6** sets out a revised Appendix 7 which clarifies that it only applies to those adopted JCS proposals outside the Broadland part of the NPA, and which deletes the submitted infrastructure projects related to the Plan's proposals. And, secondly, **MM7** provides a new Appendix 7a to the Plan which separately (and thus clearly)

lists the infrastructure required for this Plan's development, based on the most up-to-date information available.

48. The infrastructure listing in modified Appendix 7a is as comprehensive as present information can make it, sets out which parts of the proposed development would be affected, and is based on credible information provided by statutory undertakers and other involved stakeholders. I agree that funding details of schemes should be consistent in requiring developer "contributions". It will no doubt change in the future, and the GNDP is committed to regularly updating the LIPP to accommodate those changes.
49. One of the key infrastructure provisions, and one of the key causes of uncertainty in the Plan, is the NDR with its associated Postwick Hub junction onto the A47. The GNDP told me that failure to deliver improvements to the Postwick Hub junction to the proposed timetable (i.e. side road orders to be confirmed by late 2013 and open by mid-2015) may start to impact on delivery by 2015/16. Failure to deliver the NDR to its proposed timetable (i.e. the consent process completed by early 2015, and open by spring 2017) may start to impact on delivery by 2017/18. I understand that there is some limited scope for flexibility to these timetables as a start to elements of the constrained development may be possible during the construction phases of the NDR and Postwick Hub, but the work has not yet been done to quantify the exact amount. The Secretary of State exercised his powers in August 2013 [DV 55] under section 35 of the Planning Act 2008 to direct that the NDR be treated as development for which development consent is required (i.e. it will be treated as a "nationally significant infrastructure project"), which was a pre-requisite of keeping to this timetable.
50. I was told that the finance was in place for the NDR and Postwick Hub by a combination of Government funding and 'top-up' funding underwritten by the County Council. The schemes are both at relatively advanced stages (see above, and Postwick Hub has planning permission), and both have been costed and designed to a high level of confidence. I am satisfied that that there is a high probability that the schemes will be funded, and that they are likely to be implemented. It is apparent that every effort is being made to keep to the above timetable.
51. Much doubt was cast on these projects during the hearings, most of which was related to the need for schemes and/or to the possibilities of alternatives. But these are not matters for me to decide or to make a judgement upon in the context of this Examination, which is limited to the submitted Plan. As I have said, the NDR is already included in the Norwich Area Transportation Strategy, the Norwich Area Transportation Strategy Implementation Plan and Norfolk's Third Local Transport Plan, where it has been subject to SA/Strategic Environmental Assessment – and it also forms an integral part of the adopted JCS. Such concerns and suggestions can only be resolved through the various statutory processes for both these schemes.
52. There was some confusion amongst participants at the hearings (and myself) concerning paragraph 7.16 and its table as to where, and what

amount of, development could be permitted before the NDR is constructed and/or without the improvements planned for the Postwick Hub junction. So the Plan would not be effective and would therefore be unsound because of this confusion. The GNDP suggested new text in **MM1** to replace paragraph 7.18 and its table which makes the development amounts in these circumstances clear and the Plan sound.

53. I discuss later the Plan's ability to respond to rapid changes as required by the Framework, such as the possible failure of, or delays in the implementation of, the NDR and Postwick Hub. Overall, I conclude that the infrastructure requirements have been adequately assessed and that, as at the date of my Examination, the Plan's proposals can be delivered so far as the necessary infrastructure provision is concerned.

