

**IN THE HIGH COURT OF JUSTICE  
QUEENS BENCH DIVISION  
ADMINISTRATIVE COURT**

**In the matter of  
Planning and Compulsory Purchase Act 2004, s.113**

**Before Mr Justice Ouseley  
29<sup>th</sup> February 2012**

**BETWEEN**

**HEARD**

**Claimant**

**- and -**

**BROADLAND DISTRICT COUNCIL  
SOUTH NORFOLK DISTRICT COUNCIL  
NORWICH CITY COUNCIL**

**Defendants**

**ORDER**

**UPON** hearing Mr Richard Harwood of Counsel for the Claimant and Mr William Upton of Counsel for the Defendants

**IT IS ORDERED THAT:**

1. The Claim be allowed;
2. The parts of the policies and text of the Joint Core Strategy for Broadland, Norwich and South Norfolk (hereafter referred to as the "JCS") set out in the schedule attached to this Order shall be remitted and be treated as not having been adopted;
3. The steps in the process that have resulted in the adoption of the remainder of the policies and text of the JCS shall be treated as having been taken;

*Approved  
as announced in  
para 8 of  
DJBW  
25.4.12*

4. The steps in the plan preparation process of those parts of the JCS set out in schedule attached to this Order shall be treated as having been taken up until the pre-submission stage and not having been taken thereafter;
5. The Defendants shall prepare a Sustainability Appraisal ("SA") of those parts of the JCS identified in the schedule attached to this Order, taking into account in particular the strategic growth in the North-East Growth Triangle and the reasonable alternatives (if any) to this;
6. Following their consideration of the SA, the Defendants shall publish the relevant parts of JCS (subject to amendments, if any) and its submission documents (including the SA) under regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended, or as repealed and replaced) before submitting the relevant parts of the JCS to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations;
7. Following consideration of the representations received to the Regulation 27 Publication the Defendants shall submit the relevant parts of JCS and its submission documents (including the SA and the representations received) to the Secretary of State for examination under section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations; alternatively, the Defendants may withdraw the remitted parts of the JCS.
8. The Secretary of State (or his appointed Inspector) shall re-examine the relevant parts of the JCS, pursuant to section 20 of the Planning and Compulsory Purchase Act 2004 and the relevant regulations, provided that the Defendants have carried out the steps set out in (5), (6) and (7) above.
9. The Defendant Councils shall ~~thereafter~~ <sup>after that examination</sup> consider whether or not to adopt the relevant parts of the policies and text of the JCS in the light of the Secretary of State's or Inspector's report and recommendations, pursuant to the Planning and Compulsory Purchase Act 2004 and the relevant regulations.

**IT IS FURTHER ORDERED THAT**

10. The Defendants shall pay the costs of the Claimant in the sum of £29,000 (including VAT).

11. For the avoidance of doubt, this order encompasses the costs previously reserved in this case.

12. Permission to appeal is refused to the Defendants.

**By the Court**

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**Defendants**

**SCHEDULE TO THE ORDER**

The parts of the Joint Core Strategy for Broadland, Norwich and South Norfolk (“the plan”) to be remitted following the High Court Judgment:

Reference	Part of plan	Text/diagram for remittance (in italics) [N.B. the words in square brackets are not remitted, and are included for clarification purposes only]
1	01 Our Strategy – fourth paragraph under heading “The dilemmas”	<p><i>the area to the north east of the city</i></p> <p>and</p> <p><i>for a concentration of new</i> [development]</p>

2	01 Our Strategy – fifth paragraph under heading “the dilemmas”	<p><u>In the case of Broadland, the historical pattern of development lends itself to further expansion with new growth locations in the parishes of Old Catton, Sprowston and Thorpe St Andrew, and the development of a low carbon community focussing on Rackheath, given its existing employment opportunities and railway line. The growth in these locations relies on the implementation of NATS.</u></p> <p>and</p> <p><u>By contrast,</u></p>
3	04 Spatial vision: third paragraph under the heading “The spatial vision”	<p>[Growth will be ...] <u>and in a very large mixed use urban extension within the Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle (Appendix 5)</u></p>
4	04 Spatial vision: under the heading “Climate change and sustainability” 3 <sup>rd</sup> bullet point	<p><u>inspired by the proposed exemplar at Rackheath,</u></p>
5	04 Spatial vision: under the heading “Working and getting around” Second bullet point	<p><u>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</u></p>
6	Key diagram –and under objective 3	<p>The notation of the area to the northeast of the urban area as one of the “<i>strategic employment sites</i>” and “<i>major housing growth and associated facilities</i>”</p>

