

Planning and Highways Delegations Committee

Minutes of the Meeting Held on Monday 14 October 2013 at 3pm in the Edwards room, County Hall

Present: Mr D Harrison

Also Present: Mr B Bremner
Mr A Grey
Mr J Joyce
Mr A Dearnley
Mr N Dixon

Other Councillors Present: Mr R Bearman

Officers: Mr N Johnson – Planning Services Manager
Ms A Lambert – Principal Planner
Ms F Croxen – NPLaw
Mrs J Mortimer – Committee Officer

1 Apologies

An apology was received from Mr G Nobbs.

2 Declarations of Interest

The following declarations of interest were declared:

Mr B Bremner declared an interest as a Member of Norwich City Council.
Mr J Joyce and Mr D Harrison declared interests as a Members of Broadland District Council.

3 Announcement by the Cabinet Member for Environment, Transport, Development and Waste.

The Cabinet Member explained that as apologies had been received from Mr Nobbs, authority fell to him (as the only other member of the Committee) to consider the Council's response to the consultation.

Appendix 3 of the Constitution (Delegations to Members of the Executive), para 2.a) v) confirmed that, the Cabinet Member for Environment, Transport & Development had delegated authority, in the case of urgency, to determine the Council's response to the Norwich Northern Distributor Road formal consultation. The report was urgent, as the statutory period for response had already been exceeded and the Developer required our response this week in order that they could address any issues raised and still submit their proposal in a timely manner. The Statement of Urgency is attached at Appendix B of these minutes.

The Cabinet Member invited the non-voting panel of representatives of the Planning (Regulatory) Committee to join him in hearing the officer presentation and then to express their views on the proposed response, before he made the submission.

4 Norwich Northern Distributor Road - formal consultation, under Section 42 of the Planning Act 2008.

4.1 The Committee received the report by the Director of Environment, Transport and Development which had been brought to the Planning and Highways Delegations Committee in accordance with the Council's internal procedures for dealing with consultations on Nationally Strategic Infrastructure Projects (NSIP).

4.2 The Planning Services Manager explained that the Planning & Highways Delegations Committee acted to consider matters where Norfolk County Council was not the determining authority for a planning application and to submit a response on behalf of Norfolk County Council to a consultation. In this case, Norfolk County Council had the role of consultee and had been asked to identify what issues ought to be included in the application when it was submitted by the developer.

The planning application would be submitted to, and determined by, the Secretary of State following consideration by the Planning Inspectorate and public enquiry.

The Preliminary Environmental Information Report (PEIR) had been sent to a wide range of consultees. As part of their role as a consultee, Norfolk County Council had gained feedback from all the relevant departments and Members. Other organisations would be responsible for submitting their own responses to the consultation. Once the developer had received all the responses, they would produce a report outlining the responses and their reaction which would be submitted as part of the planning application.

4.3 Mr Dearnley had submitted and read out a statement on behalf of the Green Group. A copy of the statement is attached to these minutes at Appendix A.

4.4 The following points were noted during the ensuing discussion:

- Members asked that the statement be attached as an appendix to the submission for consideration as part of the NSIP report.
- The views of the Aarhus Convention would be considered by the Planning Inspectorate on behalf of the Secretary of State when the public consultation took place.
- The Planning Services Manager reassured members that they had found no issues had been omitted from the statement which should have been included.
- Members confirmed that they were happy that the issues that had been identified would be addressed subsequently during the planning process.

4.5 The Cabinet Member considered all the comments from the Planning (Regulatory)

Committee Group Spokespersons and said that he would use his delegated powers to make the following submission in response to the consultation:

- i) No objection had been raised to the proposed Nationally Strategic Infrastructure project (NSIP) proposal for the Norwich Northern Distributor Road (NDR);
- ii) It was considered that the Preliminary Environmental Report (PEIR) needed to reflect the comments received from the internal consultees within the Environment, Transport and Development Directorate (as outlined in the Appendix to the report).
- iii) To add the statement presented by the Green Group as an appendix to the submission.

CHAIRMAN

The meeting ended at 3.45pm



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Appendix A

Norwich Northern Distributor Road - formal consultation, under Section 42 of the Planning Act 2008.

Statement to the Planning and Highways Delegations Committee, Monday 14 October 2013, by Councillor Adrian Dearnley on behalf of the Green Party group

I wish to make this statement for the Green Party group, and for it to be noted and included as an Appendix in the minutes of this meeting.

The Green Party consider that the consultation on the NDR to be flawed including because:

- The public have faced four rationales and consultation phases
- The consultation area has been too small a geographical area on all four consultation phases
- There was a lack of democratic process in consultation preparation
- The consultation was not compliant with the Aarhus Convention
- The funding situation for completing the road is unclear. Infrastructure planning by the GNDP Councils is in a state of flux, and integrated transport schemes are being delayed by diversion of funds to the NDR, and badly needed, community infrastructure projects will be compromised across the Norwich Policy Area.
- Climate Change impacts have not been assessed or properly considered.
- at the time of writing a Public Inquiry into the soundness of the JCS is still to deliver it's verdict, therefore it is premature for the Committee to support this consultation until that enquiry is concluded.

