

Cabinet 10 December 2013

Joint Development Management Policies: Further Representation Breakdown and Key Issues

1. Summary and reasons for recommendation

- 1.1 The submission draft of the Joint Development Management Policies Document (JDMPD) was the subject of consultation during October to December 2012. The document and summary of representations have progressed through both Councils' committees and have been approved (and noted) for submission by St Edmundsbury Borough Council (Council 26 February 2013) and is due to be considered by Forest Heath District Council on 11 December 2013.
- 1.2 In preparation for submission, the representations submitted during the consultation period at the end of 2012 have been analysed and have been broken down further and categorised by policy or paragraph number to aid the Inspector and the Examination process. This process has not resulted in any new issues being raised, but has produced a clearer and more detailed summary of all the objections.

2. Recommendation

- 2.1 It is **RECOMMENDED** that the further breakdown and categorisation of representations and the resulting additional representations, as detailed in Appendix A to Report E200, be noted.

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3. Corporate priorities

3.1 The recommendation meets the following, as contained within the Corporate Plan:

- (a) Corporate Priority 2: *Working together for prosperous and environmentally-responsible communities*

4. Key issues

4.1 The submission draft of the Joint Development Management Policies Document (JDMPD) was the subject of consultation during October to December 2012. The document and summary of representations have progressed through both Councils' committees and have been approved (and noted) for submission by St Edmundsbury Borough Council (Council 26 February 2013) and is due to be considered by Forest Heath District Council (FHDC) on 11 December 2013.

4.2 The Programme Officer has been appointed for the Examination of the JDMPD, and preparations are being made for submission of all necessary documents to the Planning Inspectorate in anticipation of FHDC's resolution to submit on 11 December. The representations submitted during the consultation period at the end of 2012 have been analysed and have been broken down further and categorised by policy or paragraph number to aid the Inspector and the Examination process. The representations were originally logged against 273 items (paragraphs or policies). Breaking down these representations has resulted in the objections and comments of support being assigned to 358 items.

4.3 A new table summarising the key issues raised in all of the individual objections is attached as Appendix A to the report. The exercise of breaking down the representations by paragraph and policy has resulted in a larger number of both objections and support than has been reported previously. This process has not resulted in any new issues being raised, but has produced a clearer and more detailed summary of all the objections. There were a total of 64 respondents to the Submission Draft JDMPD consultation, resulting in a new total of 358 representations: 245 objections and 113 in support.

5. Other options considered

5.1 It is necessary for the Council to note the receipt and content of comments following a local plan consultation. Therefore no other option has been considered.

6. Community impact

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

6.1.1 It is not considered that the breakdown of representations and new summary table will have any detrimental impact on crime and disorder in the borough.

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

6.2.1 It is not considered that the breakdown of representations and new summary table will have any detrimental impact on diversity and equality in the borough.

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

6.3.1 A sustainability impact assessment of the breakdown of representations and new summary table is not required.

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

6.4.1 None associated with this report.

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

7.1 The content of this paper refers to the results of a consultation on a draft local plan document between October and December 2012.

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

8.1 There are no resource implications resulting from the content of this paper. The local plan document will, subject to the resolution of Forest Heath District Council referred to above, be the subject of Examination by a Planning Inspector. The costs of this Examination can be met from existing budgets in both Councils.

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

9.1 There are no direct risks to the borough resulting from this paper.

10. Legal and policy implications

10.1 There are no legal or policy implications resulting from the breakdown of representations and new summary table.

11. Wards affected

11.1 All Wards.

12. Background papers

Report D265 to the Sustainable Development Working Party - 7 February 2013

Report D270 to the Joint Development Management Policies Committee – 11 February 2013

