

PART B - Representation

(You can comment on any part of the plan (paragraph, table, diagram, policy or map) but please complete a separate form for each representation you wish to make).

3. To which part of the Local Plan does this representation relate?

(Paragraph, table/diagram, policy, map etc)

Sustainability Appraisal, policy site HEL1, contingency site policy GNLP0581/2043 and non allocated reasonable alternative site GNLP2173
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4. Do you consider the Local Plan is:

Legally compliant	Yes	No <input checked="" type="checkbox"/>
Sound	Yes	No <input checked="" type="checkbox"/>
Complies with the Duty to co-operate	Yes	No

(Please tick as appropriate)

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments

Introduction

- 1.1 These representations are submitted on behalf of Jarrolds & Sons the owners of land to the rear of Heath Crescent (identified in the Greater Norwich Local Plan (GNLP) evidence base documents as site GNLP2173). The site is bound to the north by Fifers Lane, an industrial estate to the east and residential dwellings along Heath Crescent and Prince Andrew's Road to the west, and Prince Andrew's Close to the south.
- 1.2 The site comprises two parcels of land with a combined area of 2.18ha. Part of the site is formed by an existing dwelling (3 Prince Andrew's Road). The remainder of the site was previously used as a sports and social club for Jarrold's employees. Due to dwindling membership and the facility running at a loss, the site closed in August 2016. Redevelopment of the site would support the provision of new homes to serve the needs of the local community.
- 1.3 The site is secured by boundaries and fencing including gates that are locked. There is not and has never been access to the site or use at the site by the local community, nor does it support any use or social well being of the local community. The site cannot be seen from the public highway and therefore provides no visual amenity or green space to the surrounding areas.
- 1.4 The site at Heath Crescent has been assessed in the GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet as a reasonable alternative site for residential development (reference GNLP2173).
- 1.5 These representations are supported by and should be read in conjunction with the following documents:
- Drawing CH17/LBA/455/LP-1-100: Location Plan*
 - Transport Appraisal (including proposed access drawing) (January 2020) prepared by WSP*
 - Preliminary Landscape and Visual Overview (March 2020) prepared by Tyler Grange*
 - Ecology Report (March 2020) prepared by Wild Frontier Ecology*
 - Drawing 60312-PP-003 revision A extracted from the Surface Water Drainage Strategy and Flood Risk (January 2020) prepared by Richard Jackson
 - Initial Site Noise Risk Assessment (February 2020) prepared by Adrian James Acoustics*
 - Archaeological Desk-Based Assessment (January 2020) prepared by RPS*
 - Arboricultural Assessment (February 2020) prepared by Oakfield Arboricultural Services*
 - Drawing CH17/LBA/455/FL-1-100 revision A: Proposed Proving Layout – Option A
 - Drawing CH17/LBA/455/FL-1-101 revision B: Proposed Proving Layout – Option B
 - Email correspondence dated 16 December 2020 from GNLP officer
 - Asset of Community Value (ACV) nomination refusal letter dated 16 May 2018
 - Greater Norwich Growth Board agenda for meeting held on 24 September 2020 (including appendix 1, FMG Consulting's report titled Strategic Outcomes Planning Guidance Scoping Exercise – Greater Norwich, June 2020)
 - CODE Development Planners' review of legal compliance in respect of GNLP's Sustainability Assessment
- * documents previously submitted in support of the Regulation 18c consultation.
- 1.6 In the context of the Hellesdon Neighbourhood Development Plan, December 2017, the time that has elapsed since the site closed (August 2016) and the timetable for the adoption of the GNLP (September 2022), these representations consider two options; residential development of the site (35-40 homes) with retention of the bowls green; or residential development of the entire site (45-50 homes). Both scenarios would accord with the Recreational Provision in Residential Development SPD, April 2016 and other policies within the Broadland Development Management DPD, August 2015 (BDM-DPD).