*The Housing Trajectory and additional Framework 'buffer'*

54. The submitted Plan contained a Housing Trajectory in Appendix 6 which has not been fully updated from the adopted JCS for the Broadland part of the NPA. Consequently it is out-of-date and unrealistic in that it shows housing deliveries in the past which have not actually occurred, such as at Rackheath eco-community. During the Examination the GNDP provided a series of Statement of Common Grounds with various landowners and developers in the NEGT area; new evidence on permissions granted and resolutions to grant permission; the improving housing market in the area; the build out / delivery rate at Rackheath (up to 230 dwellings per year with delivery from 2017/18); the earlier delivery of the North of White House Farm site; and other additional units in the East Development area of the NEGT [DV 21, 23, 28, 35 & MOD4]. This is all credible evidence.
55. As a result, the GNDP suggested a modified Housing Trajectory (**MM5**) which, in summary, shows a slower rate of growth in the NEGT in the earlier part of the plan period and a faster rate in its latter part than that in the submitted version. I consider this to be a realistic Trajectory both in terms of likely economic recovery times and in rates of delivery. Associated modification **MM3** makes clear that the existing Appendix 6 in the adopted JCS is out of date, and **MM4** deletes growth locations and the now incorrect totals in the adopted JCS Appendix 6 Trajectory, referring users to the new Appendix 6a (**MM5**) for the housing proposals in this Plan.
56. Of relevance to the Housing Trajectory are the questions of the 5-year housing land supply (and thus whether there needs to be deliverable sites at the beginning of the plan period) and whether the LPAs have persistently under delivered (PUD) in terms of Framework paragraph 47, thereby requiring a 20% 'buffer' rather than a 5% 'buffer' of deliverable housing sites. The Plan forms an integral part of the adopted JCS and covers the Broadland part of the NPA as a continuation and fulfilment of the adopted JCS. Policy 9 and paragraph 5.22 of the adopted JCS indicates that the purpose of the housing growth planned in the adopted JCS is to ensure that growth needs arising from the Norwich urban area are addressed as close to it as possible, i.e. within the NPA. The table on page 43 shows the distribution of growth between the NPA and the remaining parts of Broadland and South Norfolk and Norwich (paragraph 5.22). Therefore I

consider that these two questions have to be considered over the geographical area of the NPA as a whole. None of the hearing participants dissented.

57. However, the GNDP argued that this was merely the first step of a sequential approach to housing land supply, and that the second (final) step would be to consider the supply over each of the individual LPAs' area which include the NPA. The GNDP said that if that second step showed there was a 5-year land supply (plus 'buffer') then that would be acceptable even if there was none over the whole NPA. This second step was disputed by some representors.
58. Unfortunately, the adopted JCS, of which this Plan only forms a part, is unclear on this point. Whilst this is a joint Plan, there is no joint LPA (all of the constituent GNDP councils are still individual LPAs) and so the table accompanying paragraph 5.22 breaks down the total housing allocations into numbers for each of the three LPAs for implementation and monitoring purposes.
59. In support of this point the GNDP said that various submitted NPA planning appeals showed that Inspectors had considered the question of the 5-year housing land supply over both the whole NPA area and the individual LPA within which the particular appeal site was located. However, I do not see any of my colleagues saying in those appeals that this was the correct sequential methodology. Rather, they had merely dealt with the figures presented to them by the parties and, in nearly all cases, had concluded that whichever set of figures was used (the whole NPA or the individual LPA area) there was not a 5-year housing land supply.
60. Like my colleagues in those appeals, I do not think that I have to come to a decided view on the GNDP's 'sequential' land supply assessment point in order to conclude on the Housing Trajectory's soundness. This Plan is concerned only with the Broadland part of the NPA, and whether the NPA is considered as a whole, or just Broadland District, or just the Broadland part of the NPA, the GNDP's own figures for these three areas show that there is not a 5-year housing land supply in any of them using the existing deliverable sites [Appendices 1, 3a and 5 of DV 21]. The latter two Broadland-only areas have worse land supply figures than that across the whole NPA. I was not presented with any other 5-year housing land supply figures which showed that there was a satisfactory supply if other factors (such as recent permissions or resolutions to grant) were taken into account. For completeness I say now that I give little weight to the GNDP's 'emerging sites' housing land supply figures, and I set out the reasons for that conclusion later on in paragraph 68.
61. On PUD, the GNDP produced evidence which looked back over a reasonable time period (13 years) in order to give a fair, balanced and broad picture before the economic downturn (around 2007/8), since when general national economic factors have prevented the LPAs from delivering well. I consider that, for these reasons, this was the properly chosen time period for the PUD assessment.