7	05 Area-wide policies, Policy 4 Housing Delivery: under the heading “Housing with care”	<u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle.</u>
8	05 Area-wide policies, Policy 4 Housing Delivery: Table following paragraph 5.25	<u>The figure of ‘9,000’ for the ‘New Allocations to 2026’ in the Broadland (NPA) and the total of ‘11,099’ recorded in the table for the ‘New Commitment to 2026’ in the Broadland (NPA).</u> [The total recorded for the NPA is not remitted.]
9	06 Policies for Places : Introduction paragraph 6.3	[Large-scale mixed-use developments in the Norwich Policy Area are provided... <u>in a major urban extension in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and ...</u>
10	06 Policies for places, Policy 9 Strategy for growth in the Norwich Policy Area:  2 <sup>nd</sup> & 8 <sup>th</sup> bullet points	<u>Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle: 7,000 dwellings by 2026 continuing to grow to around 10,000 dwellings eventually</u>  <u>Broadland smaller sites in the NPA: 2,000 dwellings</u>
11	06 Policies for places, Policy 9 Strategy for growth in the Norwich Policy Area:	

	Final bullet point:	<i>including around 25ha of new employment land at Rackheath</i>
12	06 Policies for places, Policy 9 Para 6.7	<i><u>The Old Catton, Sprowston, Rackheath and Thorpe St Andrew growth triangle incorporates land at Rackheath promoted for an eco-community under the governments Eco-towns programme and development of the rest of the area will be expected to reflect similar high standards.</u></i>
13	Para 6.12 4 <sup>th</sup> bullet point	<i><u><b>Rackheath:</b> around 25ha of new employment land for a range of employment uses to strengthen the employment role of this location and provide local opportunities for the new community in this area</u></i>
14	Diagram after the end of the paragraph 6.12 – Relationship between strategic growth locations within the Norwich Policy Area	Notation for major housing growth and associated facilities and strategic employment location entitled “ <i>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i> ”.
15	Diagram on the following page after para 6.12, entitled “Main Housing Allocations”	<i>The notation showing 10,000 new houses to the north east of the urban area within the Norwich policy area, and The notation for 2,000 houses in the NPA part of Broadland. and The notation for the Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i>
16	Policy 10 -- Locations for major new or expanded communities in	<i>[Major growth] in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and</i>

	the Norwich Policy Area: first sentence	
17	Policy 10 Paragraph headed “Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle”	Heading and the two paragraphs headed <u>“Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle”</u>
18	Policy 10:  Para 6.15	<u>The major urban extension in the Old Catton, Sprowston, Rackheath, and Thorpe St Andrew growth triangle will provide a concentration of growth which can support local services, facilities, and infrastructure including secondary education, high quality public transport links and significant green infrastructure. An Area Action Plan and a sustainable development code are being developed. The growth triangle is proposed to accommodate 10,000 dwellings after 2026. A large part of the [development at Rackheath ...]</u> and then <u>The Rackheath low carbon development remains part of this strategy.</u>
19	Para 6.16 second line	<u>similar</u>
20	Para 6.19	<u>significant development in the growth triangle and</u>  and  <u>in the Old Catton, Sprowston, Thorpe St Andrew growth triangle</u>  and



		<i>(see supporting text for Policy 20).</i>
21	Para 6.20 fourth sentence	<i>in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew area</i> and <i>'a' and 'route which may be via Gurney Road/Salhouse Road'</i>
22	Paragraph 6.22	<i>A new secondary school is needed to serve the new community in the north east.</i> and, in the second sentence <i>'more'</i>
23	Diagram following policy 10, entitled "Green infrastructure priority areas supporting key growth locations"	The growth location and green infrastructure priority area to the northeast of the urban area and priority corridor A entitled "Norwich to the Broads"
24	Policy 12 : The remainder of the Norwich urban area, including the fringe parishes: introductory paragraph	<i>[It will be expanded] through significant growth in the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle, and smaller</i>
25	Policy 15 Service Villages  third paragraph	<i>and Rackheath</i>

