

Update on:
1: Broads Sites Specifics Policies Development Plan Document
2: The Greater Norwich Development Partnership Joint Core Strategy
Report by Planning Policy Officer

Summary: The report updates the Broads Forum on the Broads Sites Specifics Policies Development Plan Document and the Greater Norwich Development Partnership Joint Core Strategy. Members are asked to note the report.

1 Broads Sites Specifics Policies Development Plan Document (DPD)

1.1 About the Sites Specifics DPD

1.1.1 The Sites Specifics Development Plan document is a formal part of the Authority's Planning Policy Framework and the policies within it will inform and guide the preparation of applications and form the basis of decisions by the Broads Authority. Sites are allocated in different areas of the Broads for different uses. The policies set certain requirements that future development proposals on these sites will need to address.

1.1.2 The DPD has completed the following stages:

- (i) **Initial Stage Consultation:** the consultation took place between 11 March and 3 May 2011. Consultees were asked to suggest what should be included in the DPD.
- (ii) **Draft Policies Stage:** the consultation took place between 23 February and 5 April 2012. Consultees were asked if they agreed or not with the choice and detail of the draft policies and the provisional rejection of other policies.
- (iii) **Additional Consultation for West Somerton:** 15 May to 31 May 2012. A simple survey was completed to provide the Authority with a broad measure of local support for amending the development boundary.
- (iv) **Pre-submission Consultation:** 1 November to 13 December 2012. The document was published for comments relating to its soundness.

1.1.3 The next stage of the process is to submit the DPD to the Planning Inspectorate for Examination. The DPD should only be submitted for Examination if the Local Planning Authority (LPA) considers it to be sound.

1.1.4 It was originally proposed to submit the DPD for Examination in February 2013. The DPD has not currently been submitted and an explanation of the

background to this has been provided at Authority meetings in March and May 2013.

1.2 The Reasons for the Delay

1.2.1 There are on-going enforcement issues at the western end of Thorpe Island, where an Enforcement Notice was issued in November 2011 and which was the subject of an appeal, heard at Public Inquiry in May 2012. The Inspector's appeal decision was issued in June 2012 and the effect of this was to vary the Enforcement Notice and to grant planning permission to allow for the mooring of 12 boats.

1.2.3 The adopted Broads Local Plan (1997) includes a policy specifically relating to the western part of Thorpe Island. This policy, TSA2, states:

Local Plan 1997 Policy TSA 2 Thorpe Island

- a) Development within the existing boatyard at the eastern end of Thorpe Island, which is needed to meet the essential operational requirements of the boatyard, will be permitted.
- b) Other than that specified in a), development will not be permitted on Thorpe Island.

1.2.4 When the LPA first began the process of the Site Specifics DPD it was proposed to retain the original (1997) wording of TSA2 and this was proposed at the Draft Policies Stage (see 1.1.2.(ii) above). However, following the appeal decision in June 2012, it was proposed to amend the policy for the area in light of the Inspector's appeal decision. It was proposed that the Submission version of the Site Specifics DPD would incorporate this change. Accordingly, the intention to amend the policy was set out in the Pre-Submission Consultation (see 1.2.(iv)) with the following wording:

Sites Specifics 2013 Policy TSA2 Thorpe Island

Development on and adjacent to the Island will be carefully controlled to

- 1) maintain and enhance
 - a) the character and appearance of the Conservation Area,
 - b) visual amenity and the residential amenity of neighbouring occupiers,
 - c) the contribution of the island to the wider landscape of the River Yare, and
 - d) the navigational value of the Yare and the New Cut;

and

- 2) avoid any significant increase in
 - a) the intensity of mooring use, or
 - b) vehicular traffic using the bridge, or
 - c) dinghy access likely to lead to the mooring or storage of dinghies (or other small craft) on the Thorpe shore, unless specific accommodation has been provided for this, or
 - d) car parking in the Thorpe area, unless specific accommodation has been provided for this, or
 - e) risk of groundwater or river water pollution,
 - f) flood risk, and reducing flood risk where practicable;

and

3) support the authorised commercial and residential uses on the island.

1.2.5 It should be noted that rival objections to the proposed revisions of the wording have been received suggesting that the revised wording is both too permissive and also too restrictive.

1.2.6 The Inspector's appeal decision, however, was challenged by the appellant and a High Court hearing date in June 2013 was set. As such, the LPA has been awaiting the outcome of that challenge before proceeding with submission because clearly this will need to be reflected in the policy.