62. Other alternative PUD calculations were based on backdating housing requirements in later adopted plans and then adding the backlog or shortfall to the housing requirement. I reject this approach on a number of grounds. Firstly, it is unreasonable and unfair to retrospectively apply housing targets in plans which were at the time only in draft and to which relatively little weight could be attached under national policy guidance. A plan can only come into legal effect as part of the statutory development plan on adoption. It is only on, and from, this date that it forms part of the development plan for the area. It is common practice for councils to backdate the plan period to reflect the base date for the plan and its evidence base (particularly the Strategic Housing Market Assessment), but this is only the statistical period on which the plan is founded. The LPAs at the time would have been heavily, and rightly, criticised for assessing yearly housing targets in their monitoring reports against those draft plan targets.
63. Secondly, those adopted plans included in their future housing targets for the adopted plan period an element of backlog for past under delivery. Therefore, to include that backlog again in PUD calculations would be to introduce the likelihood of double counting.
64. Therefore, I accept the GNDP's evidence on this question as being the more reliable of those presented to me. It shows a cumulative over-delivery in all the years from 2000/01 to 2009/10, and only since then has there been under delivery ranging from 2.8% to 12.4%. In these circumstances, I agree with the GNDP that a PUD Framework buffer factor of 5% is appropriate (i.e. a 5.25 year housing land supply) as persistent under delivery has not been shown under normal economic circumstances.
65. As I have said, whatever way the figures are calculated there is not currently a 5.25-year housing land supply. It was suggested that planning permission is a pre-requisite for inclusion in the 5.25-year supply calculation, but I agree with the GNDP that it is not. There is no doubt that to be delivered a site must enjoy the benefit of planning permission. Footnote 11 of the Framework confirms that there could be circumstances when sites with planning permission may not be deliverable but, conversely, there may be sites without planning permission which are appropriate and available now and which could be delivered within 5 years.
66. 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.
67. The GNDP's 'existing' figures in Appendix 1 of DV 21 would have to be revised downward as windfalls have been over-estimated [Appendix 1 of DV 35] and because the King Street (St Anne's Wharf) site in Norwich is not deliverable [DV 49]. Bearing these points in mind, the GNDP said on the last day of the hearings that its figures in Appendix 1 of DV 21 would give an NPA land supply of around 4.4 years of the 5.25-year requirement. Representors said it would be less [Table 3.2 of DV 32]. So it does not

matter whether the backlog or shortfall should be added over 5 years, 5.25 years, or 6 years – the fact is that there is not an adequate housing land supply as required in the Framework.

68. The GNDP argued that some 'emerging' sites should be included which would increase the supply. However, I am not fully convinced that they are deliverable given that the plans allocating the sites have not yet been examined (some are at Preferred Options stage), and that for some sites there are unresolved objections (paragraph 216 of the Framework). I was not given enough information to enable me to give varying degrees of weight to the different sites as part of a potential deliverable supply. I therefore give the emerging sites supply figures little weight.
69. The Plan's modified Housing Trajectory in **MM5** takes into account the above factors and I recommend it to make the Plan sound. However, due to infrastructure constraints, it would only start to effectively deal with the problem of the housing land supply shortfall after two years from its anticipated adoption. Moreover, it is dependant on the various site allocation plans currently being prepared by the three district councils coming forward as planned [as Table 3 of DV 21] and on the infrastructure being provided in the Broadland part of the NPA, particularly the NDR and the Postwick Hub junction. There are doubts about the timing and deliverability of all of these, and so the Plan's ability to respond to rapid change has to be considered. This is especially critical because there is not presently an adequate housing land supply.

*Flexibility to adapt to rapid change*

70. Paragraph 14 of the Framework requires plans to have sufficient flexibility to adapt to rapid change. As I have explained, the deliverability of critical infrastructure and the delivery of sites through Local Plans are not entirely certain and so the Plan has to address the consequences of a possible shortfall in the 5.25-year housing land supply, including possible contingency arrangements, in order to be sound. Unfortunately, the Plan's only answer is for a review of the whole JCS if there is no possibility of the timely construction of the NDR (paragraph 7.18), which would be a lengthy and time consuming process. There is no provision for a quicker and less complex method of dealing with deliverability problems, particularly for less critical delays in infrastructure provision. A delay or failure in the Broadland part of the NPA would probably mean that alternative housing land would have to be provided elsewhere in the NPA, although any policy should not rule out other new sites in the Broadland part of the NPA [DV 33].
71. I was assured by the GNDP that the NDR and the critical infrastructure would proceed according to the stated timetable, and that the housing would be delivered as set out in the modified Housing Trajectory. Thus, the GNDP Councils have nothing to fear from a modestly framed flexibility policy because, as they told me, it is unlikely to ever have to be implemented in practice. Such a policy is only a safeguard to ensure an effective Plan should the worst case scenario occur.
72. But there is no doubt that a policy is needed – all parties accepted this

point. Delay has already occurred in delivery from that anticipated under the adopted 2011 JCS's Housing Trajectory. And this Plan proposes a significant amount of housing within a small geographical area by a number of developers, much of which is dependant on major infrastructure works. I acknowledge that the Housing Trajectory shows the majority of delivery in the later period of the Plan, and I take this into account in setting the 'triggers' for the new policy. I also place great weight on the Government's policy to boost significantly housing supply, and its requirements that LPAs should provide in plans, and demonstrate over the plan period, a continuous 5-year (plus buffer) housing land supply (Framework 47 & 49).

