

Report to Cabinet
13 November 2019
Report of Director of regeneration and development
Subject Regulation 10A review of Norwich's Development
Management Policies and Site Allocations plans

Item

6

Purpose

To consider the Regulation 10A review of policies in the Development Management Policies and the Site Allocations and Site Specific Policies plans.

Recommendation

To endorse the Regulation 10A review of local plan policies, and to agree the proposal to commence review of the Development Management Policies plan following the Regulation 19 stage of the Greater Norwich Local Plan, likely to be in Spring 2021.

Corporate and service priorities

The report helps to meet the corporate priority great neighbourhoods, housing and environment, inclusive economy and people living well.

Financial implications

Review of the Development Management Policies plan will have financial implications for the council although this is anticipated as all plans require periodic review. The budget implications will need to be considered as part of next year's budget review.

Ward/s: All Wards

Cabinet member: Councillor Stonard - Sustainable and inclusive growth

Contact officers

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Background documents

None

Report

Introduction

1. The purpose of this report is to review Norwich's Development Management Policies Plan ([DM policies plan](#)) and Site Allocations and Specific Policies plan ([Site allocations plan](#)) in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017, to conclude whether a review is necessary and, if so, what form it should take. The review needs to be completed by 30 November 2019.
2. The 2017 regulations introduce a statutory requirement, under Regulation 10A, that from 6 April 2018 local planning authorities must review their local plan within five years of the date of adoption. The purpose is to ensure that local plans are kept up to date and are responding to changing local needs and circumstances. The regulations state that, where an authority reviews a document but decides not to update it, they must publish their reasons.
3. This new requirement is reflected in the National Planning Policy Framework (2019) at paragraph 33 which states that "Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary."
4. Guidance about reviewing policies is contained within [Planning Practice Guidance](#) (PPG) which was updated in March 2019. This provides more detail on what such a review should address, including for example changing local circumstances such as when the local housing need figure has changed significantly, success of policies against local plan indicators as set out in the Annual Monitoring Report (AMR), planning appeals performance, where there are relevant changes in national policy, and whether any new social, environmental or economic priorities may have arisen (PPG paragraph 065). If, after assessing its Local Plan policies, a local planning authority needs to amend one or more policies, it should update its Local Development Scheme to set out the timetable for when these amendments will be consulted upon and examined. PPG paragraph 070 clarifies that local planning authorities will not necessarily need to revise their entire plan and may publish a list of policies they will update and those they do not consider need updating.
5. The Planning Advisory Service (PAS) has very recently published more detailed guidance ([Local Plan Route Mapper](#), October 2019) to assist with the review process and with the development of local plans generally. This stresses that there is no definitive way for undertaking a review of local plan policies but that it provides a useful starting point. The guidance notes that the outcome of a review could potentially range from small-scale partial update of specific policies through to a full update of a local plan. It stresses that local planning authorities have significant discretion to determine the most appropriate way forward for their local plan review.

Norwich's local planning documents

6. The development plan for Norwich comprises the following documents:
 - Joint Core Strategy for Broadland, Norwich and South Norfolk (the JCS) adopted in March 2011, amendments adopted January 2014;
 - Norwich Site Allocations and Site Specific Policies Local Plan (the Site allocations plan) adopted December 2014; and
 - Norwich Development Management Policies Local Plan (the DM policies plan) adopted December 2014.
7. The policies in the JCS are currently being reviewed as part of the development of the Greater Norwich Local Plan (GNLP) by the three Greater Norwich authorities and Norfolk County Council, and will be superseded by the GNLP upon its adoption, likely to be in 2022. The GNLP also includes site allocations across the three districts and again it will supersede the site allocations plans for Broadland, Norwich and South Norfolk upon its adoption.
8. The exercise to undertake a Regulation 10A review therefore applies to both the DM Policies and Site allocations plans but not to the JCS as the latter is currently being reviewed through preparation of the GNLP. As both local plan documents were adopted on 1st December 2014 the review needs to be completed before the end of November 2019. There is currently no need to update the current Statement of Community Involvement as this was adopted in November 2016 and therefore does not need review until 2021.
9. This report is being considered by Sustainable Development Panel at its meeting on 13 November 2019. Any comments will be verbally reported to the Cabinet meeting later that day. This will enable a decision on the outcome of the review and the recommended way forward to be made in advance of the deadline of 30 November 2019.