Report D289 to Cabinet - 13 February 2013

Report D301 to Council - 26 February 2013

13. Documents attached

13.1 Appendix A: Summary of key objections submission draft consultation October – December 2012

Summary of key objections submission draft consultation October – December 2012

Policy/ Section	Summary of key objections
1.1	<ul style="list-style-type: none"> • The spatial strategy ignores the Buchanan Report 2001. • A policy for small or individual developments in sustainable villages should be included in Chapter 5. • CO2 emissions from transport should be listed as a key sustainability indicator to target and monitor the effects during the implementation of the plan.
1.10	Document not prepared in compliance with the Statement of Community Involvement.
1.14	<ul style="list-style-type: none"> • Object - Front cover of document shows a road through a WW2 airfield where aircrew died, this is a sacrilege. • Object to more houses in Lakenheath
2.1	Object – effect of development on Brecklands SPA
2.2	School admission polices should be rewritten. Comments on development control practices.
DM1 Presumption in Favour of Sustainable Development	Object: Include proviso that development proposals should not have significant local opposition, clarify “sustainable”. Sweeping statement and entirely unsustainable in tis approach. Policy doesn’t balance needs of communities or the environment against the interests of business. Para 3 essential this should not arise.
DM2 Creating Places – Development Principles and Local Distinctiveness	<p>c) remove “conservation”; d) remove “any concept statement”; e) objection to the words “large” and “significant”; f) policy needs to provide for land identified through public consultation as potential country parkland; h) “where appropriate” or “where there is proven need” to be inserted</p> <p>Elaborate on “as appropriate”; Policy should reflect the desire to raise the quality of development; preamble should make clear not every aspect of the policy has to be achieved; should be more precision in (b) and (j); redundant or collapsing buildings in the countryside should be promoted.</p>
3.5	Concept Statements and Masterplans should not be overly prescriptive. A 500 threshold should be set.
DM3 Masterplans	Should be a masterplan for each Key Service Centre; requirement for a Concept Statement for allocated sites should be deleted; masterplan can be part of application and approved alongside it; Masterplans and Concept Statements should not be overly prescriptive; Masterplans are a barrier to delivery; masterplan items to include analysis of site conditions, consultation feedback and competing design requirements; Policy

	DM3 should be deleted; should be a clear indication as to what scale of development requires a masterplan.
3.6	Development Briefs should not be overly prescriptive; a threshold of 100 should be set.
DM4 Development Briefs	Modification required to protect woodland belts; DM4 should be deleted; inconsistent with DM3b); proportion of affordable homes must be kept reasonable; unduly restrictive; clear criteria required; requirement that impact on historic environment be mitigated;
3.7	Alternative wording suggested
3.8	Words in full not abbreviations; development in the countryside should be small scale.
DM5 Development in the Countryside	Bury shopping centre already overcrowded; impact of light pollution should be included; k) should include character; new criterion suggested; include additional category of development acceptable in the countryside; should include reference to provision for the elderly and elderly in care; doesn't go far enough in promoting growth in the rural economy; vital brownfield sites are prioritised for development; specialist retail uses should be included.
DM6 Flooding and Sustainable Drainage	Delete requirement for water recycling; doesn't consider the Level One Outline Water Cycle Study; too vague and unduly onerous and unnecessary for small scale schemes;
3.14	Without valid methodology it will not be possible for developers to demonstrate this.
DM7 Sustainable Design and Construction	Policy should be deleted; amended wording suggested; delivery against the policy targets should be assessed against other planning requirements and development viability overall; the highest standard of water efficiency should be required (CSH5 or 6); Code 4 or BREEAM 'excellent' should be sought; nursing homes and specialist healthcare buildings have their own codes of practice and should be excluded from policy.
DM8 Improving Energy Efficiency and Reducing Carbon Dioxide Emissions	Delete policy; delete 3 rd para; Building Control enforcement should be tightened; delivery against policy targets should be assessed against other planning requirements and development viability overall; provide clear guidance on the more than 10% rule for larger projects.
DM9 Low and Zero Carbon Energy Generation	Set a) at meaningful environmental target of at least 50% efficient or some other meaningful environmental target; delivery against policy targets should be assessed against other planning requirements and development viability overall; not consistent with NPPF.
3.27	Comment on inefficient working practices of telecommunications companies.
DM10 Infrastructure	Remove criterion (a); remove criterion (b); remove some wording from criterion (d);