26	Paragraph 6.77	<u>The Old Catton, Rackheath, Sprowston and Thorpe St Andrew growth triangle in particular will be sufficiently large to require a district centre. Preferably this will include a food store as an anchor and sufficient leisure and ancillary activities to provide for the attraction of a range of trips. This may be through building on the proposed centre at Blue Boar Lane or the creation of a second district centre elsewhere in the Growth Triangle. This will be determined through the Area Action Plan for the area.</u>
27	Policy 19, The hierarchy of centres Point 3.	<u>within the Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle,</u>  and  <u>The Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle will be served by a district centre. This may be provided by building on the proposed district centre at Blue Boar Lane or the creation of a second district centre elsewhere in the Triangle as determined through the Area Action Plan for the Growth Triangle.</u>
28	07 Implementation and monitoring, Paragraph 7.16	<u>in the growth triangle</u>
29	Table in paragraph 7.16 first line	<u>Growth Triangle</u> and <u>New employment allocation at Rackheath</u> and <u>Smaller sites in Broadland NPA</u>
30	Para 7.17	<u>Broadland District Council is committed to preparing an Area Action Plan (AAP) for the growth triangle. As part of the preparation of this AAP there will be an investigation of any potential that may exist for further growth to take place (in addition to that shown in table 1 above) without</u>

		<u>confirmation of the delivery of the NDR. This will include testing whether interim schemes and/or alternatives to the NDR could help to facilitate growth without compromising the spatial vision and objectives of the JCS. Therefore, the analysis would need to cover capacity of all infrastructure, not just road capacity, the implications of particular sites, and the nature of the proposed development</u>
31	Para 7.18	<u>established through the AAP process</u> and <u>for the growth triangle</u>
32	Appendix 5 <i>Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle</i>	The whole appendix, including map
33	Appendix 6 housing trajectory -- table entitled "Growth locations"	The figures in the second to fourth rows are remitted, namely the lines entitled " <i>Rackheath</i> ", " <i>Remainder of Old Catton, Sprowston, Rackheath, Thorpe St Andrew growth triangle (inside NDR)</i> ", and " <i>Additional smaller sites around Broadland NPA (2000)</i> ".  The totals derived for Broadland in the first row and the Total in the last row of the table shall be read in the light of this remittal
34	Appendix 7 Table 1 Implementation Framework	The implementation framework lists the infrastructure required to facilitate the development promoted in the plan – so the inclusion in the list in relation to the North East Growth Triangle and the strategic housing growth identified in the part of the Norwich Policy Area in Broadland District is remitted. This applies where:  <u>In Column 2 (headed "Scheme")</u> where there is a reference to <u>Rackheath</u>  <u>In Column 3 (headed "Required for growth in")</u> where there is a reference to <u>Old Catton, Sprowston,</u>

		<p><u>Rackheath and Thorpe St Andrew Growth Triangle, or to 'Broadland: smaller sites in the NPA (2000 dwellings)'</u>.</p> <p>The mention of <u>"Including in the growth triangle where 3,000 dwellings are proposed after 2026"</u> in the introduction to Appendix 7 .</p>
35	Submission proposals map amending the Broadland Proposals Map	<p><u>Remit the 'Old Catton, Sprowston, Rackheath, Thorpe St Andrew Growth Triangle' boundary, hatching and notation on the Amended Proposals Map for Joint Core Strategy and the 'Changes to Local Plan Proposals Map for Joint Core Strategy' for Old Catton (32A), Rackheath (33), Rackheath (34), Salhouse – Station Road (38), Spixworth (40), Sprowston (41A), (41D), (41E), Thorpe End (19), Thorpe St Andrew (44A), (44B), (44D), (44F).</u></p>

**Note: For clarity the below Order has been produced by the Greater Norwich Development Partnership to show the final text approved by Mr Justice Ouseley. Mr Justice Ouseley's Order, and the Schedule to the Order, can be seen on the preceding pages**

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Secretary of State's or Inspector's report and recommendations, pursuant to the Planning and Compulsory Purchase Act 2004 and the relevant regulations.

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