

Failings of the consultation process for the Norwich Northern Distributor Road

Despite its local controversy, Norfolk County Council (NCC) has never consulted the public specifically on the Northern Distributor Road (NDR) in the run up to the submission of the best and final bid. Instead NCC is relying in their Best and Final Bid document (BAFB) on consultations they undertook for the Norfolk Area Transport Strategy (NATS) in 2003 and October 2009, and the Local Development Framework process for the Greater Norwich Development Partnership (GNDP) Joint Core Strategy (JCS).

In both the 2009 NATS consultation and the statutory Examination in Public (EiP) on the JCS, the NDR is presented as a fixed element with no alternatives given. The EiP does not comprise a proper public consultation.

The rationale for the NDR being a base assumption in these processes is the 2003 consultation on a previous version of NATS, but this consultation presented a completely different full-length NDR without a Postwick Hub. **The material changes made to the NDR since 2003, and in the BAFB, have not been consulted upon.**

2003 NATS consultation

The only time the public have been asked specifically if they supported an NDR was 8 years ago in 2003 as part of a public consultation on the Norwich Area Transport Strategy (NATS).¹ Whilst this did not constitute a consultation specifically on the NDR, Question 1 was '*would you like to see a Northern Distributor Road for Norwich?*'

Question 9 asked respondents to select from routes both to the west and to the east of the Airport. Appendix 2¹ of the consultation report shows that '*150 written representations were received against building a road at all, and many of these called for alternative means of dealing with the city's transport problems*' against '*95 written representations were received supporting an NDR*'.

Although it is true to say that 78% of respondents supported an NDR at this time, NCC fail to mention that a much higher number (91%) supported 'Improving Traffic Flow on the Main Roads' (improving junctions, variable message signing etc) and 'Improving Public Transport' (over 90%). An equal number (75%) supported 'soft measures' (Education, Encouragement and Enforcement).²

¹<http://www.norwich.gov.uk/CommitteeMeetings/Norwich%20highways%20agency/Document%20Library/5/REPNorwichHighwaysAgencyNATS2004-06-01.pdf>

² Ibid, Appendix 1

The map within this consultation indicates that the Postwick Hub had not been conceived at the time and the impression is given that the NDR would connect to the A47(E) via one of several other options including via the current Postwick junction. **There has therefore been no public consultation ever on the Postwick Hub.**

Material revisions to the scheme – shorter route and new growth plans

The road scheme in the BAFB is now a half NDR, from Postwick A47(E) anti-clockwise to the A140 Norwich Airport, that has a stated primary function to bring development to the GNDP Growth Triangle. A possible extension from A140 Norwich Airport anti-clockwise to A1067 at Hellesdon, to complete a three-quarter route, is mooted for funding entirely from Local Authority resources. **There has never been any consultation of any sort on the shorter half-NDR that is the basis of the BAFB.**

The NDR proposed in the 2003 NATS consultation was a full Norwich northern bypass from the A47(E) anti-clockwise to A47(W) – this would have linked the proposed road to the A47 Southern bypass in a full ring road. The ring road to the West was seen by many consultees to the far West of the City in villages such as Costessey and Taverham, as providing relief to their villages and local lanes. It therefore received considerable support on this basis. The BAFB half NDR, or a possible three-quarter NDR, cannot be supported on this basis.³

This was also before the development plans for a North East triangle emerged, and residents to the East and North East may also have supported the road on the basis of potential local relief. Now that North East Norwich is due for massive housing expansion, local residents are more concerned about the congestion and sprawl that it may bring.

This change in the road's fundamental length, network connections, purpose and impact occurred after the 2003 NATS consultation, and was driven by Norfolk County Council needing new funding justifications for the NDR.⁴ In 2008, the GNDP 'consulted' on three LDF options (for their JCS), but each option comprised the Growth Triangle and the now three-quarter NDR (Postwick to A1067) as fixed elements, the only variations in consulted options being in housing numbers in specific areas outside the Growth Triangle.

There was considerable concern expressed about the GNDP consultation process at the Examination in Public (EiP) of the JCS in November 2010. A key criticism being that all the options reduced conceptually to a single option, the 'NE Norwich Growth Triangle + NDR'. At the EiP itself, developers, as well as community and environmental groups, said that growth is not reliant on a NDR: some proposed smaller scale alternatives to the NDR and Postwick Hub.⁵

³In fact, these residents frequently write to the local Press that the NDR's now under consideration will make congestion worse in their areas by dumping large amount of westbound traffic into residential areas at the end of the half or three-quarter routes

⁴In 2005 the Councils that later formed the GNDP wrote to the East of England Regional Assembly (EERA) requesting several thousand extra houses and jobs for the Norwich area on top of targets in the draft East of England Plan (RSS). Later they bid for and gained 'growth point' status for Norwich, gaining potential access to large pots of infrastructure funding, then available from the central government.

⁵It is important to note the on-the-ground views of the developers themselves in this. They are in agreement with community and environmental groups in stating that growth is not reliant on a NDR, and can be delivered by small scale road links and modest improvements to A47 Postwick Junction alongside excellent cross city public transport, travel planning, walking and cycling. With the shortfall in infrastructure funding of the order of £100m on the GNDP plans, developers do not want to contribute in excess of £45 million to complete the three quarter route NDR when money could be spent on community facilities such as a new school. Some are taking a more enlightened approach to transport with approaches like seeking 'traffic neutrality' - where for every new car journey added, they plan to transfer an existing car journey to bus, foot or cycle.

