

Forest Heath District Council

(This report is not a key decision. This report 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

**LOCAL PLAN
WORKING GROUP**

30 OCTOBER 2013

**ANY OTHER
BUSINESS (2)**

JOINT DEVELOPMENT MANAGEMENT POLICIES – SUBMISSION (Decision Plan Reference: NOV13/12)

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 This report was previously considered by the Local Plan Working Group at Forest Heath District Council on 4 February 2013 and the Sustainable Development Working Party at St Edmundsbury Borough Council on Thursday 7 February 2013 and agreed for submission to Secretary of State by Full Council at St Edmundsbury Borough Council on 13 March 2013. The same document was due to be presented to Forest Heath District Council Full Council on the 13 March 2013, however the papers were withdrawn as legal advice was received on 10 March 2013, which indicated further work would be required to the accompanying Sustainability Appraisal and Strategic Environmental Assessment (SEA) document in order for the Joint Development Management Policies to be legally compliant.
- 1.3 Officers have completed an SEA Addendum in accordance with the legal advice received. It does not suggest that any changes are made to the Joint Development Management Policies that was the subject of consultation in October 2012. Therefore, Officers are now seeking approval to submit the Joint Development Management Policies Document to full Council on 11 December 2013.
- 1.4 Following consideration by each full Council, it will be submitted to the Planning Inspectorate, which is anticipated prior to the end of December 2013. Following this an Examination in Public will be held, at a date to be determined, with adoption to follow the Inspector's report.

2. Recommendation

- 2.1 **That the Joint Development Management Policies document (Working Paper 2 of Cabinet Report No CAB12/024 presented to Cabinet on 4 September 2012) be approved for submission to the Planning Inspectorate.**

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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.

- 4.5 Officers recognise that further consideration needs to be given to the comments and objections. 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'.

Timescales and what happens now?

- 4.6 Submission to the Planning Inspectorate will occur before the end of December 2013 subject to the recommendation from Local Plans Working Group, Cabinet and Full Council.
- 4.7 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. All consultation responses received in relation to the submission version of the document are available to view online at <http://westsuffolk.jdi-consult.net/ldf/>

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 <i>(before controls)</i>	Controls	Residual risk <i>(after controls)</i>
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 Report No CAB12/024 - Cabinet - 4 September 2012.

13. Documents attached

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