

Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

CABINET

5 MARCH 2013

CAB13/069

JOINT DEVELOPMENT MANAGEMENT POLICIES – SUBMISSION (Key Decision Reference: MAR13/03)

1. Summary and reasons for recommendation(s)

- 1.1 This report updates and reports on the latest stage of the Joint Development Management Policies, following the most recent 'submission version' consultation which took place between October and December 2012. This consultation sought comment on matters of 'soundness' and 'legal compliance'.
- 1.2 Officers' response to the latest representations will be considered and formulated in due course, in advance of the Examination in Public. Delegated authority is therefore sought, in conjunction with the Joint Head of Planning and Regulatory Services and the relevant Portfolio holders, for the negotiation and agreement of any minor changes to the Policy document that might be necessary as a result of the further submission version representations received.
- 1.3 At the time of the publication of this report, it is also due to be presented to the Joint Development Management Policies Joint Committee on 11 February 2013, having already been considered by the Local Plan Working Group at Forest Heath on 4 February 2013 and the Sustainable Development Working Party at St. Edmundsbury on 7 February 2013. No matters of note arose at either of these meetings and any comments arising from the Joint Committee will be reported verbally to this meeting. Following consideration by Cabinet Planning the matter will be taken to each Cabinet, and thereafter to each Full Council, prior to 'submission', which is anticipated prior to the end of March 2013. Thereafter, an Examination in Public will be held, at a date to be determined, but anticipated to be September 2013 or later, with adoption to follow the Inspectors' report.

2. Recommendation to each Authority's Council:

- 2.1 **That the Joint Development Management Policies document (Working Paper 2 of Cabinet Report CAB12/024 presented to Cabinet on 4 September 2012) be approved for submission to the Planning Inspectorate.**
- 2.3 **That delegated authority be given, in conjunction with the Joint Head of Planning and Regulatory Services and the relevant Portfolio holders, for minor changes to be made to the document, as required, as a result of discussion and negotiation with interested parties prior to the Examination in Public.**

Forest Heath Contact Details	Forest Heath Portfolio holder	Lead officer
Name	Councillor Rona Burt	Dave Beighton
Title	Portfolio Holder for Planning, Housing and Transport	Principal Planner
Telephone	01638 712309	01638 719470
E-mail	rona.burt@forest-heath.gov.uk	dave.beighton@forest-heath.gov.uk

3. How will the recommendations help us meet our strategic priorities?

- 3.1 The Local Plan relates to the following Corporate Priorities: Affordable and accessible housing, Community engagement and communication, Community safety, Economic regeneration, Street scene and the environment, and Transport issues.
- 3.2 The provision of these Development Management Policies will ensure the swift and consistent determination of planning applications, thereby contributing towards the Authorities meeting their priorities.

4. Key issues

- 4.1 The Authorities consulted on their joint Preferred Options document between January and March 2012. A total of 343 representations were received to this consultation and these have been summarised and presented previously to the Local Plan Working Group.
- 4.2 The Submission Version consultation was undertaken between October and December 2012. Representations made on this version were limited to comments on matters of 'soundness' and legal compliance'. A total of 273 representations were received of which 91 are supports and 182 are objections. A summary of the extent of representations, on a policy by policy basis, are shown at Working Paper 1.

Submission Version Consultation Representations

- 4.3 A total of 273 representations have been received, and which are summarised in the report at Working Paper 1. Members will note that certain policies have not received any further objection to them on the grounds that they are unsound or not legally compliant. In such a circumstance these policies are now capable of being considered to be of material weight in the determination of relevant planning applications. The policies that can now be considered capable of such use are DM15 (Safeguarding from Hazards), DM20 (Development Affecting Parks and Gardens of Special Historic or Design Interest), DM27 (Agricultural and Essential Workers Dwellings), DM34 (Tourism Development), DM36 (Protection of Local Centres), and DM44 Rights of Way).
- 4.4 Of the 273 representations received comments have been received from a number of statutory consultees, including Suffolk County Council and the Environment Agency. Suffolk County Council maintain an objection to Policy DM7 (Sustainable Design and Construction) on the grounds that it does not go far enough in terms of water conservation and lifetime homes standards, and to Policy DM23 (Residential Design) on the grounds of concern with the wording of clauses f) and l). The Environment Agency objection relates to the lack of a policy that adequately considers the Level One Outline Water Cycle Study.

