Special Meeting of the Cabinet

Monday 19 October 2015

2.30 pm, Council Chamber
South Norfolk House, Long Stratton, Norfolk, NR15 2XE

If you have any special requirements in order to attend this meeting, please let us know in advance

Large print version can be made available

Contact Claire White on 01508 533669 or democracy@s-norfolk.gov.uk

South Norfolk Council

Working with you, working for you
Members of the Cabinet

Mr J Fuller (Chairman)
Mr J Wilby (Vice Chairman)

Portfolio Holders

Mrs Y Bendle
Mr M Edney
Mr L Hornby
Mrs K Mason Billig

Group Meetings

Conservatives – 1.30 pm, Colman and Cavell Rooms
Liberal Democrats – 2.00 pm, Ancillary Pod 2

This meeting may be filmed, recorded or photographed by the public; however anyone who wishes to do so must inform the Chairman and ensure it is done in a non-disruptive and public manner. Please review the Council’s guidance on filming and recording meetings available in the meeting room.
Agenda

1. To report apologies for absence;

2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, "by reason of special circumstances" (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;

3. To Receive Declarations of Interest from Members; (please see guidance – page 4)


NOTE: Appendices A – D are not attached but are available to view electronically on the Council’s website. Due to the size of the document, Appendix B has been separated into chapters.
http://www.south-norfolk.gov.uk/democracy/default.aspx
DECLARATIONS OF INTEREST AT MEETINGS

Members are asked to declare any interests they have in the meeting. Members are required to identify the nature of the interest and the agenda item to which it relates.

- In the case of other interests, the member may speak and vote on the matter.
- If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed.
- If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.
- Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.
- In any case, members have the right to remove themselves from the meeting or the voting if they consider, in the circumstances, it is appropriate to do so.

Should Members have any concerns relating to interests they have, they are encouraged to contact the Monitoring Officer (or Deputy) or another member of the Democratic Services Team in advance of the meeting.
Adoption of South Norfolk Local Plan Documents: Site Specific Allocations and Policies, Development Management Policies, Wymondham Area Action Plan and associated Policies Map updates

Report of the Planning Policy Manager
Cabinet Member: John Fuller, Cabinet Member for External Affairs

CONTACT
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1. Introduction

1.1. The Council received the official report on the independent examination into three submitted Local Plan documents, the Site Specific Allocations and Policies Document, the Development Management Policies Document and the Wymondham Area Action Plan on Monday 28th September 2015 (Appendix A). Subject to a number of recommended main modifications being made to the text of the documents and the Policies Map (see appendices 1 and 2 of the Inspector’s report), the Inspector has concluded that the three documents are legally compliant, “sound” and capable of being adopted.

1.2. This Cabinet and Council report summarises the Inspector’s main conclusions. It is very pleasing to note that, despite strong objections from a number of different parties seeking different and/or additional housing allocations to those proposed and the attempted weakening of several important policies, the Inspector has concluded that the Council’s approach is, in the planning jargon, “sound”. In particular, the Council’s stance on limiting housing allocations in the Wymondham Area Action Plan to just over 2,200 dwellings due to the presence of some significant constraints to further growth (particularly secondary school capacity), has been concluded to be appropriate and justified.

1.3. This report recommends that Council accepts the Inspector’s report, agrees to make the recommended main modifications and formally agrees to adopt the three Local Plan documents, delegating the power to complete the procedural steps of the adoption process to the Director of Growth and Localism. Once adopted, the documents will form part of the Development Plan for South Norfolk, with most of the remaining extant policies of the 2003 Local Plan being superseded.

1.4. Cabinet is therefore asked to recommend that Council resolves to:
1) Note the Inspector’s report (Appendix A), including the recommended Schedule of Main Modifications – Text and Schedule of Main Modifications - Policies Map (Appendices 1 and 2 of the Inspector’s report respectively)
2) Adopt, with effect from 26 October 2015, the South Norfolk Site Specific Allocations and Policies Document as modified by the Inspector’s report and with additional (minor) modifications (Appendix B)
3) Adopt, with effect from 26 October 2015, the Development Management Policies Document as modified by the Inspector’s report and with additional (minor) modifications (Appendix C)
4) Adopt, with effect from 26 October 2015, the Wymondham Area Action Plan as modified by the Inspector’s report and with additional (minor) modifications (Appendix D)
5) Adopt the updates to the Policies Map, as modified by the Inspector’s report and with additional (minor) modifications (note that these maps form part of all three Local Plan documents and are not a standalone document)
6) Delegate authority to the Director of Growth and Localism to undertake all necessary post-adoption legal and procedural steps
7) Delegate authority to the Director of Growth and Localism to make minor factual updates, corrections and formatting and layout changes required to each Local Plan document.

