

Forest Heath District Council

Core Strategy (Policy CS7) Single Issue Review

Submission Document **(Regulation 19/20)**



Forest Heath
District Council

November 2013

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Purpose of this consultation

The purpose of this Local Plan Document consultation is to test the 'soundness' of Core Strategy Policy CS7 that was the subject of a Single Issue Review prompted by a successful High Court challenge.

The Submission version of Policy CS7 is the Council's final draft of the document and it must be the subject of a minimum six week period of public consultation. The consultation includes specific questions required by the Planning Inspectorate, the body that checks that Local Plan documents are produced correctly. These questions are:

- Is this Local Plan document legally compliant?
- Is this Local Plan document sound?

At this final stage you can only submit comments on the document in relation to its legal compliance or soundness. Following consultation on this version of the document it will be submitted to the Secretary of State, alongside any representations made, with a view to an examination in public in June 2014 and adoption in November 2014, subject to our strategy being deemed a sound and legally compliant one.

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How to make comments

We ask that representations are made online using a link from the homepage of the Council website:

www.forest-heath.gov.uk

Alternatively, representations can be made in writing and posted to:

Planning Policy Team, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY

To comply with Government guidance and to help ensure that comments are submitted in a format that the Inspector can readily use, representations made in response to the proposed submission document must:

- Identify the 'test of soundness' or legal requirement to which the representation relates.
- State whether the document is considered sound or unsound. If unsound, an explanation should be provided as to how the document can be amended to make it sound.
- State whether the issue has been raised at a previous consultation stage. If not, then the representation must explain why the issue had not been raised previously.

The **tests of soundness** are set out below and should be used as a basis for any comments made on this proposed Core Strategy Policy CS7 Single Issue Review document.

Positively prepared – the policy 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 policy should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the policy should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.

Consistent with national policy – the policy should enable the delivery of sustainable development in accordance with the policies within the National Planning Policy Framework (NPPF).

Background to the Single Issue Review process

The Core Strategy is part of Forest Heath's Development Plan, a suite of planning documents that will eventually replace the Council's Local Plan (1995) and its 'saved policies' (2007), in accordance with the new National Planning Policy Framework (NPPF), introduced in March 2012. The Core Strategy is the principal strategic document which seeks to provide the overall vision and framework for the growth of Forest Heath and is underpinned by the principle of sustainability. The Single Issue Review (SIR) of Core Strategy Policy CS7 was prompted by a successful High Court challenge.

The following table identifies the evolution of the Core Strategy and Single Issue Review documents to date.

The Core Strategy and Single Issue Review Time-line

Date	Stage in Core Strategy Preparation
September - October 2005	Core Strategy Issues and Options consultation
October – December 2006	Core Strategy Preferred Options consultation
August - September 2008	Core Strategy Final Policy Option consultation
March – June 2009	Core Strategy Proposed Submission Document publication period
August 2009	Submission of Core Strategy to the Secretary of State
December 2009 - January 2010	Examination in Public (EiP) into the soundness of the Core Strategy
April 2010	Inspectors report on EiP received with Core Strategy being found 'sound'.
May 2010	Adoption of Core Strategy Development Plan Document (DPD) by Full Council
June 2010	Challenge to the adopted Core Strategy lodged with the High Court
February 2011	High Court hearing in London
March 2011	Judgement of High Court delivered – challenge successful and the majority of Policy CS7 is revoked with consequential amendments made to Policies CS1 and CS13. Ruling prompts a Single Issue Review
July - September 2012	Policy CS7 Single Issue Review Issues and Options consultation
November 2013	Policy CS7 Single Issue Review Submission Version consultation

The adopted Core Strategy was challenged in the High Court on two separate 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.

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 judge concluded that although the Council had followed the procedural stages for Strategic Environmental Assessment (SEA), the Council had failed to provide adequate information and explanation of the choices made so as to demonstrate that it had tested all reasonable alternatives for residential development in relation to a broad location for such growth at north-east Newmarket.

The judgement ordered the quashing of certain parts of Policy CS7, with consequential amendments to Policies CS1 and CS13.

Following the High Court ruling, the Development Plan for Forest Heath consists of:

- The Forest Heath Local Plan 1995, as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010; and
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order. As mentioned above, the Order quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13, although the remainder of the Core Strategy remains.