- 1.7 These representations compare the GNLP's approach to the allocation of site policy HEL1: land at Hospital Grounds; the GNLP's only contingency site, policy GNLP0581/2043: land off Bawburgh Lane; and the non allocation of site GNLP2173, with the legal and procedural requirements of paragraphs 31, 32 and 35 of the National Planning Policy Framework (NPPF) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the SEA Regulations).
- 1.8 In summary, our submission contends that the GNLP fails the legal requirements of the SEA Regulations; the process used to inform decisions and transparently justify the selection of preferred allocations and to reject other reasonable alternatives, does not accord with the legal requirements. Additionally, the GNLP does not accord with the tests of soundness on the grounds of not being positively prepared, justified or effective as required by paragraph 35 of the NPPF.
- 2 Not in accordance with legal requirements**
- 2.1 Paragraph 32 of the of the NPPF states, "*Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements.*" In relation to the GNLP Sustainability Appraisal, January 2021 (SA) we contend that the Greater Norwich Development Partnership (GNDP) has not analysed the possible alternatives on a comparable basis, in accordance with the SEA Regulations, which clarified by various case law, require an "*equal examination of the alternatives*".
- 2.2 Guidance in the Planning Practice Guidance (PPG) also identifies that, "*The sustainability appraisal needs to consider and compare all reasonable alternatives In doing so it is important to [inter alia] use the evidence base (employing the same level of detail for each alternative option)*", paragraph 018 Reference ID: 11-018-20140306. Particularly important in respect of the SA's assessment of site GNLP2173, is the requirement of Article 5(2) of the SEA Directive and the associated implementation compendium that the assessment of alternatives provides accurate information on why they are not considered to be preferred option.
- 2.3 Three principal reasons lead us to conclude that the GNDP has not analysed the possible alternatives on a comparable basis:
- a) carried forward and proposed allocations from the Broadland Site Allocations DPD, May 2016, which do not benefit from an extant planning permission, have not been reassessed in a comparable way to possible alternative sites;
 - b) there is inconsistency between the assessment of sites, against the identified criteria within the SA and the evidence base to make those assessments, and the reasons stated in the conclusions of the SA for not allocating sites, leading to fundamental legal flaws in the SA and consequently the GNLP; and
 - c) criteria for selecting contingency sites appears to be predicated on size, being sites for circa 800-1,000 homes and not speed in the delivery of new homes.
- a) Carried forward and proposed allocations**
- 2.4 These representations are informed by our review of the SA. In summary the review identifies that it is only once, a site has been proposed as an allocation (or carried forward as an allocation) that site specific mitigation is applied as part of the assessment. Prior to that stage, the only mitigation that has been applied to reasonable alternative sites, is generic mitigation that would be achieved by proposals for sites being in accordance with the policies in the adopted development management development plan documents (DPD).
- 2.5 Evidence submitted in respect of reasonable alternative sites, during the Regulation 18c consultation of the GNLP has not been taken into consideration in the SA. This is not only apparent from the SA but also from the GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet where at Stage 6 (pg 8) in respect of reasonable alternative site GNLP 2173 it states, "*No additional documents submitted to support this proposal.*" This statement is inaccurate and misleading, it omits to reference the detail submitted on behalf of Jarrold & Sons (refer to list of documents with asterisk in paragraph 1.4 above).

