

MICHAEL INNES (NAA) MATTER 1 - Legal Requirements

1.2 & perhaps .3 and 1.13, .14, .18 refers

Preamble

'Justice has not yet been seen to be done'.

1. The very reasonableness of the Acle exemplar appears to me to have resulted in energetic ways of excluding and marginalising it. If one looks at a High Court view, SDJCS 2 - High Court Judgement *inter alia* Appendix 1, para 10 in which what constitutes a reasonable alternative is discussed: "*it must be realistic, fall within the legal and geographic competence of the authority, but it otherwise depends on the objectives, and geographical scope of the plan.*"

2. Acle is within the geographical scope of the plan. It works well within the declared objectives of the JCS, as listed in SDJCS 3.2, and as defined in Part 2. Arguably, better in very many respects than the NEG. And yet - the officer response ruled it out very early - seemingly after giving scant attention to detail and certainly at no time seeking any discussion with the author. Too radical? Too out of line with a major investment in a flawed but prevailing orthodoxy at the time of drafting, now needing review and up-date? Could it have been this that precluded any close interest in the very powerful alternative virtues of the location of the exemplar - or was it perhaps because of an early and mistaken assumption relating to flooding of the relevant land?

SDJCS 8 p58<62 - Flood levels and grading of land

Quote from the DOR, (Detailed Officer Response)

"The proposals are impractical as only very limited expansion of Acle is possible not suitable for development Grade 1 agricultural land to the west and the Broads, with land at high risk of flooding to the east north and south.

and in further comment later in the Officer Response all of the land surrounding Acle is either within flood zone 2 (when the effects of climate change are accounted for) or surrounded by Grade I or II agricultural land (i.e. the best and most versatile agricultural land). The North East Growth Triangle is neither in a Flood Risk Zone, nor is it wholly underlain by Grade I & II agricultural land (although some pockets of such land do exist)."

argument

3. The point made about the grade of agricultural land employed in the exemplar is probably right. That this is in part no less true of a proportion of the Growth Triangle land is admitted in the DOR, but there is no acknowledgement of the further consequential commitment of such land required for the NDR (Northern Distributor Road - see the Youtube video by the Norfolk County Council - it gives a good, instant, visual assessment of the impact of this road on the countryside): there is no acknowledgement either of similar agricultural land underlying other major nominations already in the JCS for Long Stratton, Wymondham and Cringleford etc - some reluctant sacrifice of agricultural land can be supportable given overriding advantage - as must have been the case elsewhere already in the policy area.

4. The flood risk at Acle, has not been properly addressed. Acle was once the site of a coastal settlement - long ago in time and before Gt Yarmouth first came about, the sea lapped the then shore at Fishely Carrs, of what is once again proposed as water, (North and South Shores, so called in the exemplar, at the edge of the proposed new ACLE WATER). All the exemplar land necessary for housing in the next 20 or more years lies comfortably well above even the extreme flood levels. This can clearly be observed on site from the moderately high vantage point at the Church of St Mary at Fishley, (between the 10m and 15m contours): the Environment Agencies Flood Map supports this comfortable assertion.

MICHAEL INNES MATTER 2 - Implementation

1 refers

Quote from the DOR SDJCS 8, p58 - land supply

"It is a matter of public record that currently the GNDP authorities do not currently have a 5-year supply of housing land within the NPA. It is well documented that across the country that such an absence is becoming a significant consideration in the determination of planning appeals, and this has already been cited as a reason for approval on a number of planning appeals locally. This is causing significant concern within local communities and any undue delay which creates ongoing uncertainty is certainly not considered to be in the public interest. In addition, there are inherent risks associated with ad-hoc, piecemeal development for making joined-up planning decisions and delivering infrastructure."