Essentially, the High Court Order removed the spatial distribution of housing numbers and phasing of delivery across the district. This left the Council with an overall number of new homes that it needed to provide land for and in general terms the spatial strategy (Policy CS1), but no precise plans for where these dwellings should be located and when they should be built.

As a result the Council was required to look again at those parts of the Core Strategy that had been quashed by the High Court ruling in order to reconsider the most appropriate locations for housing growth throughout the district. This process is termed a Single Issue Review and requires 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 (Regulation 18) stage to be followed.

One significant advantage for the review was that the Government's Localism Act 2011 received Royal Assent in November 2011. This enabled the Council to include changes to the Local Plan process that the Localism Act had introduced. The provision of the Act allowing the Secretary of State to make an order revoking the Regional Spatial Strategy (RSS) came into effect on 3rd January 2013. This meant that the Council was no longer bound by the Regional housing requirement, and was responsible for determining its housing requirements at the 'local level', what is seen by many observers as a 'bottom-up' rather than 'top-down' approach.

In revoking the RSS the Government made it clear that it was for each local authority to determine the right level of housing for their area. Specifically, the NPPF states that local planning authorities should:

*'..use their evidence base to ensure that their Local Plan meets the **full, objectively assessed needs for market and affordable housing in the housing market area**, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period'* (para. 47).

The NPPF also gives advice on preparing Local Plans and in relation to housing it requires authorities to prepare a Strategic Housing Market Assessment or SHMA, para. 159 states:

'..to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:

- *meets household and population projections, taking account of migration and demographic change;*
- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes; and*
- *caters for housing demand and the scale of housing necessary to meet this demand'*

Against a background of the assent of the Localism Act, the revocation of the RSS, and the requirements of the NPPF, the Council resolved that the Single Issue Review Issues and Options consultation should consider all future options for the overall housing requirement, as well as the distribution and phasing of housing across the district in order to comprehensively review Policy CS7.

Anticipated timetable for the Single Issue Review

Approximate Timetable	Regulation No.	Stage in Single Issue Review
November 2013	19/20	SIR proposed Submission document consultation
May 2014	22	Submission of SIR document to the Secretary of State
June 2014	24	Examination in Public into 'soundness' of the SIR document
October 2014	25	Inspector's Report into 'soundness' of the SIR anticipated
November 2014	26	Adoption of SIR document by the Council and incorporation into the Development Plan for the district

Part 1: The overall housing requirement for the district

Undertaking an objective assessment of local housing needs

Following the revocation of the RSS or East of England Plan the Council has the responsibility for setting the district's housing requirement. In setting this target, the district must do so in the context of a collaborative approach and a duty to co-operate as set out in the NPPF. This section sets out the evidence that has helped us to establish what is considered to be a full and objective assessment of local housing need.

Analytics Cambridge - Recent Trends and Forecasts 2012

To assess the validity of the RSS housing figures, the Council commissioned Analytics Cambridge, originally in 2011 and again in 2012 (following the publication of the 2011 Census and the Issues and Options consultation), to look at recent changes in the economy, population and housing in Forest Heath. Their original report (November 2011) considered recent forecasts for the district and compared these to previous forecasts that lay behind the RSS strategy for Forest Heath. The RSS was produced using forecasts based on information running in general up to 2009. The Analytics Cambridge 2012 report looked at trends since then and more recent forecasts. Their main conclusions are summarised below:

- On the economy - the extremes of the downturn seem to have passed. The number of jobs is increasing, unemployment is high but starting to fall a little, earnings are up.
- On population growth - Forest Heath is about average compared to the rest of the country for 2001 to 2011. In the East of England, a fast growing region, it's slightly lower than average. The number of births has been rising steadily for the last three years.
- On housing - development is still taking place at a relatively high level. House prices are still falling and so housing is becoming more affordable.
- The East of England Forecasting Model (2012) is projecting jobs, population and housing increases. For the next 20 years, the forecast housing numbers range from 375 a year to 410 a year.

The report concludes that 'the range of forecast future house building for Forest Heath, from existing policies, forecasts and projections, lies between 340-410 dwellings per year'.

Strategic Housing Market Assessment (SHMA) 2012 update

The SHMA provides an assessment of the housing market across the Cambridge sub-region and is updated on an annual basis. The SHMA forecasts population growth and looks at factors such as housing stock condition, dwelling profile and occupation, property prices, the rental market,

homelessness, affordability and drivers in the housing and building markets to identify housing need in the sub-region. The NPPF (para. 159), in giving advice on Local Plans in relation to housing, refers to a need for authorities to prepare a Strategic Housing Market Assessment (SHMA).