- 2.6 At paragraph F.1.1.3 of Appendix F, volume 3 of the SA it states, “*The site policy assessments have been prepared following the methodology presented in Chapter 4 of the Regulation 19 SA Report; these assessments also take into consideration further information and site-specific detail that was not available for the reasonable alternative site assessments, as well as further site-specific mitigation.*” This statement is inaccurate and misleading, it fails to acknowledge the detail submitted on behalf of Jarrold & Sons during the Regulation 18c consultation of the GNLP.
- 2.7 Paragraph G.1.1.1 of Appendix G in volume 3 of the SA states, “*Table G.1.1 lists the 138 allocated sites in the GNLP. Each allocated site is presented in the GNLP as a Site Policy. The reasons for allocating each of the sites has been determined by the three authorities and is set out in the table.*” For policy HEL1, Table G.1.1 on page G7 states, “*The site was allocated in 2016 as part of the Broadland Local Plan but has not yet been developed. The principle of development on the site has already been accepted and it is expected that development will take place within the time-period of the new local plan up to 2038.*”
- 2.8 Paragraph 33 of the NPPF states that, “*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five year, and should then be updated as necessary.*” From the GNDP’s commentary on site GNLP2173 it would be reasonable to expect the wording of policy HEL1 to be updated to address any evidenced deficiencies in the provision of sport and formal recreation. However, instead of expanding the policy wording the following word (inter alia) has been deleted from policy HEL1 of the Broadland Site Allocations DPD, May 2016:
- “Improvements to social and physical infrastructure will need to be undertaken by the relevant bodies, as appropriate. This is likely to include improvements to schools, sewerage, highways, and recreational provision. Funding towards this may be required of the developer directly, and/or through the Community Infrastructure Levy paid by the developer.”* (CODE emphasis)
- 2.9 It is evident that the SA has not assessed carried forward and proposed allocations in a comparable way to reasonable alternative sites which is in breach of the SEA Regulations.
- b) Inconsistency in assessment**
- 2.10 The SA uses incorrect and misleading information in respect of site GNLP2173 which if corrected would elevate the site above carried forward allocation HEL1. Furthermore, statements in the SA assessment of site GNLP2173 are not supported by evidence.
- 2.11 Paragraph E.3.9 of Appendix E 9 in volume 3 of the SA relates to SA Objective 8 – Heath. The associated Table E.3.7 presents the supposed “*identified adverse impacts on health and the likely impacts post mitigation.*” The table identifies an adverse impact as, inter alia, “*Limited access to and net loss of, **public** greenspace.*” (CODE emphasis.) After listing the strategic and adopted policies of the GNLP and local plan development management documents, that could potentially mitigate the identified adverse impact, the table states under the column headed, “*Commentary: Will the policies mitigate the identified adverse effects?*” that “*These policies would be expected to mitigate the limited access to public greenspace and community open spaces. However, it is not anticipated that the policies would mitigate the loss of a **public** greenspace identified where sites coincide with these features (Sites GNLP0252, **GNLP2173**, GNLP0570 and GNLP0041).*” (CODE emphasis.)
- 2.12 It has been confirmed in the refusal of Hellesdon Parish Council’s (HPC) nomination of the site as an Asset of Community Value (ACV) (refer to letter dated 16 May 2018), that prior to its closure, site GNLP2173 had been for the private use of the employees of Jarrold & Sons and it has never been used by the local community. Therefore, the SA’s assessment that residential development of the site would result in the loss of a public greenspace is wholly inaccurate and misleading. Furthermore, of the two development options proposed for the site by Jarrold & Sons (refer to paragraph 1.5 above), the option which proposes residential development of the site (for between 35-40 homes) with retention of the bowls green would lead to a net development gain in public greenspace. Combined with informal greenspace that would be provided as part of that option, overall a major positive impact in respect of the health objective of the SA would be expected.

- 2.13 Paragraph F.8.1.6 of Appendix F in volume 3 of the SA presents an assessment of SA Objective 4 – Landscape in respect of site HEL1. It states, “*The proposed development at Site HEL1 would be unlikely to significantly alter the landscape character as it is situated amongst existing development and does not coincide with any key characteristics of the LCA ‘River Wensum River Valley’ it falls within. The requirements of GNLP and Local Plan policies would be expected to ensure that development is in keeping with the surrounding landscape character. Therefore, a minor positive impact on the landscape would be expected.*” The same is true of site GNLP2173 and in the absence of the SA’s post mitigation (site policy) for GNLP2173, our own post mitigation site policy assessment (refer to Table 1 below (attached as separate A3 sheet to this representation) adopts the same rational.
- 2.14 Paragraph F.8.1.16 of Appendix F in volume 3 of the SA presents a post mitigation (site policy) assessment of SA Objective 12 – Transport and Access to Services. It states, “*Site HEL1 is located within 400m of bus stops providing regular services, and is well connected to the existing footpaths, PRoW and road networks. The closest railway station is Norwich Railway Station, located approximately 5km to the south east of the site. The provision of a pedestrian crossing on the A1067 outlined within the site policy would be expected to improve pedestrian connectivity. Furthermore, GNLP and Local Plan policies would be expected to improve access via public transport. These measures would be likely to encourage active travel in the local area and could potentially help to improve public transport connections to the surrounding area including train stations. Overall, a minor positive impact on transport and access to services would be expected.*” A similar post mitigation site assessment should be applied to site GNLP2173. It is anticipated that comments contained at Stage 6 of the GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet (pg 7) from Norfolk County Highways which state, “*Alterations to road closure at Heath Crescent to improve access for cycling*” would be transposed into policy wording for the allocation of site GNLP2173 and contribute to a minor positive in the assessment matrix, in a similar way to the pedestrian crossing associated with site HEL1.
- 2.15 Paragraph G.2.1.1 of Appendix G in volume 3 of the SA states, “*Table G.2.1 list all reasonable alternative sites that were considered as part of the SA process but have not been allocated within the GNLP. The table sets out the reasons why these sites were not taken forward as decided by the three authorities.*” Page G30 of Table G.2.1 includes under Hellesdon an entry for site GNLP2173 with the stated reason as, “*This site is not allocated for housing because there is a need of open space in Hellesdon. The site is currently designated as Green Space in the DM DPD. There is also, an objection from Sport England was considered relevant. As the Parish Council/ Neighbourhood Plan ambition is to secure the site for community uses. Therefore the site has been allocated for Open Space.*” We understand from correspondence with an officer of the GNLP team (refer to email dated 16 December 2020) that the last sentence is an error. Other documents in the GNLP evidence base confirm this error by stating that, “*The decision has been taken not to allocate and leave it [the site] as ‘white land’ within the settlement boundary to be dealt with through the planning or Neighbourhood Plan processes.*” (Pg 12 GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet). This is further confirmed by the Settlement Map for Hellesdon in Part 2: The Sites of the GNLP which shows the site left as ‘white land’.
- 2.16 Our objection to the reasons why site GNLP2173 has not been allocated is that two of the four statements are inaccurate and misleading. A third reason is overcome if assessed by the SA at the post mitigation site policy stage.