argument

1. That the lack of a 5-year supply of housing land is creating risks of failure on appeal within the NPA, seems the least good reason for making poor policy choices now for the next 20-years. What really makes for a 5-year land supply is something I cannot deal with, but trends can be commented upon anecdotally. At the moment there is surely an 'over -run' in the land supply available to developers and it seems it must be further reduced in the outlook period? The report released by the NSO on 3/4/13 "Housing Interim Projections for 2011-2021 England" shows a 7% reduction in projected households for Norwich on 2008 projections compared with 2011. 'Planning', it is claimed is now reforming itself in the interests of simplification, localism and sustainability. It ought perhaps to be less receptive to the short-term, when looking at a 20 year + commitment? It ought not to be too responsive to the importuning of politicians and their lobbies with their somewhat unscrupulous use of 'housing' in the political arena. In this case the council should take the time to insist on the long view and a 'more sound' solution than the Growth Triangle promises. It has such obvious immediate dis-economies and dis-advantages for the present community and its heirs. Short term measures, including cash arrangements, and land banking deals may be pleasing the lobbies, without the desired results of more houses built. It is reported that major housebuilders' profits for 2011-12 again rose sharply, despite fewer completions and houses got dearer. This, despite big builders having snapped up land cheaply at the height of the recession, (so opines Reuters). So whilst appreciating that continuing uncertainty is undesirable it is not as undesirable as setting such a sizeable local housing allocation in an 'unsound' location: a commitment for the next 20 years. This risks creating council proposals little different from the 'ad hoc' consents they fear and that may be argued is so with the NEG T proposals. The 'ad-hoc and piecemeal' will be more justifiably turned away once a really 'sound' proposal can be put in place, otherwise what truly is 'sustainable' becomes increasingly obscure?

Quote DOR SDJCS 8, p61 - The NDR, rail, and the Yare Valley Transit

"No information has been provided about the feasibility of the delivery of such a transit system, in either financial, environmental or technical terms. NAA suggest that it could be possible to re-use NDR monies to fund Yare Valley Transit. Putting aside the fact that the NDR proposal lies outside the scope of the draft plan, as was held to be the case in the High Court, DFT monies granted to deliver a particular road project could not simply be redirected. Therefore the basis of the alternative strategy seems to be a transit system which has not been tested, to any degree, as to its technical or financial deliverability. In contrast the NDR has gone through significant DFT testing and is a key component part of the adopted NATS strategy, which also incorporates improved public transport in the form of BRT. It is also worthwhile noting that the Norwich to Cromer railway passes through the NEG T, affording similar opportunities for heavy and light rail in connection with the draft plan, only with an additional possibility of a fast, direct and high quality bus service to Norwich."

argument

3. Any test of 'soundness' applied to the NEGТ should not ignore the implications of the NDR, its proximity, its first cost and the legacies of maintenance that will be on-going. The fact that DFT monies cannot be re-directed does not gainsay the fact that it is a considerable sum of public money, (and indeed its contribution may yet be in jeopardy, *(the public accounts committee, 29/04/2013) have warned that the government's £310bn plan for boosting infrastructure is shrouded in doubts*)). A significant proportion of the £140m+ costs of the NDR is to be locally contributed anyway and it seems legitimate to ask what exactly is the split? With the substantial reduction in the approved local rate at which CIL may be charged, what are the implications of this reduction on 'strategy' and deliverability as intended? If delivered the NDR will have on-going costs; repairs, gritting, policing, landscape maintenance, etc in perpetuity and there will undoubtedly be many consequential minor road improvements across the 'triangle' as traffic builds and desire lines are asserted. From the look of the County's Youtube video, there will be a use of greenfield for the road with a spread of noise similar to the constant background in the Whitlingham Country Park, (from the Southern bypass). *Cost, visual impact on the countryside, congestion increase for Norwich, noise nuisance: all to be weighed against the Acle option which calls for no investment in major road works, simplification of access to Norwich, no noise nuisance, early increase and increasing values in Acle, all which should have been tested and evaluated a few years back and on equal terms with the 'Growth Triangle'?*

4. The officer response to the suggested YVT, (Yare Valley Transit) as with the flooding question, seems to brush aside rather than to engage and consider. Naturally it hasn't been tested to 'any degree'! Who should do this but the councils and their advisers? It is a sound idea worthy of enquiry. It is a legacy to be worked at as things grow, over whatever period of time. Meantime and whilst immediately of benefit, the easy, existing, good, train, bus and road services that serve Acle can offer the legacy of maturing with future growth to a really meaningful YVT. It promises a real possibility of significant benefit the more a coherent catchment can grow.