Review process and scope

10. The approach taken by the council in reviewing its local plan policies reflects the PPG and the PAS guidance.
 - a. A number of local plan review factors have been considered to ensure that the plans are still on target to meet their objectives and the strategic policy approach is still appropriate. These factors are considered at paragraphs 13-19 below. (As the DM policies plan does not set a housing target for Norwich, this review does not include assessment of change in local housing need numbers, whether the council has a 5 year supply of housing land, and whether it is meeting its housing delivery targets including for affordable housing. Housing targets for Norwich and Greater Norwich as a whole are set out in the Joint Core Strategy and in the future will be included in the GNLP. The 5 year supply of housing and the housing delivery target are calculated jointly for Greater Norwich as a whole.);

- b. In addition, individual policies have been assessed against the revised NPPF, having regard to relevant evidence including the Annual Monitoring Report and planning appeal decisions and changing local circumstances. It should be noted that not all policies age at the same rate; some will remain valid for many years whereas others may be more susceptible to changing circumstances and therefore may require review at an earlier stage. The reviews for the respective local plans (the DM policies plan and Site allocations plan) are set out at appendix 1 and 2, and discussed below at paragraphs 20-26.
11. The PPG expects local planning authorities to have due regard to the Duty to Cooperate when undertaking a review of policies. Several policies have cross boundary implications including policies DM26 (Development at the University of East Anglia) and DM27 (Norwich Airport). The guidance notes that often the most significant cross boundary issues relate to housing numbers but this is not the case for Norwich's local plans as the housing target is set by the higher tier plan (the JCS and the emerging GNLP). It should also be noted that extensive joint working is underway between all Norfolk local authorities through the Norfolk Strategic Planning Framework (NSPF) on a wide range of issues including housing, green infrastructure, health, climate change, the economy, and telecommunications. Consideration of the NSPF has been included in the review of the DM policies plan and site allocations plan.
12. PAS guidance states that if assessment of the above issues suggests that a different strategy or strategic policy approach is necessary then an update to the plan is likely to be necessary. The scope of the update will depend on the extent to which the vision and objectives and spatial strategy are still 'fit for purpose'.

Wider local plan review factors

13. There is some overlap between wider policy issues and how these are reflected in individual local plan policies. The extent to which the plan policies still reflect current national policy requirements is addressed in the section on the DM Policies plan in paragraphs 20-22 below and at Appendix 1.
14. Monitoring information has been used to assess whether plan policies are on target to deliver plan objectives such as employment / office floorspace targets. For example, the Annual Monitoring Report for 2017-18 notes a significant loss of employment floorspace over the year which seems to be closely related to permitted development rights allowing for changes of use from office to residential without the need for planning permission. However, the council is considering options for resisting the loss of office floorspace which is likely to involve commissioning specialist evidence and may result in imposition of an Article 4 Direction, to resist further loss of such floorspace and to support the promotion of offices in the city centre.

15. There have been some challenges to local economic conditions since adoption of both plans but no compelling evidence to date that this will undermine delivery of the plans. For example:
- a. A major local employer (Britvic / Unilever) is relocating from its long established site in the city centre, currently designated as an employment area in the Local Plan policies map. It is anticipated that the site will be allocated in the emerging Greater Norwich Local Plan (Regulation 18 plan) for residential-led mixed use development to be informed by a masterplan for the east Norwich sites, including the Deal Ground and Utilities sites, to guide its redevelopment and ensure comprehensive regeneration of this new gateway quarter.
 - b. The Employment Town Centres and Retail Study 2017 (ETCRS), which is part of the evidence base of the GNLP, identifies a positive picture for the potential future of office based employment in the city centre, despite significant losses to office floorspace since 2008. The ETCRS identifies the Norwich urban area's role as principal focus and driver of the Greater Norwich economy. It acknowledges that Norwich city centre's employment offer is changing and identifies an increasing 're-urbanisation' of business activity, driven by wider business trends and small business creation within the creative and media sector in particular, back to locations which offer a broader range of services to employees including the city centre.
 - c. The AMR (2017-18) found that 5000 new jobs were created in Greater Norwich in that year, meeting the JCS target, 2000 of which were in Norwich.
 - d. The 2018 Retail Monitor presented a fairly positive picture given the prevailing economic climate, with only a small increase in vacant available retail floorspace and a reduction in the percentage of vacant units. The 2019 Retail Monitor is in preparation and should be presented to next Sustainable Development Panel. It is likely to reflect wider challenges to the retail market from the continuing growth in online shopping and from Brexit uncertainty.
 - e. Recent challenging economic circumstances have affected the viability of some housing development, with particular impact on delivery of affordable housing. The JCS (and emerging GNLP) sets the target for affordable housing delivery however the city council has recently adopted a supplementary planning document for affordable housing (July 2019) which provides guidance on viability assessment and other measures to promote delivery of affordable housing in Norwich to meet identified needs.
16. Although delivery of some site allocations has been affected by wider economic circumstances, a number of key allocations have been developed, are currently being developed or are subject to planning consent, as shown at Appendix 2. Several local plan allocations have been developed for purpose built student accommodation (PBSA), including the former Mecca Bingo Site on All Saints Green which was allocated for