b) Inconsistency in assessment	GNLP reason for not allocating site for housing	Jarrold & Sons reasons for objection
	i) Need for open space in Hellesdon	Inaccurate and misleading – not based on evidence
	ii) Designation as green space	Policy EN2 provides remedy
	iii) Objection for Sport England	Inaccurate and misleading

b) i) Need for open space in Hellesdon

- 2.17 Fundamentally, the GNLP is not accompanied by evidence to support the GNLP's assertion that there is a need for open space in Hellesdon. The evidence library to support the GNLP does not include document/s which assess need for open space particularly formal open space, for use for sport and recreation¹.
- 2.18 The available evidence on need for formal recreation, prepared on behalf of Broadland, Norwich City, South Norfolk and Norfolk County Councils, is the Neil Allen Associates (NAA) Playing Pitch Assessment – Greater Norwich Area, October 2014. This document is based on the methodology contained in Sport England's document "Playing Pitch Strategy Guidance: an approach to developing and delivering a playing pitch strategy", October 2013. Despite its date, the document's commentary under section "A8 How should the study area be defined?" (pg 5) remains up to date. It recognises that the extent of a study area should be of a sufficient scale to ensure that cross boundary demand, movement and supply is captured in the study. It notes the majority of [playing pitch strategies] PPSs are undertaken based on a local authority area.
- 2.19 Clarification regarding the evidence of need for open space in Hellesdon is set out in two documents prepared by the joint local authorities of the GNLP. The first is Item 5 and associated appendix 1² of the agenda papers for the meeting of the Greater Norwich Growth Board (GNGB) on 24 September 2020 (refer to information submitted in support of these representations). The second is an email dated 16 December 2020 from the GNLP team clarifying the source of evidence on need for recreation and sport provision.
- 2.20 The relevant elements of agenda item 5 of the papers for the GNGB meeting dated 24 September 2020 are extracted as follows.

Agenda Item 5 paragraph 1.1

"The Indoor Sports Facility and Playing Pitch Strategies covering Norwich City, South Norfolk and Broadland district councils was published in 2014. It reflected mainly on a built facility approach to increasing participation in sports. Since then, there has been a significant shift in strategy undertaken by Sport England."

Agenda Item 5 paragraphs 1.2 and 1.3

"Sport England commissioned FMG Consulting to conduct a diagnostic brief for Greater Norwich which was conducted February-May 2020." "FMG's report highlights the obsolete nature of the existing 2014 strategies, which would currently compromise the ability for Sport England to support future strategic sport and physical activity infrastructure enhancements, as well as limiting local stakeholders' ability to make informed decisions on investments which support active lifestyles."

Agenda Item 5 paragraph 3.1

"Whilst the timing of this strategy work will not directly inform the site allocations policies within the emerging Greater Norwich Local Plan, Sport England's Strategic Outcomes Planning Guidance [(SOPG)] will assist the Greater Norwich Authorities to prepare a vision and strategy, which will help inform future production of Supplementary Planning Documents and planning decisions. Once developed, the Sport and Physical Activity Strategy will become a fundamental influence in shaping the Development Management Policies, which are due to be updated in 2021."

Agenda Item 5, Appendix 1, paragraph 2.13

"... an up to date overarching strategy for Greater Norwich should be developed."

¹ The Greater Norwich Local Plan Infrastructure Needs Report 2020 (January 2021) includes a section on sport and leisure (section 7.3) however this is limited in its scope. The Greater Norwich Green Infrastructure Study, December 2020 provides information on existing green infrastructure, biodiversity, and designated historic environment assets.