5. (Isn't this sustainability? - what sustainability is really about? - benefit now, future promise. Less 'infrastructure lag?')

NAA - Post script

Quote DOR SDJCS 8, p60 - most sustainable strategy

"The authorities are of the opinion that, within the scope provided by the remitted policies, the draft plan represents that most sustainable strategy when considered against all other reasonable alternatives. This is demonstrated within the Sustainability Appraisal Report that was published alongside the draft plan. No substantive or convincing evidence has been put forward by the NAA that would lead to a different conclusion."

argument

6. The most sustainable strategy is to be found by a more objective consideration of the likely outcomes than seems to be the case here. Affordability can be measured against first cost and 'legacy costs', measured and weighed for users and providers

7. 'Location, location, location' is something of a mantra well known in the property world - one that applies to housing and to commercial property. When the writer conceived Castle Mall a few decades ago, Norwich city centre retail was scraping the bottom in terms of national ranking: the council wanted a better 'green' setting for Norwich Castle and underground parking for no less cars than were currently parked on the largest surface car park in the city at the time; both very expensive to bring about. I identified a taboo location - within the bounds of the Outer Bailey of Norwich Castle - and Castle Mall was built - capitalising on the logic of value created by proper location, and without cost to the city council. Norwich became established in the top national twenty shopping centres and the scheme was the 1995 Silver Jubilee Cup winner of the RTP1. The relevance of this? Whatever may be the embedded habits and distortions of the housing property market and the ambitions of would be developers, the commercial investors will be unimpressed by anything much except 'proper location'. It has to be asked how carefully has this been looked at when allocating mixed developments for a number of houses, like 10,000 - this amounts to a whole town and speaks of visions cohering with the provision of infrastructure of all

kinds. The 'visions' are little enough problem, as is the use of decorative words and current (sub)urban enthusiasms for holistic solutions - and this is not said mockingly. But is it likely to come about as intended? Is the housing to attract the shops, schools, medical and other facilities - or has it to be the other way round; and in what sequence? Experience shows that it is seldom timeous. The Acle exemplar can demonstrate that immediate needs area already catered for and can grow - to match almost any rate of housing demand that may turn up in a very uncertain market. Moreover, for a far smaller public investment than £140m+, a real vision can be set under way. With good local management by its own community it can realistically offer a benign legacy: one of on-going growth-with-virtue, at whatever rate and without much of a serious infrastructure lag.

CONCLUSION

8. After the first 'Issues and Options' (Nov 2007) there has yet been no public debate allowing scope for any consideration of real alternatives - just 'consultations' with limited scopes and boxes to tick. Despite the writing and illustrating of 3 conscientiously intended papers inviting discussion, no contact has ever resulted, beyond one phone call after the event of publication of the JCS.

9. Acle poses no challenge to the approved parts of the JCS, (*the JCS not so much a strategy as a collection of tactical solutions to problems it poses for itself*). Acle 'works' within it as a more sustainable location than the NEGT for any likely required number of houses which it could better support and moreover, it would contribute a more coherent catchment for public transport and the implementation of the NATS transport philosophy. In so many other additional respects the Acle exemplar goes on to demonstrate how rewarding such a 'more-sound' choice of location could be.

LAST WORD

10. It was the 'screening out of alternatives *'thought to be reasonable'* that was key to the High Court Referral, as was the *'failure to subject all options to equal scrutiny'*.

The Acle exemplar still lacks that 'equal scrutiny' - which surely leaves the 'soundness' of the councils' ideas as much in question as ever?

Some references

The flood maps

http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=640500.0&y=310500.0&topic=floodmap&ep=map&scale=9&location=Acle,%20Norfolk&lang=_e&layerGroups=default&distance=&textonly=off#x=643508&y=307324&lg=1.&scale=6

The Northern Distributor Road

<http://www.youtube.com/watch?v=6npZg8xhsWU>