1.3 Latest Position

1.3.1 On 20 May 2013 the Secretary of State conceded that the Inspector's appeal decision was technically flawed and should not stand. It has therefore been agreed that it be quashed and papers to this effect have been lodged in the High Court. This process is currently underway and is likely to take some weeks. After the decision has been formally quashed, the matter will need to be reconsidered by the Planning Inspectorate and a fresh decision made.

1.3.2 The outcome of this therefore is that the whole process of the appeal against the Enforcement Notice reverts back one stage – i.e. there is an appeal in progress, although, clearly the evidence has already been given. The Planning Inspectorate will need to reconsider the matter and a precise timescale for this is not known. Clearly it will not be a matter which will be resolved within weeks and it may be the end of 2013 before a decision is received.

1.4 Implications for the Site Specifics DPD

1.4.1 It is considered that currently the proposed revised version of TSA2 (Thorpe Island) would not be likely to pass the tests of soundness in so far as the policy may not be justified, effective or deliverable because there is uncertainty regarding the planning status of the land and the enforcement issue. This uncertainty relates to the final decision of the Planning Inspectorate in respect of the remitted appeal decision. If that is the case (i.e. the policy was unsound) and if the DPD were submitted, the Inspector may choose to defer the Examination in Public or find the DPD not sound.

1.4.2 As a LPA, the Broads Authority should only submit a DPD that it considers is sound and will stand up to these tests of soundness. At present, this is not likely to be the case.

1.4.3 It is considered that the remainder of the DPD is ready to progress. Whilst comments have been received on the DPD as part of the last round of consultation (the first publication of the DPD), it is not considered that any of these are fundamental or adversely affect soundness.

1.5 The Intended Way Forward

- 1.5.1 In order to allow the submission of the remainder of the Site Specifics DPD for examination, it is proposed that the proposed revised version of TSA2 in the Sites Specifics DPD is deleted and the TSA2 in the 1997 Local Plan is saved. The effect of this will be that the Sites Specifics DPD itself will not have a policy called TSA2 relating to the mooring basin. Instead, the 1997 Local Plan policy will continue to be applied in the light of national and local policies. When the Planning Inspectorate issue their decision on the enforcement notice appeal (as described above), this decision will then determine the basis of what the landowner is able to do on that site.
- 1.5.2 It is considered that this deletion needs to be treated as a main modification to the DPD, although the Thorpe Island site is not significant site allocation in the DPD in terms of new development. The Sustainability Appraisal will need to be amended and this deletion reflected in the Habitats Regulation Assessment. It will be therefore necessary for the DPD to go out to Pre-Submission Consultation again – i.e. the outcome of this is that the whole process reverts back one stage.
- 1.5.3 This, however, will also provide an opportunity to undertake a number of other minor corrections, some of which were in the responses received as part of the first Publication of the DPD (1 November to 13 December 2012). These include amendments to:
- correct any spelling and grammar issues which have since been identified;
 - improve wording where, on hindsight, the DPD could be clearer;
 - correct minor mistakes or inconsistencies in the DPD which we have since identified;
 - update text to reflect changes over the last year or so (for example the East of England Plan has been abolished); and
 - make some presentation improvements to the Policies Maps to make them more user friendly.
 - Include a new policy clarifying where development boundaries apply in the Broads
- 1.5.4 All amendments will be made clear to consultees. Text to be removed will be struck through and highlighted in yellow. Text to be added will be red and highlighted in yellow.
- 1.5.5 Any responses received to the second round of Pre-Submission Consultation will be dealt with as part of the normal post publication process. Representations will be read, considered and a response drafted, as is required by regulations. Some of these representations could be taken on board in the form of minor modifications, the Broads Authority may not agree with some other representations. If there are representations made that are of a concern to the Broads Authority, the precise way forward will depend on the nature of the representation. If the Broads Authority, on considering the representations, still considers the DPD to be sound, it will then be submitted to the Planning Inspector with the required supporting documentation.

- 1.5.6 It should be noted that by adopting the recommended approach there will still be a delay in submitting the DPD to the Planning Inspectorate, however there are set dates which will give the public and members reassurance that the DPD is progressing. Also, this approach, notwithstanding any representations received as part of the second publication, will result in a DPD which the Broads Authority considers sound and is confident it can submit to the Planning Inspector.
- 1.5.7 The above approach was agreed by Planning Committee at their meeting on 21 June 2013 and will need to be formally ratified by Full Authority at their meeting on 12 July 2013. Subject to this approach being agreed, it is proposed that consultation on the Second Publication will take place from Monday 15 July to 4pm on Friday 13 September 2013.
- 1.5.8 In proposing the above approach, the Authority is mindful that other parts of the proposed Site Specifics DPD that are not controversial and/or are important for other parties and it is therefore desirable to find a mechanism to take these forward outside of the delay resulting from the TSA2.