Services and Telecommunications Development	new para and modification suggested.
4.4	Alterations to text suggested for second sentence
DM11 Impact of Development on Sites of Biodiversity and Geodiversity Importance	Alterations to text suggested; opportunity to introduce more diverse habitats needs further thought.
DM12 Protected Species	Include cross reference to the overarching Core Strategy policy; alterations to text suggested.
DM13 Mitigation, Enhancement, Management and Monitoring of Biodiversity	Greater clarification needed; disappointed not to see previous comments included; alterations to text suggested; development of less than 100 sq.m. should be excluded from CIL.
DM14 Landscape Features	Alterations to text suggested; the Stour Valley should be recognised as being a Special Landscape Area; policy isn't sufficiently flexible.
DM16 Listed Buildings	Alterations to text suggested including to promote re-use and redevelopment of listed buildings; current wording too prescriptive.
4.20	Reference should be made to heritage assets at risk in the policies and monitoring framework.
DM17 Local Heritage Assets and Buildings Protected by an Article 4 Direction	More protection for local areas and recognition of local and traditional building materials.
DM18 Conservation Areas	Policy should be redrafted to make it far shorter and less prescriptive; could be more specific in terms of links to the evidence base for the historic environment e.g. conservation area appraisals.
DM19 New Uses for Historic Buildings	Policy should be redrafted to encourage new uses for historic buildings which bring community benefits; alterations to text suggested to reflect DM21; more thought should be given to use of buildings as residential or retail in addition to business or industrial use.
DM20 Development	Suggest rewording to remove criteria a), b), and c).

Affecting Parks and Gardens of Special Historic or Design Interest	
DM21 Archaeology	Alterations to text suggested
DM22 Enabling Development	Policy should be redrafted to be more positive; enhanced provision for older and infirm people and paths suitable for push chairs and wheel chairs; more thought should be given to future use of buildings e.g. residential and retail.
5.1	Need more housing for young people; needs to be a policy to enable the inclusion of Low Cost Market Housing in appropriate developments.
5.2	Document should reflect changes in Growth and infrastructure Bill that provide a more flexible approach to affordable housing; overarching housing policy required to include reference to scale of housing requiring a masterplan, refer to need to comply with Core Strategy, and CS5 Affordable Housing, and the provision of Low Cost Market Housing on suitable sites.
5.4	Additional text suggested to encourage engagement with local design review panels at an early stage.
DM23 Residential Design	Delete or reword; additional text suggested to refer to innovative contemporary design, treatment of areas of public realm and landscape setting; alterations to text suggested; not in conformity with NPPF; a comprehensive housing needs survey for each settlement identified for new development is required; criteria are vague; enhanced provision for older and infirm people and paths suitable for push chairs and wheel chairs;
DM24 Special Housing Needs	Additional criterion suggested requiring adequate level of healthcare capacity and facilities; alterations to text suggested; wording unduly restrictive;
DM25 Alterations or Extensions to Dwellings, including Self Contained Annexes and Development within the Curtilage	Clarification and explanation required; contradictory and unclear; alterations to text suggested;
DM26 Extensions to Domestic Gardens within the Countryside	Restricted to development within the countryside.

5.15	Omission – no statement or plans delineating the outer boundary of towns where it meets the countryside.
DM28 Housing in the Countryside	Additional text suggested; should be clear that policy relates to longstanding legitimate sites; promotes unsustainable patterns of development; policy constrained by title – omission small or individual development within sustainable villages should be included in this policy.
DM29 Residential use of Redundant Buildings in the Countryside	Policy unduly restrictive against guidance in NPPF.
6.1	Need more employment for young people.
DM30 Appropriate Employment Uses and Protection of Employment Lane and Existing Businesses	Policy insufficiently precise and contradicts the NPPF, implies a level of evidence burdensome for many, and discourages use of brownfield land.
DM31 Farm Diversification	More thought should be given to the use of these buildings for residential and retail uses.
DM32 Business and Domestic Equine Related Activities	Suggest landscape mitigation is incorporated into this policy as a requirement.
DM33 Re-Use or Replacement of Buildings in the Countryside	Policy should provide for residential institutions e.g. healthcare and nursing homes and accommodation for the elderly in need of care; criterion c) unduly restrictive and inconsistent with the Taylor Review (2008); additional text suggested.
7.8	No justification for this in the NPPF.
7.9	Amend text to remove ambiguity and comply with NPPF; additional text suggested.
7.10	Newmarket Town Centre Primary Shopping Area (PSA) should include Market Square and all shops within the Guineas Centre.
DM35 Proposals within the Town Centre Boundaries	Redraft Town Centre map to exclude Waitrose from PSA; needs to be more flexible; amend to comply with NPPF; iv) should name relevant Use Class for this category.
DM37 Public Realm Improvements	Delete policy; policy should be reworded so contributions are made where they are fairly and reasonably related to the development; contributions to improvements to the public realm should also apply to Key Service Centres; amendments suggested.