These points have been made in the Green Party response to the consultation. Here, I want to focus on

- The consultation area and how it relates to the S42 response from the Council
- The Preliminary Environmental Information Report (PEIR) and issues that have not been properly covered in it, and have not been picked up by the County Council's own officers in the report.

The main consultation area. This has been limited to North Norwich and a ring of villages beyond. This is incorrect when the Statement of Community Consultation (SoCC) justifies the NDR as removing through traffic from Norwich city centre and delivering the Norwich Area Transportation Strategy (NATS) which covers the entire Norwich Policy Area. Later additional rationales for the NDR were added mid-consultation by the Secretary of State's designation which affects the entire economy and environment of East Norfolk.

We therefore believe that whole of East Norfolk including whole of the Norwich Policy Area, the A47 corridor and Great Yarmouth, and also villages to the West of Norwich relating any new route over the Wensum valley should have been included in the consultation. We believe that County Councillors for all these areas should also have been consulted by the County Council for their response under S42. In particular, all Councillors within Norwich should have been consulted. It is totally inadequate that section 5.1 of the report indicates that only a few councillors where the NDR passes were consulted.

Moving on to the Preliminary Environmental Information Report (PEIR). The written comments of Salhouse and Rackheath Parish Councils to the NDR Scoping Report in March

highlighted a number of missing topics required under the EU Directive on Environmental Impact Assessment notably, climate change, socio-economic effects and cumulative impacts. The response of the Planning Inspectorate, PINS, in its Scoping Opinion drew attention to the need for coverage of these.

However, the Preliminary Environmental Information Report prepared later to assist the public in responding to the current public consultation still does not refer to these important areas of environmental impact. These are:

- *Socio Economic Effects (Community and Private Assets Chapter 12)*. We note with concern the marked difference between the economic objectives contained in Norfolk County Council's Development Pool Best and Final Bid (Sept 2011) and the EIA Scoping Document. These economic objectives are further changed again by the Secretary of States NSIP designation.
- *Cumulative Impacts (Chapter 15)*. We are especially concerned about the cumulative environmental impacts that a NDR and associated development would bring. The EIA must examine the full cumulative effects of NDR and various developments related directly to it, and this has not been addressed. These include: Impact on travel patterns; Impact on dispersal of land uses and facilities; Impact on employment in city centre and on the weaker economies of Great Yarmouth and market towns; Impact on the A47 between Norwich and Great Yarmouth from additional car commuting.
- *Climate Change (Chapter 14)*. The EIA chapter on climate change is particularly flimsy – it does not address the impacts but merely adaptation measures. Covering climatic impacts is a requirement in order to comply with the EIA directive and regulations under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, Schedule 4.

Our fundamental position on climate change and greenhouse gas emissions is that a transport scheme like the Norwich Northern Distributor Road scheme needs to be assessed against a national legislative and regulatory framework that includes the Climate Change Act 2008 and the National Planning Policy Framework (2011). The Scheme is a greenhouse gas generator, and when it is properly assessed, it will not be deemed to be suitable for development due to the additional carbon footprint that it creates. By building high-carbon infrastructure, specifically the NDR, Norfolk is not making its local and regional contribution to the national sectorial target of 15% reductions of transport emissions by 2020. This is a dereliction of the socio-economic responsibilities to reduce carbon emissions at the local and regional level.

In summary, the PEIR plays down the environmental impacts of the NDR in several significant areas, and largely concentrates on mitigation measures for landscape and nature conservation. We do not support either recommendation. We raise the above objections to the proposed NSIP proposal for the NDR, and we have identified substantial failings in the PIER which have not been picked up in the report.

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**Statement of Urgent Decision of Cabinet Member for Environment,
Transport, Development and Waste**

**Norwich Northern Distributor Road
- formal consultation,
- under Section 42 of the Planning Act 2008**

Decision:

That the comments raised within the consultation round on the PEIR as contained in the Officers report be forwarded to the developer to be addressed in any subsequent application. The comments raised by Cllr Dearnley be noted and attached as an appendix to the report and forwarded to the developer.

Reasons for the Decision:

So that any subsequent application made under the Nationally Significant Infrastructure Project (NSIP) regime addresses the points raised in this report.

Reason for Urgency:

The time period for responding has already expired and it was not possible to arrange a formal meeting of the Planning & Highways (Delegations) Committee within a suitable time frame.

Alternative options considered and rejected:

No alternative proposals were raised.

Record of any conflict of interest (and note of dispensation granted, if applicable):

Cllr Bremner advised he was also a Norwich City councillor. Cllrs Harrison and Joyce advised that they were also Broadland District Council councillors.

No dispensations required.

I confirm that I have considered the attached report and have made the decision set out above for the reasons also indicated above

Signed by Cabinet Member for Environment, Transport, Development and
Waste

Daul G. Harris

Date *14 OCTOBER 2013*