2. Background

2.1. The current South Norfolk Local Plan was adopted in 2003, and preparation of the South Norfolk Local Plan Review has been ongoing for a number of years. The Joint Core Strategy was adopted in 2011 (with amendments adopted in 2014), and the other components of the (review of) the current (2003) Local Plan have been in preparation for some years.

2.2. In addition to the three Local Plan documents which are the subject of this report, the Council is also preparing the Long Stratton Area Action Plan (which is in its examination stage, with consultation on Proposed Main Modifications likely to commence in October 2015) and the Gypsies and Travellers Local Plan, which is in the Issues and Options stage. The
Cringleford Neighbourhood Plan was formally ‘made’ (adopted) in February 2014, and two other Neighbourhood Plans are in progress.

2.3. Following several earlier rounds of public consultation, the Council undertook the Pre-Submission representations period of the three Local Plan documents during November and December 2013, and formally submitted the documents for independent examination in April 2014. An independent planning inspector, Jeremy Youle, was appointed to undertake the examination.

2.4. The purpose of the examination of a Local Plan document is for the Inspector to assess whether the document passes various legal tests, including the Duty to Co-operate, and whether it also passes the tests of soundness set out in paragraph 182 of the National Planning Policy Framework. The Council requested that, in accordance with section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended), the Inspector recommend any main modifications necessary to rectify any soundness or legal shortcomings.

2.5. Public Hearings on various examination matters took place from October-December 2013, and were followed by public consultation on proposed modifications from April–June 2015, including a Sustainability Appraisal Addendum. Following consideration of the representations received, the Inspector convened an additional Hearing day, on 12 August 2015, to discuss a limited range of matters.

3. Current Position / Findings

3.1. The Inspector’s report (which runs to 106 pages) into the three Local Plan documents was received on 28th September 2015 (Appendix A). His conclusion is that, with the recommended main modifications set out in the appendices to his report, all three Local Plan documents “satisfy the requirements of Section 20(5) of the 2004 Act and meet the criteria for soundness in the National Planning Policy Framework” (paragraph 481 of his report).
3.2. All the main modifications recommended by the Inspector were consulted on during the Proposed Modifications consultation period, and were proposed by the Council itself (generally in response to questions raised by the Inspector during the examination and/or through discussion at the Hearings). In some limited cases the Inspector has amended modification wording slightly where he considers it necessary. The purposes of the recommended main modifications are helpfully set out in the Non-Technical Summary of the Inspector’s report (page 3). A few of the main issues are discussed briefly below:

Housing

3.3. The Inspector has concluded that, across the South Norfolk area, there has not been persistent under-delivery of housing and therefore that a 5% buffer (rather than a 20% buffer) is justified (paragraph 132). He has also concluded that there is a reasonable prospect that there will be a five-year supply of land which is capable of being developed at the point of adoption and for some years thereafter (paragraph 133).

3.4. One key issue is whether the additional housing allocations should be made to Wymondham (as proposed strongly by a number of landowners/developers). The Inspector has concluded that, although the housing should change from a “maximum” of 2,200 to a “minimum” of 2,200 (for conformity with the Joint Core Strategy), the main reason for the Council to not make any further allocations to Wymondham – the inability of Wymondham High School Academy to cope with children arising from any higher housing numbers than this this – is soundly based. Paragraph 104 of the Inspector’s report concludes: “...there is no compelling justification for allocating more housing in Wymondham at this stage, including in respect of the floating 1,800 [because] options for increasing school places have been considered to an appropriate and proportionate degree and the solution in terms of expanding the High School is a reasonable one which has been adequately justified.”
3.5. More generally, the Inspector is content that the distribution of the “floating 1,800” dwellings is appropriate and that reasonable alternatives to that distribution have been considered in a proportionate manner (paragraph 118). Whilst acknowledging that allocating more housing land in Wymondham could bring some advantages, in his view, “such benefits are outweighed by the potential negative effects in relation to secondary education [and that] the overall distribution of the 1,800 is consistent with the JCS, including the requirement [for] Wymondham in JCS Policy 10 to resolve secondary education provision”.

3.6. The Inspector is satisfied that, with some appropriate modifications where judged necessary (for example, to re-include those areas in Flood Zones 2 and 3 within development boundaries), other site-specific housing allocations of housing across the district are appropriate and soundly-based.

**Strategic Gaps**

3.7. There was considerable debate about the appropriateness of the proposed Strategic Gaps in the Local Plan documents by Wymondham and Hethersett. In the case of the Strategic Gap between Wymondham and Hethersett, the Inspector concludes that the field to the north of the “Carpenter’s Barn” site should not be included within the Gap (paragraph 148) but he also concludes that the field “Land north of Norwich Common” (which is allocated as site WYM14 in the WAAP for the rugby club to relocate to) should remain within the Gap as it “makes a significant contribution to the maintenance of the gap between the settlements and the overall sense of openness within it” (paragraph 149). The Inspector’s conclusion on this point is strongly welcomed.