² FMG Consulting Strategic Outcomes Planning Guidance Scoping Exercise – Greater Norwich, June 2020

Agenda Item 5, Appendix 1, paragraph 4.11

“ . . . residents generally make decisions on what they do and where they go with little focus on local authority boundaries ”

Agenda Item 5, Appendix 1, paragraph 6.2 (third bullet point)

“This [Sport and Physical Activity Strategy] will probably include an element of new facility provision solutions but will also look more widely at solutions involving programmes, initiatives, campaigns, partnership working, the active environment, health, social prescribing etc. in one holistic strategy.”

- 2.21 Similar reasons for the conclusions to those stated on page G30 and Table G.2.1 of Appendix G in volume 3 of the SA in respect of site GNLP2173, are contained in the GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet. In the table under Part 2 (pg 12) it states, *“The need for open space in Hellesdon presented by the Parish Council is recognised ”* However, the assessment booklet does not state in what document of the GNLP’s evidence base it is “recognised”.
- 2.22 Instead, clarification from an officer of the GNLP team dated 16 December 2021 explains that, *“The statement relating to the ‘need for open space being recognised’ relates to the representation from La Ronde Wright on behalf of Hellesdon Parish Council to the Regulation 18C consultation (available on our website) which includes an extract from the Neighbourhood Plan and a Sport and Open Space Needs Assessment dated March 2020.”* We have reviewed the Sport and Open Space Needs Assessment prepared by Ploszajski Lynch Consulting on behalf of Hellesdon Parish Council as part of their objection to site GNLP2173, it contains fundamental flaws and inconsistencies in its methodology, scope, assessment, and conclusions. If the GNLP authorities wish to submit the Ploszajski Lynch assessment as part of their evidence base, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, formal public consultation should be afforded to those wishing to submit representations to highlight its failings.
- 2.23 Notwithstanding the fundamental flaws in the Ploszajski Lynch assessment, its conclusions on need for sport and open space in Hellesdon inadvertently challenge the soundness of the GNLP insofar as site Policy HEL1 has been carried forward as an allocation, without adapting the policy wording to seek to meet the area’s sport and open space needs. Indeed, if there is a need for sport and open space provision across the Greater Norwich area, the site selection process for assessing the preferred options for sport, recreation and open space provision against the reasonable alternatives, should be subject to SA in accordance with the SEA Regulations. It is perplexing and goes to the heart of the soundness of the GNLP, why the spatial representation of the infrastructure needs of the Greater Norwich area in respect of sport and open space are not properly assessed, based on the requirements of the SEA Regulations ie consideration of a range of reasonable alternatives.
- 2.24 In conclusion there is no evidence of need for sport and open space to the GNLP’s assessments. No reasonable alternatives for sport and open space have been assessed. There are fundamental failings of the GNLP both in terms of legal and procedural requirements and the tests of soundness.

b) ii) Designation as green space

- 2.25 Site GNLP2173 is currently designated in the Broadland Development Management DPD (BDM-DPD) Policies Map 5 (adopted August 2015) as green space to which Policy EN2 applies; it states:

“Policy EN2 – Landscape

In order to protect the character of the area, development proposals should have regard to the Landscape Character Assessment SPD and, in particular, consider any impact upon as well as seek to protect and enhance where appropriate: [inter alia]

vii) Green spaces including natural and semi-natural features as well as geological/geomorphological features which make a significant contribution towards defining the character of an area.”

- 2.26 The character and context of site GNLP2173 is such (refer to paragraph 1.3 above) that it does not make a significant contribution towards defining the character of the area. Furthermore, the impact of developing the site on the character of the area is negligible. Both these statements are supported by the Preliminary Landscape and Visual Overview (March 2020) prepared by Tyler Grange and submitted as part of these and previous representations on behalf of Jarrold & Sons. This is pertinent to the assessment and conclusions in the SA and the GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet. We contend that residential development of the site enhances the area's character by creating a public right of way through the site from Heath Crescent to Fifers Lane (refer to Plan 3: Opportunities and Constraints Plan (pg 9) of the Preliminary Landscape and Visual Overview (March 2020)). It is envisaged that part of the route would incorporate soft landscaping as relief from the hard suburban grain of the surrounding roads and their adjacent footpaths.
- 2.27 Paragraph 33 of the NPPF states that local plans and development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. As such, we would anticipate that Broadland District Council in reviewing the BDM-DPD, adopted over five years ago in August 2020, would identify policies such as EN2 (and the associated policies map) as out of date in respect of the site and therefore require updating. Paragraph 31 of the NPPF also states the preparation and review of all policies should be underpinned by relevant and up-to-date evidence. Work already undertaken by the GNGB confirms that the Playing Pitch Strategy, Greater Norwich Area Broadland Action Plan 2014 is out of date and will be updated on a Greater Norwich area wide basis.
- 2.28 We believe due to the criteria for green space and the closure of the site in 2016 the site does not contribute to these criteria.