employment uses, and St Stephen's Towers which was allocated for comprehensive mixed use development. In response to the increase in applications for PBSA the council has produced a 'Purpose built student accommodation: Evidence and best practice advice note' to guide applicants and decision-makers with the purpose of encouraging good quality and appropriate student accommodation in the city. PBSA now can be counted as part of housing delivery. The NPPF identifies students as a group whose housing needs should be addressed. The higher education institutions also have an important role to play in delivering a creative city as part of the Norwich 2040 City Vision. Norwich's site allocations will be superseded by the GNLP as noted above.

17. There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies. For example there have been no recent changes to conservation areas, or changes to local nature conservation designations such as County Wildlife Sites or Sites of Special Scientific Interest, or to the city centre Air Quality Management Area. Also, a revised Greater Norwich Strategic Flood Risk Assessment (2017) has updated the flood zone boundaries, which means that the local plan policies map is out of date in this respect, however the updated boundaries are available on the council's website and are being used to inform planning decision-making.
18. The 2019 NPPF continues the previous NPPF's focus on mitigating and adapting to climate change. The need to respond effectively to climate change will be fundamental to any review of the local plan and will impact on many policy areas in the Development Management Policies plan as well as in the emerging GNLP and the NSPF. The 2019 NPPF requires that development should wherever possible help to improve local environmental conditions such as air quality, which is reflected in provisions within the Environment Bill. There may be a range of policy implications arising from the Environment Bill which should be considered when it passes into law, as is noted below and in the assessment of many local plan policies at Appendix 1.
19. Finally, the emerging Greater Norwich Local Plan (which will include site allocations as noted above) may have a material impact on the planning context for the DM Policies plan. Therefore any future review of the latter plan should be informed by the GNLP once there is some clarity about its policy content.

Review assessment – Development Management Policies Plan

20. The table at Appendix 1 assesses the plan's policies on an individual basis. Policies have been assessed using a 'traffic light' approach:

- Green Policy is still currently fit for DM purposes and no changes are required.
- Orange Policy is still currently fit for DM purposes but issues may have been identified, the policy may need minor alteration, or further evidence may be required. Further

review in due course is desirable.

- Red The policy is not fit for DM purposes and requires urgent review.

21. The review at Appendix 1 finds that 18 DM policies are still 'fit for purpose' in the sense that they meet the content requirements of the NPPF and are being successfully implemented, and are considered overall to reflect current national planning policy requirements. However a significant number of policies would benefit from minor updates or clarifications to make them easier to use (for example policy DM5 'Planning effectively for flood resilience' would benefit from additional guidance relating to sustainable drainage measures) and some require new evidence to make them effective (for example policy DM19 'Encouraging and promoting major office growth' may require gathering of new evidence to support an Article 4 Direction aimed at protecting against the loss of office space). The review finds that it would be desirable to review 15 DM policies, albeit that these policies are still considered 'fit for purpose' for decision making until such time that a review takes place. In addition there may be policy implications arising from emerging legislation such as the Environment Bill which are likely to impact on a number of policies which consider, for example air quality, biodiversity etc. as noted above. However, it will take some time for the full provisions of the Bill to be brought forward in legislation.

22. Although, based on the assessment at Appendix 1, there is considered to be no immediate case for an urgent full or partial review of the DM policies plan, there is a case for commencing a full review of the plan within the next couple of years given the issues noted above. It would make sense for the review to commence when there is some clarity about the content of the GNLP given that the higher tier plan will provide the strategic planning context for the lower tier plan. The draft Regulation 18 GNLP is due to be consulted upon in early 2020; following that the revised Regulation 19 draft will be consulted upon, prior to being submitted to the Secretary of State for public examination. A good opportunity to commence the review of the DM policies plan would be following the Regulation 19 consultation of the GNLP but before the start of the public examination. This stage is likely to be reached in Spring 2021.