73. There were no 'oven-ready' large sites brought to my attention that were deliverable and so available to be written into the Plan as 'reserve' sites to ensure housing land supply in the event of a shortfall. This means that a new, focussed housing Local Plan would have to be prepared to find alternative housing sites (and any other associated development to serve the housing), and this might take two or more years. Therefore, critical to any flexible policy to deal with rapid change is the matter of the 'triggers' for when any such remedial action would have to be started.
74. I am not convinced for three main reasons that a new Local Plan needs to be started immediately, or even within a year [MOD10], in order to find alternative sites as some representors urged. Firstly, I consider that the LPAs have done a considerable amount of work in pursuing the NDR, Postwick Hub and other infrastructure requirements and in preparing various site allocation plans to the timetables submitted to the Examination. There is no indication yet that these are likely to significantly slip, and there is at least some inbuilt flexibility in the Plan for additional housing development if they do. Secondly, to start a new plan so quickly would divert scarce staff resources away from existing important work on the site allocation plans which are needed to ensure that development takes place on time.
75. Thirdly, it will take at least two years for the Plan to start to meet the 5.25-year housing land supply requirement [Appendices 1, 3a and 5 of DV 21 and **MM1**] as deliverable permissions cannot be released any quicker. Therefore, any work on a housing Local Plan should be delayed for that two year period in order to give that process time to come to fruition. After this, if annual monitoring reveals that the required housing land supply (plus the appropriate 'buffer') has not been achieved, then a Local Plan would need to be quickly prepared to find alternative housing sites in the NPA to cover the period until any delays (for whatever reason) have been resolved. The time it would take for preparation means that any new Local Plan cannot, as the GNDP suggested, wait for the shortfall to be shown "*through three full years annual monitoring reports*" [DV 17 & MOD4], or to wait for the major housing developments to be implemented [MOD4], because by then the shortfall could be very large and possibly beyond repair.
76. I do not believe that a series of specific triggers related to the delay of itemised infrastructure projects (e.g. the NDR) [DV 16 & MOD10] would be sufficiently rigorous because this would not be flexible enough to deal with all of the possible causes of shortfalls. For instance, delays might happen in

combination, or knock-on side effects may cause unanticipated delivery problems, or delays might occur in other infrastructure projects which might not have been detailed in the policy. What is important here is whether the housing land supply is not being maintained for any reason. I consider that a 10% under supply in the 5-year supply (plus appropriate buffer) in any relevant monitoring report would be a reasonable trigger level because of the need for quick action in the event of any shortfall, and because it was a percentage level generally accepted by hearing participants.

77. The calculation of housing land supply should be consistent with national policy (Framework 182) and so calculating it to fit the supply details set out in the modified Housing Trajectory would not be sound [MOD4]. Such details change over time, particularly the specifics of what is actually deliverable. Obviously, any housing Local Plan would need to ensure that it did not prejudice the delivery of planned strategic infrastructure, so it is not necessary to write it into the policy as the GNDP suggested [MOD4].
78. I therefore recommend **MM2** and its new Policy 22 in order to make the Plan sound by being effective and consistent with national policy. I do not think it necessary to include the Plan's employment allocation in the new Policy 22 as its provision is mainly dependant on the delivery of the housing allocations in Policy 9.
79. The Plan should make clear that it complies with the Framework's presumption in favour of sustainable development, which would also assist in maintaining an adequate housing land supply. A new Policy 21 in **MM2** follows the wording of the Inspectorate's model policy and makes the Plan sound by making it consistent with national policy. Recommended **MM2** main modification also contains some additional text to explain the reasons for the two new Policies 21 and 22.

#### *Overall conclusion on Issue 1*

80. Consequently, taking account of all the evidence, statements and submissions, and having examined all the relevant factors, I conclude that overall the housing totals and modified Housing Trajectory represent a realistic, balanced, deliverable, justified and soundly based set of figures which would meet the objectively assessed housing needs over the plan period. Moreover, **MM1** and **MM2**, would render the Plan sound by making it effective and consistent with the requirements of national policy.