b) iii) Objection from Sport England

- 2.29 We object to the reference on page G30 of Table G.2.1 of the SA, to an objection from Sport England being considered relevant to the decision not to allocate site GNLP2173. The email dated 16 December 2020 from an officer of the GNLP team states, *"I have removed the reference to Sport England as I believe that did relate to an earlier consultation response. I have checked and Sport England did not make comment on either site GNLP2173 or GNLP1021 at the Regulation 18C consultation."*
- 2.30 Earlier consultations on the Regulation 18 of the GNLP took place between January to March 2018 (Stage A – Growth Options and Site Proposals consultation) and October to December 2018 (Stage B – Revised and Small Sites consultation). Site GNLP2173 was last used in 2016 and therefore during August this year it will not have been used for more than five years³. This is relevant to whether Sport England would be a statutory consultee and the weight to be given, in the decision making process, to its comments. We have found representatives of Sport England to be pragmatic and to seek positive outcomes.
- 2.31 It is not known whether Sport England would have amended its objection to site GNLP2173, considering submissions made on behalf of Jarrold & Sons during the 2018 Regulation 18 consultations, and following a meeting between representatives of Jarrold & Sons. Sport England on 13 February 2019. The meeting enabled discussions on historic context and future options. Furthermore, correspondence with Sport England following that meeting considered paragraph 97 a) of the NPPF. Both parties noted that the Playing Pitch Strategy 2014 was out of date and Sport England suggested that in accordance with paragraph 97 a) an assessment to assess whether the open space, buildings or land where surplus to requirements should be *"identified via a full PPS, or a full review of a PPS, carried out by the local authority."* The Sport and Open Space Needs Assessment for Hellesdon, March 2020 undertaken by Ploszajski Lynch Consulting on behalf of HPC's to support its representation to the GNLP regulation 18c consultation is neither of these.

³ Schedule 5 of SI 2010/2184 the Town and Country Planning (Development Management Procedure) (England) Order 2010

2.32 In conclusion the SA does not include criteria to assess the weight/score to be attached to representations from supporters or objectors. Therefore, the issues surrounding Sport England's comments have no place in the SA assessment and is a clear breach of the SEA Regulations, which require the assessment process to be evidence based and objective.

2.33 Table 1 provides an update to the tables in the SA which consider the pre-mitigation, post mitigation and post site policy mitigation for policy HEL1 and site GNLP2173. The updates amend the incorrect and misleading information contained in the GNLP's SA.

c) Criteria for selecting contingency sites

2.34 The identification of contingency allocation(s) is, in our view, a sensible approach subject to the suitability, availability and deliverability of any contingency site(s). However, the GNLP's approach to contingency sites appears to be predicated on size, being sites for circa 800-1,000 homes and not speed in the delivery of new homes. This seems perverse as the stated reason for identifying a contingency site is so that it can "*be brought forward if delivery of housing in the GNLP area does not meet local plan targets.*" (Policy 7.1 of the regulation 19 GNLP).

2.35 The plan identifies just one contingency site at Costessey for c800 homes. Policy GNLP0581/2043 states that the development will include major infrastructure improvements and mitigation to include (inter alia):

- primary school
- sixth form college
- new local centre
- mitigation to address utilities infrastructure crossing the site
- off-site highway improvements on Longwater A47 junction and on New Road
- mitigation of surface water flooding
- satisfaction of minerals safeguarding policies due to part of the site being underlain by a defined mineral safeguarding area for sand and gravel.

2.36 Given the scale of the site and its need to provide substantial on-site and off-site infrastructure improvements, delivery of homes from this site is likely to be slow. The site is therefore in danger of not actually performing as an effective contingency to repair slow delivery elsewhere.

2.37 Reasonable alternatives to the GNLP's preference for one large site to delivery housing numbers if a contingency is needed have not been identified or assessed. A reasonable alternative would be a selection of sites of between 30 to 100 units. The associated planning applications would unlikely require environmental impact assessments (EIA) and the associated delay the preparation and determination that EIA requires. The contingency sites should be selected based on the ready availability of infrastructure and lack of complexity of any infrastructure improvements required. However, the SA does not assess reasonable alternative strategies.

2.38 In conclusion the SA fails the legal requirements in the consideration of alternative strategies for identifying contingency sites and in its assessment of the contingency site.