Review assessment – Site Allocations and Site Specific Policies Plan

23. The Site Allocations plan will be superseded by the GNLP upon its adoption. The assessment of allocations in the current plan is set out at Appendix 2 and is based on whether sites are still available for development (a number have been developed already, as would be expected) and on whether there is any evidence to suggest that the sites cannot be delivered in the plan period. This is supplemented by information about planning consents and delivery on individual sites as relevant.

24. The table at Appendix 2 also assesses the site specific allocations using a 'traffic light' approach:

- Green There is no current evidence to suggest that the site is not deliverable within the plan period. No changes required.
- Orange As part of any future update of the Site Allocations Plan, the site would not be included as the allocation has either come forward in full or is assumed to come forward in full in accordance with granted permissions within the plan period.
- Red There is evidence that the site would not come forward in full within the plan period.

25. The review at Appendix 2 finds that 57 of the site specific policies in the Site Allocations plan are still relevant and require no change as there is no current evidence to suggest that these allocations cannot be delivered within the plan period. 15 of the site specific policies are no longer considered to be relevant as either the allocations have come forward in full or it is assumed that they will come forward full as a result of the granting of planning permission/commencement of works. One site specific policy CC27: St Stephens Street is no longer considered to be relevant. CC27 was allocated for a comprehensive mixed use development including primary retail development at ground floor and office and residential uses on upper floors. However, a significant part of the site has been brought forward as student accommodation leaving parcels of disjointed allocated land. As such it is considered that the allocation cannot come forward in full as originally intended and therefore policy CC27 is no longer considered relevant and should be given reduced weight.

26. However, notwithstanding the above, the site allocations plan is also being reviewed in detail as part of the GNLP which, once adopted, will supersede the Norwich City Council site allocations plan. Therefore, it will not be necessary for the Council to undertake a separate full review of this plan.

Conclusions and recommendation

27. In summary, there is no immediate case for commencing full or partial review of the DM Policies plan for the reasons set out in this report and at Appendix 1. The recommendation is that Members endorse the Regulation 10A review of local plan policy in this report, and agree that a full review of the plan should commence following the Regulation 19 consultation of the GNLP but before the start of the public examination. This stage is likely to be reached in Spring 2021.

28. There is no need for the city council to review the Site allocations plan as this is currently being reviewed through the preparation of the GNLP.

29. It should be noted that this Regulation 10A review has outlined some areas for future policy review but is not an exhaustive list of changes. The local plan review (recommended in paragraph 27) will be based upon information available at the time of that review and may therefore make different conclusions to those of the Regulation 10A review.

Integrated impact assessment



NORWICH
City Council

Report author to complete

Committee:	Cabinet
Committee date:	13 November 2019
Director / Head of service	Graham Nelson
Report subject:	Consideration of Regulation 10A review of policies in the Development Management Policies and the Site Allocations and Site Specific Policies plans
Date assessed:	01 November 2019

	Impact			
Economic (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Finance (value for money)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Review of the DM Policies plan will have financial implications for the council although this is anticipated as all plans require periodic review. The budget implications will need to be considered as part of next year's budget review.
Other departments and services e.g. office facilities, customer contact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
ICT services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Economic development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Financial inclusion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Social (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Safeguarding children and adults	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<u>S17 crime and disorder act 1998</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Human Rights Act 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Health and well being	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

	Impact			
Equality and diversity (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Relations between groups (cohesion)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Eliminating discrimination & harassment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Advancing equality of opportunity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Environmental (please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Natural and built environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Waste minimisation & resource use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Pollution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sustainable procurement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Energy and climate change	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(Please add an 'x' as appropriate)	Neutral	Positive	Negative	Comments
Risk management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Recommendations from impact assessment

Positive

Negative

Neutral

The majority of the impacts of the initial review of the DM policies plan and site allocations plan are considered to be neutral. In most cases this is because there are no relevant impacts arising from this initial review. Relevant impacts are instead likely to arise as part of the full review of the DM policies plan which will be assessed at the time the review is undertaken.

Issues