Comment has also been received to the consultation from Natural England, which supports a number of policies and raises no objections to the document.

- 4.5 Officers recognise that further consideration needs to be given to these objections, in the hope that any outstanding concern can be overcome. However specialist advice has been received in relation to Policy DM7, and the matters raised by Suffolk County Council to Policy DM23 do not go to the heart of the policy as drafted, and, as a result, Officers consider at this stage that the policies are fit for purpose and 'sound'.
- 4.6 Any matters arising from the consideration of this document at either Forest Heath's Local Plan Working Group (4th February 2013) or St. Edmundsbury's Sustainable Development Working Party (7th February 2013) will be updated verbally at the meeting.
- 4.7 Officers are also presently assessing what impact, if any, the recent revocation of the RSS might or might not have in relation to this document. It is possible that a further brief consultation might be necessary to seek public views on the impacts of the revocation, with any views received being put in front of the Inspector during the Examination. This would not hold up submission.

Timescales and what happens now?

- 4.8 The Joint Development Management Committee will consider any comments raised by either the Local Plan Working Group or the Sustainable Development Working Panel. Thereafter, and if agreed, this document will need to be referred on to each Authority's Cabinet (Forest Heath - 5th March, St Edmundsbury - 13th February) and then Council (Forest Heath - 13th March, St. Edmundsbury - 26th February)
- 4.9 Following this, submission to the Planning Inspectorate will occur before the end of March 2013. It is programmed that the Examination in Public will take place in June, but it is possible that it may take place in September, after the school holidays, or even later, dependent upon Planning Inspectorate workload and the availability of Inspectors.
- 4.10 Following submission the Local Plan will be examined by an independent Planning Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is 'sound' – namely that it is:
 - **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

5. Other options considered

- 5.1 Members will recall the 'preferred options' previously consulted upon. Whilst not an alternative option per se they do highlight the iterative process to the formulation of these generic Development Management policies.

6. Community impact

6.1 Crime and disorder impact *(including Section 17 of the Crime and Disorder Act 1998)*

- 6.1.1 These joint Development Management Policies will not impact upon the Crime and Disorder Act 1998

6.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

- 6.2.1 These joint Development Management Policies will have no diversity and equality impact.

6.3 Sustainability impact *(including completing a Sustainability Impact Assessment)*

- 6.3.1 The adoption of these policies will lead to a consistency of approach when dealing with planning applications and will seek to raise the standard of design and construction techniques throughout both districts.

6.4 Other impact *(any other impacts affecting this report)*

- 6.4.1 None

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

- 7.1 Consultation initially took place on the Joint Preferred Options Development Management Policies between January and March 2012, followed by consultation on the 'Submission Version' between October and December 2012.

- 7.2 The representations received in relation to the latest, submission version, consultation are summarised, policy by policy, in the report attached at Working Paper 1.

8. Financial and resource implications *(including asset management implications)*

- 8.1 The Development Management Policies Local Plan can be delivered within the projected Local Plan budgets. This includes provision for professional fees and community consultation to ensure that the timetable for delivery of the Local Plan is met.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Failure to adopt in a timely fashion will leave both Authorities without an up to date and NPPF compliant DM Policies document, leading to less control over development	Low	Ensure submission as soon as possible after member approval	Low

10. Legal and policy implications

10.1 The Planning and Compulsory Purchase Act, (2004), requires Forest Heath District Council to prepare and keep an up to date Local Development Framework. A Local Development Framework is essential for the continuation of an effective planning service and key to other Council services areas.

11. Ward(s) affected

11.1 The Development Management Policies will be applied Borough/District-wide. It therefore affects all Wards across both Authorities.

12. Background Papers

12.1 None

13. Documents attached

13.1 Working Paper 1 – Submission Version Consultation (October – December 2012) representation summary.