2.39 It is evident from section 2 of these representations that the GNLP fails the legal and procedural requirements of the local plan preparation process. The remedy would be to significantly amend the SA with the associated amendments to the GNLP that will arise as a result undergoing another round of formal consultation prior to submission of the plan to the Secretary of State for examination.

3 Compliance with the tests of soundness

3.1 Paragraph 35 of the NPPF states that, "*Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:*

- a) **Positively prepared** – *providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs¹⁹, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development.*

- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework”.

3.2 The following section identifies selected policies which combined with the GNLP’s approach to assessment undermine the soundness of the plan.

Justification and effectiveness of the GNLPs approach to the allocation of sites

3.3 The inclusion in the GNLP of policy HEL1 and contingency site policy GNLP0581/2043 renders the GNLP unsound as it fails to satisfy three of the tests of soundness, notably “positively prepared”, “justified” and effective.

3.4 Our objections to policy HEL1 are contained in section 2 above. In summary we object that policy HEL1 is a carried forward allocation without consideration of policy wording changes to assess if a requirement for the provision of sport and other formal recreational should be specified in the policy. Or indeed whether HEL1 should remain as an allocation within the GNLP in preference to GNLP2173. The GNLP fails the above test of soundness as a result.

3.5 Jarrold & Sons contend that proper assessment of the reasonable alternatives as presented by the two scenarios in this submission (options A and B) and the reassessment of policies HEL1 and GNLP0581/2043 would conclude with the allocation of site GNLP2173 for residential development. The inclusion or otherwise of the bowls green is for further consideration through the local plan preparation process ie once the Sport and Physical Activity Strategy, and updates to the development management policies and/or the proper consideration of the reasonable alternatives for its provision through the GNLP eg as part of on-site provision at site HEL1, have been published for consultation.

3.6 An additional reason given for site GNLP2173’s non allocation is Hellesdon Parish Council’s (HPC) ambition to secure the site for community use. The provisions of Project 1 of the Hellesdon Neighbourhood Plan (HNP) do not state the extent of community use or what the uses should be. Project 1 of the HNP states, “*The Parish Council will seek to improve the quality and diversity of existing parks and open spaces throughout Hellesdon. This would include [inter alia] securing the use of Jarrold’s Sport Ground/Heath Crescent for the local community*”. Provision of the bowls green and/or open space as illustrated on the draft proving layouts (refer to drawings CH17/LBA/455/FL-1-100 revision A (option A) and CH17/LBA/455/FL-1-101 revision B (option B)) would enhance the parks and opens spaces of Hellesdon by making areas of the site publicly accessible. Project 1 does not state “*secure the use of the entire*” site and therefore the provision of the bowls green and/or open space as illustrated on the draft proving layouts would contribute to the achievement of Project 1 of the HNP.

3.7 Subject to revisions to the SA and revisions to the policy wording of HEL1, the allocation of site HEL1 and the introduction of site GNLP2173 as a residential allocation might satisfy the tests of soundness.

3.8 The wording of the contingency site policy is likely to require the allocation of alternative contingency sites to secure the soundness of the GNLP.

3.9 We object to policy GNLP0581/2043 for the reasons contain in section 2 above and contend that for those reasons its inclusion in the GNLP, for the purpose of contingency, fails two of the tests of soundness – justified and effective. Additionally, policy GNLP0581/2043 is not effective in the trigger mechanism for the site becoming an allocation. The policy states:

“The site will become an allocation if there are three consecutive years in which Annual Monitoring Reports show that housing completions in Greater Norwich are more than 15% below annual targets in each year and where under delivery is the result of site specific

constraints (for example there are infrastructure or ownership constraints or significant abnormal costs have been identified) preventing the delivery of committed and allocated sites.”

- 3.10 We object to the mechanism for triggering the contingency site as it does not provide a mechanism for addressing a five year housing land supply deficit created by sites, eg those in the Growth Triangle where market saturation is an additional influencing factor on delivery. This element of the contingency policy would be remedied if the following amendments were made:

The site will become an allocation if there are three consecutive years in which Annual Monitoring Reports show that housing completions in Greater Norwich are more than 15% below annual targets in each year ~~and where under delivery is the result of site specific constraints (for example there are infrastructure or ownership constraints or significant abnormal costs have been identified) preventing the delivery of committed and allocated sites.”~~

- 3.11 We understand from the GNLP that the submission version of the plan will be accompanied by the anticipated delivery rates of all the committed and allocated sites. This will be prepared, once all the data has been received by the GNLP from developers of the committed and allocated sites. We reserve the right to comment further on this at the time but as a matter of principle, we fail to understand how, in the absence of this data, conclusions can be drawn in respect of the effectiveness of the GNLP to deliver the identified housing requirement.