DfT guidance has said that councils are expected to undertake consultation on schemes where there have been significant changes or ‘material revisions’, yet NCC has failed to consult at all on the half-NDR scheme in the BAFB, whilst the three-quarter NDR has only been presented to the public for comment as a fixed element in wider strategic documents.

2009 NATS Implementation Plan – assumed shorter NDR as fixed element

NCC relies in the BAFB on the consultation for the NATS Implementation Plan in October 2009. This was a further opportunity for NCC to make clear the changed length, topology, purpose and impact of the NDR, and its proposed role as part of the GNDP development plan.

However, this consultation failed to question respondents specifically about the changed role of the shorter NDR, or on alternative transport strategies based on smaller scale road building and greater front-loading of public transport interventions.

Again, the NDR was presented as a fixed element that “*underpins so much of the strategy*”.⁶ Thus, the NDR was a pre-determined fixed element and cannot be said to have been consulted upon. Crucially the public was given no opportunity to examine or appraise any alternatives.

Joint Core Strategy – NDR role undecided

The Planning Inspectors were undecided on the role of the NDR and stated “*the AAP is the proper mechanism for carrying out the site-specific investigations, considering the alternatives, and undertaking the public consultations necessary to establish the point at which non-delivery of the NDR may, or may not, become a ‘showstopper’ for further development in the growth triangle*”.⁷

Further, they indicated that if the NDR was not built that there would be no need to review the whole GNDP JCS - only the proposals for the Growth Triangle might need to be reviewed.⁸

NCC has failed to mention these two important and material facts in their Interim Information submitted to DfT in June 2011 and in their BAFB, namely that:

- the Inspector deferred issues relating to the NDR and growth to the Area Action Plan level
- the NDR has no affect on the GNDP JCS as a whole.

The Joint Core Strategy is currently under a legal challenge in the High Court on a number of points, including that the NDR was not included a part of the Sustainability Appraisal in the JCS because it was assumed by GNDP to be a fixed element.

⁶ Press release from Norfolk County Council, 5 October 2009, “Vital Norwich area transport consultation begins” <http://www.norfolk.gov.uk/Consumption/groups/public/documents/article/ncc076886.pdf> (page 77)

⁷ para 59, Inspectors Report on the Examination of the Joint Core Strategy for Broadland, Norwich and South Norfolk Development Plan, 22 February 2011 <http://www.gndp.org.uk/content/wp-content/uploads/downloads/2011/02/Report-into-the-Examination-of-the-Joint-Core-Strategy-for-Broadland-Norwich-and-South-Norfolk.pdf>

⁸ Ibid, 5th point, para 60

Further, important requirements by the Inspectors to test alternatives have also not been included by NCC in the Implementation Plan for the LTP3, indicating that NCC has ignored these requirements of the Planning Inspector.

Local Transport Plan 3

In the Interim Information submitted to DfT in June 2011, NCC states that it is relying on consultations on its third Local Transport Plan (LTP3) as evidence of consulting on the NDR. However there is no mention of the LTP3 consultation in the BAFB.

The consultation process on NCC's LTP3 breached Section 9 of the Local Transport Act 2008 (a short Appendix has been provided on-line that shows a timeline of the process indicating where it contravenes LTA2008 at <http://tinyurl.com/ndrltp3>).⁹ Once again the NDR was presented as a fixed element of the LTP3, with no opportunity provided to comment specifically on it.

The Council also promised to consult on the NDR in a large consultation exercise on spending cuts in Autumn 2010 but did not deliver on this promise.¹⁰

Misrepresentation of objectors

Section 5.3 of the BAFB, dealing with opposition, misrepresents the position of Norwich and Norfolk Transport Action Group (NNTAG). NNTAG has consistently said that alternatives, including some modest road building, need to be developed, tested and assessed. NNTAG has always called for an evidence based approach.

Conclusion: NDR consultation has been inadequate

Local representatives and Campaign for Better Transport do not consider that these processes comprise "adequate consultation" on the NDR itself. We also conclude the information on consultation in the BAFB is misleading.

⁹ In particular, the LTP3 Implementation Plan was not provided to consultees during a hastily arranged Consultation between 21st January 2011 and 25th February 2011. The Implementation Plan (IP) was only made available to consultees between for March 4th and March 14th 'for comment' whilst the Cabinet agreed to accept the LTP3 on March 7th. It was only after receiving a question for the March 7th Cabinet by an opposition County Councillor that NCC sent out the IP for comment. A council official has confirmed that no consultation report was produced for Cabinet or Council, when they agreed the LTP3, due to the 'short timescales' involved.

¹⁰ NCC also undertook a consultation on their £55m of **public service** cuts made this year called the 'Big Conversation'. Despite a front page story in the Eastern Daily Press on 30 Oct 2010 with NCC cabinet member for Transport and Travel Graham Plant saying that the NDR would be included in the consultation (<http://tinyurl.com/ndrbigcon-promise>). The NDR was subsequently not mentioned in the web and other consultation forms. After a question from a Councillor, the Director of Environment, Transport and Development indicating that he believed there no need for further consultation following the previous ones on NDR and NATS implementation plan (see <http://tinyurl.com/ndrbigcon-promise-broken>).