3.8. On the matter of the Strategic Gap between Hethersett and Cringleford, the Inspector has concluded that the boundary should be re-drawn so that Burnthouse Lane should form the western edge of the Gap (paragraph 152). This means that the HET 1 allocation needs to be re-drawn, and this parcel of land cannot now be developed for housing as part of the current permission for 1,196 dwellings and associated uses.
Review of the Plan

3.9. The Inspector notes in several sections of his report that there is only about 11 years of the Plan period remaining (the JCS and the Local Plan documents run to 2026) and that an early review of the Local Plan documents is necessary, with the reviewed Plan to be adopted within 5 years of the adoption of the submitted Local Plan documents (i.e. by the end of 2020).

4. Proposals

4.1. With the Inspector finding that the three Local Plan documents are legally compliant and meet the criteria for soundness set out in the legislation, it is recommended that the Inspector’s report is accepted, that the recommended main modifications are made to the three documents (alongside minor or “additional” modifications that the Council feels appropriate to make itself, and which do not affect the “soundness” of a Local Plan document) and that the three documents are therefore resolved to be formally adopted. Updates to the Policies Map (changes to which are made in all three documents) also need to formally adopted.

4.2. It is proposed that Council formally resolves to adopt the three Local Plan documents and amendments to the Policies Maps (which are included within each Local Plan document), with the Director of Growth and Localism given delegated authority to make any necessary minor amendments/corrections to the text and/or maps. Delegated authority for the Director of Growth and Localism is also sought to enable completion of the necessary post-adoption administrative and legal processes.

4.3. The adoption process for Local Plan documents (including Policies Map updates) involves the publication of an Adoption Statement, the Sustainability Appraisal, the Inspector’s report, the Inspector’s modifications and several other documents.
These documents must be made available for inspection at deposit points and on the website as soon as reasonably practicable after adoption of each Local Plan document (i.e. on or after 26 October 2015).

4.4. There is a formal six-week legal challenge period after the adoption of a Local Plan document: any person who is aggrieved by the adoption of the Local Plan documents may make an application to the High Court on the grounds that the document is not within the appropriate power and/or a procedural requirement has not been complied with. The details must be set out in the Adoption Statement.

4.5. Once the risk of legal challenge has passed safely, the production of the final document to publication standard can be undertaken.

5. Risks and Implications arising

5.1. Once adopted, the policies of the three Local Plan documents will carry full planning weight for development management purposes, and some of the “saved” Local Plan policies from the 2003 Local Plan will be superseded (these are set out in appendices to each document).

5.2. Adoption will also enable an additional quantum of housing to be added to the Council’s housing land supply figures, both the Norwich Policy Area and the Rural Area.

5.3. The financial costs of adoption are relatively small and allowed for in existing budgets. There will be a cost to printing final “glossy” versions of the three Local Plan documents, but the numbers printed will be low, as they will mainly be for internal officer use.

5.4. An Equalities Impact Assessment was prepared to accompany each Local Plan document, and no adverse impacts on disadvantaged groups were identified.
5.5. The environmental impact of the three Local Plan documents was considered through the production of separate Sustainability Appraisals. One of the documents that must be produced on adoption and made available for inspection is the Sustainability Appraisal Report.

5.6. There will not be any impact on crime and disorder as a result of the adoption of the three Local Plan documents.

6. Other Options

6.1. The Council could choose not to adopt the Local Plan documents and the Policies Map updates. However, this is not recommended as the Inspector has found the three documents "sound" and capable of adoption.

7. Recommendation

7.1. Cabinet is asked to recommend that Council resolves to:

1) Note the Inspector’s report (Appendix A), including the recommended Schedule of Main Modifications – Text and Schedule of Main Modifications - Policies Map (Appendices 1 and 2 of the Inspector’s report respectively)
2) Adopt, with effect from 26 October 2015, the South Norfolk Site Specific Allocations and Policies Document as modified by the Inspector’s report and with additional (minor) modifications (Appendix B)
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5) Adopt the updates to the Policies Map, as modified by the Inspector’s report and with additional (minor) modifications (note that these maps form part of all three Local Plan documents and are not a standalone document)

6) Delegate authority to the Director of Growth and Localism to undertake all necessary post-adoption legal and procedural steps

7) Delegate authority to the Director of Growth and Localism to make minor factual updates, corrections and formatting and layout changes to each Local Plan document.

Appendices


B South Norfolk Site Specific Allocations & Policies Document text for adoption

C South Norfolk Development Management Policies Document text for adoption

D South Norfolk Wymondham Area Action Plan text for adoption