

**Joint Core Strategy for Broadland, Norwich and South Norfolk,  
Broadland Part of Norwich Policy Area Examination**

## **AGENDA – MATTER 1**

Starting at 10.00 hours on Tuesday 21 May 2013 at the Top of the City Conference Room, Norwich City Football Club, Carrow Road, Norwich NR1 1JE

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**Where the parties have clearly stated their respective positions on my questions and I have sufficient information, then there is no specific item on the Agenda**

*Discussion should focus on whether the Plan is legally compliant as set out in the 2012 Regulations and the 2004 Act (as amended); and if not legally compliant, how it might be modified or not*

1. Inspector's introduction.
2. Please note that the purpose of this part JCS Examination is to address the Judgment of Mr Justice Ouseley in *Heard v Broadland District Council, South Norfolk District Council and Norwich City Council 2012*. No other part of the adopted JCS is included – this is not a review of the whole JCS.
3. Any requests for an accompanied site visit?

### **MATTER 1 – Legal requirements**

**Whether the part JCS complies with the legal requirements in the production of the Sustainability Appraisal (SA)**

*Please note that I consider Landstock Estates' suggested policy 10a for managing the release of housing land is a soundness issue to be discussed in Matter 2. I recognise that this means that if I agree with it then it would follow that the SA would need to be re-assessed.*

4. **Councils:** Does the SA take account of, assess, and balance the contingency strategy in paragraphs 7.11 to 7.18 in the JCS, particularly paragraphs 7.17 and 7.18 as now proposed? Does the possible loss of the NDR and/or the Postwick Hub Junction alter the weights placed on the alternatives and thus the conclusion of the SA? Where does the SA deal with this?
5. **Councils:** Is the likely programme for the NDR still as Document T19 and 4.11.23 of SDJCS 3.2, and the councils' response to Q 1.6 in Matter 2, and despite the loss of CIL monies – beginning in 2015 and operational 2017/18? How is the NSIP application progressing?
6. Have the alternatives in the SA been assessed using realistic assumptions, e.g. is the Wymondham High School restriction correct (**councils:** what evidence for it?); are the character impact and market choices assessments reasonable (Landstock Estates' statement); and are the flooding areas at Acle correctly assessed (NAA)?
7. Do the **councils** have any comments on NNTAG's alternatives as set out in their statement on my Q1.2? (*Note: NNTAG's case for lower housing numbers should be discussed in the Matter 2 sessions*).
8. Do the **councils** have any comments on NNTAG's allegations concerning shortcomings in the SA assessment of significant environmental effects as set out in their Q1.4 statement?
9. I am inclined to recommend that the PINS model presumption wording is modified to

become a policy (part of policy 10?). This due to: - the NPPF 15 requirement; that NPPF 184 requires the identification of strategic "policies" for Neighbourhood Plans; the s38(5) of 2004 Act policy conflict resolution provisions; and that the AAP partly flows from this part JCS. I agree with the councils that this would only apply to this part JCS. Any comment on these points?

#### **Whether the Duty to Co-operate has been satisfied**

10. Based on what I have read to date, my preliminary finding at this time is that the councils have complied with the duty to co-operate legal test set in section 33A of the 2004 Act. Are there any further verbal submissions on this point? If I confirm this after hearing any such submissions, will the councils now formally notify me in writing that they request me to make any necessary main modifications under Section 20(7C) of the 2004 Act?

#### **Whether the public consultation processes have been correctly carried out**

11. Do the councils have any comments on the statements made about allegedly inadequate public consultation, particularly those made by NNTAG?
12. Please would the **councils** in a short paper to be submitted at the start of this hearing session tell me exactly what was done, where and when for the public consultation on this part JCS. SDJS 5 and 6 only refer to the work undertaken for the previous whole JCS.
13. Are the **councils** satisfied that this Local Plan complies with the Statements of Community Involvement without reliance upon the work which was carried out for the previous (now adopted) JCS? If not, can I legally rely on past work carried out for another Local Plan?

#### **Whether the Aarhus Convention is applicable**

14. I note that the draft findings of the Aarhus Convention Compliance Committee on the Kent (KECN) complaint as mentioned by SNUB are now available. The draft conclusion is that *"the Committee does not find the Party concerned [the UK] to be in non-compliance with articles 6, 7 or 9 of the Convention and makes no recommendations."* See: [http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-45/Findings/C45C60\\_UK\\_DraftFindings\\_CC40.doc](http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-45/Findings/C45C60_UK_DraftFindings_CC40.doc)
15. Any further points?

David Vickery: 16 May 2013