The most recent SHMA (2012) update has been informed by Cambridgeshire County Council's Population, Housing and Employment Forecasts technical report produced for the sub-region and this indicates a total net annual need of 350 dwellings for Forest Heath in the period 2011-2031, or 7,000 homes in total.

East of England Forecasting Model (2013)

The post-Census East of England Forecasting Model (EEFM) makes a different occupancy-ratio assumption to that previously used and assumes that the downturn in house building, as a result of the economic situation, will continue until 2018. This will result in a lower dwelling requirement than previously forecast, a requirement for 6,100 additional homes rather than 6,800 as would have been the case based on the EEFM 2012 assumptions. The EEFM assumes that, as a result of the economic downturn, the demographic need for new homes during the plan period will not be met, leading to lower levels of household formation than would otherwise have been the case.

The EEFM 2013 figures reflect the potential economic context that may influence people's ability to access housing, but the study is considered limited in its scope as it does not consider the full and objectively assessed need for housing as is the case with the SHMA.

Summary

The over-arching conclusion of the Analytics Cambridge 2012 review of the validity of the RSS housing figures, based on existing policies, forecasts and projections, was that between 340 to 410 dwellings would need to be built in Forest Heath each year. Further, the more recent technical report that informed the most recent SHMA, Population, Housing and Employment Forecasts, produced by Cambridgeshire County Council but encompassing the wider Housing Market Area, which includes Forest Heath, identifies a dwelling requirement for the district of 7,000 in the period 2011 to 2031 or 350 a year. These figures are comparable with the RSS Review (2010) Option 1 requirement of 340 dwellings a year in the same period. Although useful for comparative purposes, it is not considered that the EEFM (2013) provides a full and objectively assessed housing requirement as is the case with the SHMA.

Following abolition of the East of England Plan (RSS) in January 2013 and its 'top-down' housing targets, it is considered that the Analytics Cambridge (Recent Trends and Forecasts (2012)), and Cambridgeshire County Council (SHMA 2012) reports constitute objective assessments of housing need. As a

consequence, the content of these reports have been used to inform the identification of an appropriately evidenced housing requirement for the district. Based on the evidence to date, it is considered that a strategy to plan for an overall housing requirement broadly in alignment with the old RSS requirement is a 'sound' one.

The Infrastructure and Environmental Capacity Appraisal (IECA, 2009) would suggest that, in very broad terms, the district is capable of sustaining such a level of growth. Further, the most recent Strategic Housing Land Availability Assessment (SHLAA) published in 2012 indicates, again in broad terms, that there are a sufficient number of relatively unconstrained sites across the district to deliver such a level of housing growth.

Core Strategy Policy CS7:

Forest Heath's full and objective assessment of housing need is 7,000 dwellings in the period 2011-2031 or 350 homes each year.

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Part 2: The distribution and phasing of housing delivery

The Single Issue Review should be in general conformity with Policy CS1 of the Core Strategy as this has been retained. Therefore, the vast majority of new housing development has been directed to the larger and more sustainable settlements, that is the market towns and key service centres. The spatial strategy allows for some provision to meet local needs in primary villages where basic local services are available.

Table 5: Categorisation of Forest Heath settlements

Market Towns	Key Service Centres	Primary Villages	Secondary Villages	Small Settlements
Brandon	Lakenheath	Beck Row	Barton Mills	Cavenham
Mildenhall	Red Lodge	Exning	Elveden	Dalham
Newmarket		Kentford	Eriswell	Herringswell
		West Row	Freckenham	Higham
			Gazeley	Santon Downham
			Holywell Row	
			Icklingham	
			Moulton	
			Tuddenham	
			Worlington	

However, in identifying the strategy for the distribution and phasing of housing delivery there was a need to consider a number of physical and environmental constraints that impinge across the district. These constraints include the Breckland SPA, significant areas of land within flood zones 2 and 3, aircraft noise and limited sewerage treatment capacity for some of the settlements. Striking a balance between the constraints and the requirement to build new homes within the district to meet the established housing requirement was crucial. Part 3 of the document, the proposed Policy CS7, details the outcome of this assessment, identifies specific constraints by settlement and also consequential changes to other policies

Part 3: Policy CS7

Overall housing provision

Provision is made for a minimum of 7,000 dwellings and associated infrastructure over the plan period 2011-2031 in accordance with a full and objective assessment of housing need.