- 3.12 The GNLP Site Assessment: Norwich and Urban Fringe - Hellesdon Booklet explains site GNLP2173 is considered to be a reasonable alternative if additional housing is needed in the urban area. However, GNLP. Policy 1 states, *“that sustainable development and inclusive growth are supported by the delivery of (inter alia) 40,550 new homes between 2018 and 2038.”* It goes on to state that, *“Growth is distributed in line with the settlement hierarchy to provide good access to services, employment and infrastructure. It is provided through urban and rural regeneration, along with sustainable urban and village extensions.”*

The settlement hierarchy is defined as:

- 1 Norwich urban area (Norwich and Norwich Fringe)
- 2 Main towns
- 3 Key service centres
- 4 Village clusters

- 3.13 Site GNLP2173 is located in the fringe parish of Hellesdon within the top tier of the settlement hierarchy and evidence within the assessment document has established that the site is well located within the built-up area. However, the site is not proposed for allocation or as a contingency site. We contend that the GNLP fails the test of soundness with regards to the plan being positively prepared. The evidence in support of the GNLP insufficiently explains why sites lower down the settlement hierarchy have been chosen as preferred sites for inclusion within the plan as allocations ahead of this top tier site. The GNLP contradicts itself and is therefore unsound.

4 Conclusions

- 4.1 Jarrold & Sons also considers the GNLP fails the test of soundness when assessing whether it is justified. In order to be justified the plan should be an appropriate strategy, taking into account the reasonable alternatives and based on proportionate evidence. There is insufficient evidence to justify decisions in the GNLP. Decisions that have been made are based on inaccurate and misleading information.
- 4.2 These representations demonstrate that the GNLP is not legally compliant and fails the tests of soundness.
- 4.3 Currently the GNLP seeks in part to delegate decisions regarding the spatial representation of the infrastructure requirements to support growth, principally sport, recreation and open space designations, to the development management DPDs. However, this fails the tests of soundness as it has impacted the GNLPs policy justifications and effectiveness. Furthermore, it does not provide a strategy which seeks to meet the areas needs consistent with achieving

sustainable development; the residential allocations are not supported by an up to date assessment of the need for sport, recreation and open space. The GNLP is therefore not positively prepared.

- 4.4 In order to remedy this the SA needs to be amended and reassess strategy and site allocation policies. The GNLP Site Assessment Booklets should be amended to follow and reference the SA assessment. These amendments will lead to amendments to the policies and supporting text contained in the GNLP. Consequently, further formal public consultation will be required.

(Please continue on a separate sheet if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matter you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

- a) In order to remedy the legal failings the SA needs to be amended and reassess strategy and site allocation policies.
- b) The GNLP Site Assessment Booklets should be amended to follow and reference the SA assessment.
- c) These amendments will lead to amendments to the policies and supporting text contained in the GNLP. Consequently, further formal public consultation will be required.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

At this stage further submissions may only be made if invited by the Inspector, based on matters and issues he or she identifies for examination.

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? (Tick box as appropriate)

No, I do not wish to participate in hearing session(s)	<input type="checkbox"/>
Yes, I wish to participate in hearing session(s)	<input checked="" type="checkbox"/>

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

Site reference	SA Objective														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Air quality and noise	Climate change mitigation and adaptation	Biodiversity, geodiversity and GI	Landscape	Housing	Population and communities	Deprivation	Health	Crime	Education	Economy	Transport and access to services	Historic environment	Natural resource, waste and contaminated land	Water
GNLP2173 Pre-mitigation (Table E.2.1)	-	+	-	-	+	++	0	--	0	-	+	-	0	-	-
HEL1 Pre-mitigation (Table E.2.1)	--	--	-	-	++	-	0	--	0	++	+/-	-	0	-	-
GNLP2173 Post mitigation (Table E.3.15)	-	+	-	0	+	++	+	-	+	+	+	-	0	-	0
HEL1 Post-mitigation (Table 3.15)	-	-	-	0	++	+	+	-	+	++	+	-	0	-	0
CODE mitigation suggestions to GNLP2173	-	+	0	+	+	++	+	++	+	+	+	+	0	+	0
HEL1 Policy assessment (Table F.1.1)	-	-	0	+	++	+	+	-	+	++	++	+	0	0	0

Table 1: GNLP2173 and HEL1 impact matrix comparison