DM38 Shop Fronts and Advertisements	Propose final line amended to include reference to hoardings.
DM40 Ancillary Retail Uses	Amendment suggested to encourage provision of grocery/convenience goods sales as a community facility.
DM41 Community Facilities and Services	Additional text and amendments suggested; additional policy required on Health Impact Assessments; provide more protection for the support and continuation of existing facilities and a mechanism for financial contributions for local improvements to be ring-fenced; should be reference to provision for residential institutions, nursing homes and community facilities etc.; policy requirements too onerous; glossary should include definition of the term "community facilities and services"; should be made clear that not every aspect of the policy has be achieved before support for a proposal is forthcoming; policy should be reworded so contributions are made where they are fairly and reasonably related to the development.
7.20	Sports centres and other venues of entertainment should be free in school holidays.
DM42 Open Space, Sport and Recreation Facilities	Additional text and amendments suggested; standards need to be set out in the development plan to provide certainty, clarity, and so they can be tested; additional provision needed to ensure adequate and meaningful consultation when developing existing or new open space, sport and recreation facilities; facilities should only be required where directly related to the development; final paragraph very onerous; enhanced provision for older and infirm people and paths suitable for push chairs and wheel chairs.
DM43 Leisure Facilities	Additional text and amendments suggested; enhanced provision for older and infirm people and paths suitable for push chairs and wheel chairs.
DM45 Rights of Way	More provision for joined up cycle routes; dual carriageway infrastructure required Haverhill to Cambridge; alterations to text suggested; what does the policy do to support the LTP objectives of minimising the impact of traffic and transport infrastructure in market towns, villages and rural areas.
DM46 Parking Standards	Complete rethink needed on public transport within Forest Heath; parking policy should be clear, realistic, fit for purpose and mandatory; amend so doesn't conflict with St Edmundsbury's SA objectives 5,7 & 13; clarification needed; need to set new minimum parking standards for rural areas; additional text suggested;
9.1	Concerned that text conflicts with policies earlier in the document and requests Inspector to ensure possible conflicts are precluded.
9.6	Unreasonable and ineffective and conflicts with DM1 and NPPF, final sentence should be

	deleted.
DM47 Development Relating to the Horse Racing Industry	Concerned 'need' is defined as 'want', expansion of units for horse training into traditional paddock land contrary to Conservation Area Appraisal. Overriding concern is simplicity of the horse racing policies effectively allowing very wide-scale enterprises.
DM48 Development Affecting the Horse Racing Industry	Unreasonable and ineffective policy that conflicts with DM1 and the NPPF. Amended text suggested. Concerned 'need' is defined as 'want', expansion of units for horse training into traditional paddock land contrary to Conservation Area Appraisal. Overriding concern is simplicity of the horse racing policies effectively allowing very wide-scale enterprises.
DM49 RE-development of Existing Sites Relating to the Horse Racing Industry	Policy should be redrafted to be less protectionist toward the horse racing industry and to allow redevelopment of redundant facilities for other uses, including redevelopment that brings community benefits. The "exceptional circumstances" test should not be required. Amended text suggested.
DM50 Securing the Restoration of Horse Racing Related Historic Assets	Concerned policies relating to the heritage of the horse racing industry should be beneficial to the heritage assets concerned, particularly the impacts on the setting of heritage assets. Scale of enabling development should be restricted to what is required to secure the restoration deemed necessary. Redevelopment must ensure re-provision of facilities within the development scheme.
DM51 Horse Walks	Concerned 'need' is defined as 'want', expansion of units for horse training into traditional paddock land contrary to Conservation Area Appraisal. Overriding concern is simplicity of the horse racing policies effectively allowing very wide-scale enterprises.
10.1	Concerned that text conflicts with policies earlier in the document and requests Inspector to ensure possible conflicts are precluded.
DM52 Rural Housing Exception Sites	The policy should include a provision to allow private housing as part of rural exception schemes to aid viability – a maximum of 1 in 3 units to be open market to act as an incentive.
Appendix 1 Glossary	The Glossary should include a description for the term 'community facilities and services' this would avoid the need to provide examples.