#### **Issue 2 – Does the Plan make appropriate provision for employment land, and is this soundly based, effective, and consistent with national policy?**

81. The Plan adds additional text to Policy 9 of the adopted JCS for the additional housing discussed above and also for around 25 hectares of new employment land at Rackheath to serve the local employment needs of this whole major growth location. The Rackheath Eco-Community proposal within the Plan area was identified by the Government in a supplement to Planning Guidance Planning Policy Statement 1: Eco-towns, and its 2009 Concept Statement included nearly 23 hectares of employment land in order

to achieve the required mixed use community with employment provision.

82. The justification for this amount was derived from a 2008 Employment Growth and Employment Sites and Premises Study, which has not been updated. The GNDP said that although the take-up of employment land has been slow, the 2012 East of England Forecasting Model [SDJCS 14.1] suggested even stronger job growth of 33,000 than that provided for in the adopted JCS of 27,000 jobs.
83. However, the 2013 East of England Forecasting Model [DV 36] shows a reduced jobs growth of around 20,200 over the plan period, below the level in the adopted JCS. I was told that this did not take account of major jobs growth in areas such as the Norwich Research Park via the Government's City Deals programme for Greater Norwich (which aims to create economic growth and jobs), and overflow from off-shore related development from the Great Yarmouth and Lowestoft areas. I accept that the Model is only a 'trend' projection, and that this additional information shows that the economy is likely to grow more than the Model indicates. Therefore, I conclude that the evidence base for a 25 hectare employment land allocation is a reasonable one as a basis for further detailed work to be carried out in the Growth Triangle Area Action Plan. The employment land amount is thus a sound and effective strategic allocation which is consistent with Government policy.

**Issue 3 – Are the arrangements for monitoring the policies of the Plan effective and soundly based, including the indicators, delivery mechanisms, timescales and targets/milestones used?**

84. Appendix 8 of the Plan contains the Monitoring Framework, but it does not include the 'suggested indicators' in the SA's Table 7.1 [SDJCS 3.2] or a monitoring indicator for Policy 22. These render the monitoring ineffective and unsound. The GNDP recognised this problem and submitted an amended monitoring Appendix 8 as a suggested change (**MM8**).
85. The revised monitoring Appendix 8 shows for each aspect of this Plan when, what and by whom a list of identified actions will take place to ensure effective delivery. This will enable transparent and effective monitoring. 'SMART' targets have been set having regard to the availability of data and available resources. This main modification is reasonable and appropriate, and I recommend it to secure soundness in terms of effectiveness.

**Other issues**

86. Concerns were raised about flooding, water supply and possible water contamination, but no evidence was submitted. GNDP's evidence, however, was that these issues were capable of resolution (primarily in the detail of future proposals), and that there were no strategic reasons on these grounds why this Plan's proposals would cause any of the alleged problems. I agree with the GNDP's views and the similar views of its statutory consultees, particularly that of Anglian Water.
87. Local people were concerned about traffic through the village of Wroxham

on the A1151 Wroxham Road where it converges on the bridge between Wroxham and Hoveton, but no evidence was submitted to substantiate it, and nor did the Highway Authority object. The GNDP's response was that the construction of the NDR, the focus of growth on Norwich, and the provision of services and facilities within the proposed housing areas would mean that growth in this location would not directly pressure the A1151. The outputs from the Norwich Area Transportation Strategy Model showed very low traffic increases over Wroxham Bridge. I accept that there will be some increase in outward commuting and in leisure trips to the Broads and the North Norfolk Coast, but there was no evidence that these would create a danger to highway safety or significantly interrupt the free flow of traffic along this road.

88. Other issues were raised in the representations and at the hearing sessions which do not go to the heart of the soundness of the Plan. In many cases, detailed "improvements" to the Plan were suggested. Having considered all the other points made in the representations and at the hearing sessions, I consider that there are no further main modifications needed to ensure that the Plan is sound in the terms of the Framework and associated guidance.

## **Overall Conclusion and Recommendation**

89. The Plan has a number of deficiencies in relation to soundness and legal compliance 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 Act. These deficiencies have been explored in the assessment sections above.
90. The Councils have requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Joint Core Strategy for Broadland, Norwich and South Norfolk, the Broadland Part of the Norwich Policy Area Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Vickery*

Inspector

This report is accompanied by the Appendix containing the Main Modifications