

Forest Heath District Council

(This report is a key decision and has been subject to appropriate notice of publication under the Council's access to information rules)

Report of the Cabinet Member for Planning, Housing and Transport

CABINET

29 MAY 2012

CAB12/002

CORE STRATEGY POLICY CS7 SINGLE ISSUE REVIEW 'ISSUES AND OPTIONS' (REGULATION 18) CONSULTATION (Forward Plan Reference – May12/02)

Summary and reasons for recommendation(s)

1. To receive the recommendation from the Local Development Framework Working Group in respect of the Forest Heath Single Issue Review of Core Strategy Policy CS7 'Issues and Options'.
2. The Local Development Framework Working Group has previously considered this document on 8 May 2012 and resolved to recommend to Cabinet that the document be approved for public consultation.
3. The Cabinet are, therefore, asked to consider the recommendation of the Local Development Framework Working Group and approve this document for consultation.

Recommendation(s)

That the Forest Heath Single Issue Review of Core Strategy Policy CS7 'Issues and Options', (Regulation 18), document be approved for public consultation.

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How will the recommendations help us meet our strategic priorities?

1. This is critical in meeting our priorities in terms of:

HOUSING – MEETING THE DISTRICT'S HOUSING NEED

Objective 1: To provide adequate provision in our planning policy framework to meet current and future housing needs

Encourage affordable homes and ensure adequate housing provision and the right choice of housing types through our planning policy framework

In particular Action 1.1.1 specifies

- 1.1.1 Carry out a single issue review of the Core Strategy, adopt the overall housing requirement and commence delivery positively through the planning process.

2. It will also assist with the other priorities – economic growth and community development.

Wards affected

3. All.

Key issues

4. As Members will be aware the adopted Core Strategy, (May 2010) was challenged through the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. The challenge, lodged with the High Court on the 21st June 2010, was on two grounds:
 - a) That there had been a failure to comply with the legal requirement for Sustainability Appraisal and Strategic Environmental Assessment in respect of the proposals for North East Newmarket and,
 - b) That the Public Consultation was flawed in that supporting documents were not available throughout the relevant period,
5. The judgement of the High Court was delivered on 25th March 2011 and found the challenge successful on the first claim but not on the second. The judgement ordered the quashing of certain parts of Core Strategy Policy CS7, with consequential amendments being made to Policies CS1 and CS13. Essentially, the Court Order removed the spatial distribution of housing numbers and phasing of delivery across the District although the overall level of housing, as specified within the Regional Spatial Strategy, (RSS), remains.
6. The Council resolved to revisit those parts of the Core Strategy that were 'quashed'. This process is termed a 'Single Issue Review' and requires the Council to follow all of the relevant legislative processes and procedures, as identified within the Town and Country Planning (Local Planning) (England) Regulations 2012, from the first 'Issues and Options' stage, (Regulation 18).
7. The provision of the Localism Act revoking the Regional Spatial Strategy will soon come into force and at this point the Council will no longer be bound by the regional housing requirement. As a consequence, this Single Issue Review also has the

scope, if the evidence justifies such, to deviate from the RSS and in particular up or down from its prescribed housing targets.

8. In light of the High Court Order that prompted this review of the spatial distribution and phasing of housing development, and in view of the imminent revocation of Regional Spatial Strategies, this allows for a review of the overall quantum of housing delivery. Accordingly, this 'Issues and Options' consultation document seeks comment and opinion on:
- What, given the evidence presented, might be an appropriate overall level of housing growth for the District?
 - What might be an appropriate distribution and phasing of housing delivery given the inherent constraints to growth that exist within the District?

Consultation

9. In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Council's own Local Development Scheme, it is proposed to carry out this consultation for a period of 8 weeks commencing in June 2012.
10. As well as the formal consultation exercise, a communication plan will be put in place, to coincide with the launch of the Consultation Document, encouraging everyone to get involved.

What happens next?

11. Following this 8 week period for consultation on the 'Issues and Options', the comments received will be considered and amendments made where appropriate.
12. All representation received will be considered, and reported to the Local Plan Working Group then onto Cabinet. After which, the Council will produce its preferred option for growth. This will entail further consultation in the Autumn.
13. The Regulations allow for the insertion of an additional 'Preferred Options' Consultation Stage into the time-line for the preparation of the Single Issue Review, which could be used as an opportunity to further refine the 'issues and options', should Members consider this appropriate following analysis of representations made to this first round of consultation.

Timetable

14. The significant stages in the Council's preparation of the Single Issue Review of Core Strategy Policy CS7 can be summarised as follows, (this timetable will be subject to change as and when the Local Development Scheme is reviewed):

Approximate Timetable	Regulation No.	Stage in Single Issue Review
June/July 2012	18	Issues and Options Consultation.
October-December 2012	19/20	Proposed (Draft) Submission Document Consultation.
April 2013	22	Submission of SIR Document to the Secretary of State.

Approximate Timetable	Regulation No.	Stage in Single Issue Review
August 2013	24	Examination in Public into 'Soundness' of the SIR Document.
November 2013	25	Inspector's Report expected
February 2014	26	Adoption of SIR Document by the Council and incorporation into the Development Plan for the District.

Other options considered

15. The consultation document outlines various options for growth and is seeking views on each, or on any other potential options.

Community impact

16. This is an integral part of the consideration and formation of a planning policy document required to comply with the various regulations.

What consultation has been undertaken and what were the outcomes?

17. Approval is being sought to undertaken consultation in respect of the above document.
18. In parallel with the 'Issues and Options' consultation a separate consultation on the Strategic Housing Land Availability Assessment (SHLAA) will take place. As part the SHLAA exercise there will be an opportunity to liaise further with Town and Parish Councils, probably from September 2012 once all the responses to the 'Issues and Options' and SHLAA consultations have been received and considered. A full draft 'Proposed Submission', (Regulation 19/20), version of the document will then be produced, which will be the subject of a further period of consultation, as per the timetable above.
19. The outcome of the consultation process will be reported via the Local Plan Working Group in the first instance, and taken into account in producing the new version of this document.

Financial and resource implications

20. The Core Strategy Single Issue Review can be delivered within the projected Local Plan budget for 2012 – 2014. This includes provision for professional fees and community consultation

Risk management implications

21. Without proper community engagement in the Local Plan process, the Single Issue Review will not proceed to adoption. The preparation of an up to date planning policy framework is a statutory requirement. The lack of such a framework militates against the proper planning of the District and could place the Council at risk of Planning Appeals being upheld with the possible award of costs against it.

Legal/Policy implications

22. The Planning and Compulsory Purchase Act 2004. The Town and Country Planning (Local Planning) (England) Regulations 2012.

Documents attached

Appendix 1 – Single Issues Review of Core Strategy Policy CS7 Issues and Options, (Regulation 18), document proposed for consultation.

Background papers

None.