1.6 **West Somerton – Land at Staithe Road**

- 1.6.1 Somerton Parish Council's proposal to allow development of this land predates adoption of the 1997 Local Plan. The Authority at that time considered the proposal, and also the Inspector's non-binding recommendations on it, and decided not to include it within the development boundary. The Parish Council has felt greatly aggrieved about this decision ever since, and has repeatedly sought to have the issue re-visited. In the interim the owner of the land has been refused planning permission for residential development of the land, and lost an appeal against this refusal, on the grounds that it was outside the development boundary.
- 1.6.2 The proposal had strong support from the Parish Council. It was also apparent, however, that there was a range of local views on the desirability, or otherwise, of developing this piece of land, and also whether additional land adjacent should also be included in any such development.
- 1.6.3 A simple survey was devised to provide the Authority with a broad measure of the degree of local support for the Parish Council's proposal.
- 1.6.4 The responses received indicate a very high level of support for some housing development on the land proposed by the Parish Council, even allowing for various concerns and qualifications mentioned by respondents. Responses in support of development outnumbered those against by almost 4 to 1.
- 1.6.5 In the light of these results the Authority is now recommended to allocate part of the land concerned for a limited number of dwellings, on the basis of the level of local support in the context of national planning policy's support for 'localism' and the promotion of more housing development. The policy is called WES1 in the proposed Sites Specifics DPD.

1.6.6 The proposed development under discussion is not of a scale which would undermine the overall strategy for the Broads as expressed by the Broads Core Strategy.

1.7 Taking Forward TSA2 Separately

1.7.1 It is appropriate to consider how TSA2 will be taken forward as, if the above approach is adopted, it will not be reviewed along with the other Site Specific Policies from the 1997 Local Plan.

1.7.2 It should be noted that there will not be a policy vacuum for Thorpe Island under this approach. The development management policies will continue to apply and the existing TSA2 in the Local Plan, which is adopted, covers the area in question. The new decision from the Planning Inspector will be made in the light of these policies, in a similar way to the previous appeal decision. The Authority will then take account of the appeal decision in considering any further planning applications that may be made on the island.

1.7.3 In the medium term, it is noted that both the Core Strategy and Development Management Policies DPDs were produced and adopted prior to the change in the Planning System and the NPPF coming into force. Therefore the next piece of planning policy work (after the Sites Specifics) is a review of those DPDs and the production of a new Local Plan. A revised Thorpe Island policy can form part of that process if necessary. There is currently no set timeline for this although one will be brought forward to the Planning Committee in due course when there is more certainty over content and timescales. It may be possible, however, for the adoption of the new Local Plan to be achieved by 2016.

2 The Greater Norwich Development Partnership (GNDP) Joint Core Strategy (JCS)

2.1 About the JCS

2.1.1 This Joint Core Strategy (JCS) has been prepared by the three councils of Broadland, Norwich and South Norfolk, working together with Norfolk County Council as the Greater Norwich Development Partnership (GNDP).

2.1.2 The JCS sets out the long-term vision and objectives for the area, including strategic policies for steering and shaping development. It identifies broad locations for new housing and employment growth and changes to transport infrastructure and other supporting community facilities, as well as defining areas where development should be limited.

2.1.3 The JCS plans for 37,000 homes and seeks to create 27,000 by 2026.

2.1.4 The Inspectors' report on the examination of the JCS DPD, published on 25 February 2011, found the Joint Core Strategy document to be sound, subject to the inclusion of some minor changes, consisting of changes put forward by

the GNDP at submission and during the examination process and a limited number of changes requested by the Inspectors. These changes were made and at Full Council meetings held on 22 March 2011, Broadland District Council, Norwich City Council and South Norfolk Council each resolved to adopt the Joint Core Strategy for Broadland, Norwich and South Norfolk.

2.2 Legal Challenge to the JCS Adoption

2.2.1 A legal challenge to the adoption of the JCS was received on 3 May 2011 from Stephen Heard, Chairman of Stop Norwich Urbanisation. Mr Justice Ouseley issued the final order following his ruling in the High Court on February 24, 2012. He found that those parts of the GNDP's Joint Core Strategy concerning the North East Growth Triangle (NEGT) should be remitted (returned to a draft stage) for further consideration and that a new Sustainability Appraisal for that part of Broadland in the Norwich Policy Area be prepared.

2.2.2 Broadland District Council has since undertaken further work and has concluded that the approach as included in the JCS remains the most appropriate when considered against other reasonable alternatives.

2.3 Outcomes of the Recent Public Hearings

2.3.1 The 'repaired' JCS was submitted to the Planning Inspectorate with public hearings held on 21 and 22 May 2013. On Thursday 23 May the Inspector accepted the Councils' request for an adjournment. The hearings are scheduled to reconvene on Wednesday 24 July 2013, for a further two days, and will take place at Broadland District Council Offices.

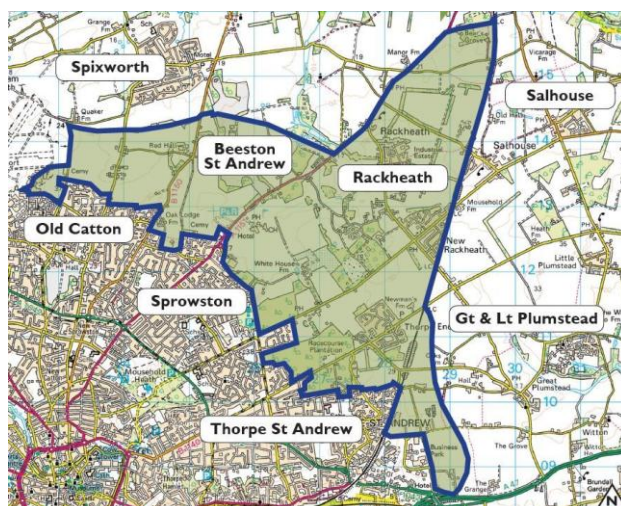
2.3.2 Extra evidence/hearing notes are being produced for circulation and comment from the parties attending the hearing. These are on the following topics:

- **GNDP** paper on Housing
- **GNDP** suggested flexibility policy.
- **GNDP** financial viability testing using the Harman guidance.
- **Green Party (an objector)** paper on LIPP.
- **Green Party** paper on carbon emissions for SW against NE without NDR
- **Barton Wilmore (an objector)** suggested flexibility policy.
- **Barton Wilmore** note on Norfolk County schools services letter submitted on schools

2.4 Other Related Development Plan Documents

2.4.1 In the meantime, Broadland District Council has started to produce a DPD called the Growth Triangle Area Action Plan (GTAAP). The policies in the Plan will eventually help determine planning applications in the Growth Triangle area (equivalent to the area which text in the JCS was remitted, as

discussed previously). The GTAAP covers the area as shown on the following map – i.e., the policies will apply to the area in the triangle only.



- 2.4.2 At the 24 May meeting of the Broads Authority's Planning Committee, Members agreed a response to the GTAAP Issues and Options consultation. The main issue of the growth relevant to the Broads Authority are the indirect effects through recreational impact on the Broads Executive Area close to the GTAAP. New residents could regularly visit the Broads and/or use it as their main recreational space. Whilst the second statutory purpose for the Broads Authority is to promote the recreational enjoyment of the Broads, and indeed this is a statutory duty, it is important that such enjoyment is carried out in a sustainable manner and not in such a way as to have an adverse impact on the area. More detail can be found in the Broads Planning Committee report (see link in section 4).
- 2.4.3 The GTAAP is at a very early stage and relies on the part of the JCS currently subject to Examination in Public. Further discussions between Broadland District Council and the Broads Authority will ensue.

3 Links of Relevance

Sites Specifics

- The 21 June Planning Committee report:
<http://www.broads-authority.gov.uk/authority/meetings/planning-committee/2013/06-21.html> (item 9)

JCS links:

- GNDPJCS site:
<http://www.gndp.org.uk/our-work/joint-core-strategy/>
- The 24 May Planning Committee report:
[http://www.broads-authority.gov.uk/broads/live/authority/meetings/planning-committee/2013/05-24/\[report\]%20Consultation%20Document%20and%20Proposed%20Response%20Broadland%20District%20Growth%20Triangle%20Area%20Action%20Plan%200Issues%20and%20Options.pdf](http://www.broads-authority.gov.uk/broads/live/authority/meetings/planning-committee/2013/05-24/[report]%20Consultation%20Document%20and%20Proposed%20Response%20Broadland%20District%20Growth%20Triangle%20Area%20Action%20Plan%200Issues%20and%20Options.pdf)

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Broads Plan Objectives: CC3, CC4, LC2, LC3, LC4, BD1, AL2, TR1, TR2, TR3
Appendices: None