Development has been phased to ensure that it does not occur until the appropriate infrastructure is available.

Dwelling requirement 2012-2031

The remaining requirement to be allocated for the period 2012-2031 is 5,338 dwellings (281 per annum) as at 1st April 2012. 332 dwellings were built in the period 2011-2012 and 1,330 commitments have been deducted from the overall requirement of 7,000.

Broad distribution and phasing

Housing land allocations and the anticipated phasing of housing development will be identified in the Site Allocations Local Plan Document in broad accordance with the range of dwellings shown in the tables below.

Brandon

Brandon Policy CS7 allocations and phasing

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield	30	0	0	0	30
Greenfield	100	200	200	200	700
Mixed	0	0	0	0	0

Policy CS7 allocates **730** homes in Brandon. This is considered appropriate and justified given Brandon is a market town and a relatively sustainable location for new development, albeit it is significantly constrained by:

- Habitats Regulations designations for Stone Curlew, Nightjar and Woodlark. The Habitats protection 'buffers' are described in the Core Strategy (Policy CS2) with the effect that very limited settlement expansion in Brandon is possible without first demonstrating mitigation for the presence of the protected species.
- Traffic congestion meaning that the town would benefit from a relief road. However, building such a road is dependent on firm funding commitments and mitigation of the environmental/habitat constraints. Any such scheme would also involve the participation and support of Breckland District, and Norfolk and Suffolk County Councils.

- Aircraft noise constraints to the south and west of Brandon as a consequence of aircraft landing at and taking off from USAF Lakenheath.
- Land within Flood Zones 2 and 3 to the north of the town according to the Environment Agency's mapping.
- The need for regeneration and service provision in the town centre.

Brandon Relief Road

The provision of a new relief road for Brandon to ease congestion on existing roads and in particular the town centre is likely to require substantial additional housing development. It is recognised that the construction of any relief road and associated housing development will need to provide mitigation for the Breckland SPA and other environmental constraints. In addition, building will be dependent on firm funding commitments from a number of stakeholders and involve the regeneration of the town. Should a relief road and associated housing development scheme prove deliverable, it will be subject to a comprehensive master plan approach. It is recognised that delivery of any such scheme in its entirety is unlikely to take place within the plan period.

Mildenhall

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield	20	20	0	0	40
Greenfield	50	200	300	350	900
Mixed	30	50	50	0	130

Policy CS7 allocates **1,070** homes in Mildenhall. This is considered appropriate and justified given Mildenhall is a market town and a relatively sustainable location for new development, albeit it is constrained by:

- Habitats Regulations designations for Stone Curlew, Nightjar and Woodlark. The Habitats protection 'buffers' are described in the Core Strategy and the effect is that very limited expansion is possible to the east without first demonstrating mitigation for the presence of the protected species.
- Aircraft noise constraints to the north of the town associated with USAF base (Mildenhall) flight paths.
- A significant area of land to the south of the town that lies within Flood Zones 2 and 3 according to data provided by the Environment Agency.

Newmarket

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield	20	0	0	0	20
Greenfield	110	280	280	290	960
Mixed	40	70	70	70	250

Policy CS7 allocates 1,230 homes in Newmarket. The general direction of growth will be delivered on a greenfield urban extension to the north east of the town, where horse racing policy constraints do not exist. Newmarket is the district's 'largest and most sustainable' market town and is a demonstrably sustainable location for new development, albeit it is tightly constrained by:

- Horse-racing related land uses located within and on the periphery of the town.
- A significant area of land within Flood Zones 1 and 2 running north/south through the town according to data provided by the Environment Agency.
- Sites of Special Scientific Interest (SSSI) located to the south east and east of the town
- Capacity issues at the A14/A142 junction.

Lakenheath

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield	50	0	0	0	50
Greenfield	0	250	250	250	750
Mixed	0	0	0	0	0

Policy CS7 allocates **800** homes in Lakenheath. This is considered appropriate and justified given Lakenheath is a Key Service Centre and consequently a more sustainable location for new development, albeit it is constrained by:

- The need for a replacement sewage treatment works or extension of the existing facility. No new greenfield sites can be delivered until improvements to the existing Waste Water Treatment Works (WWTW) can be provided. It is estimated this will be after 2015.
- Land to the north and west of the settlement (and beyond the 'cut-off' drainage channel) is within Flood Zones 2 and 3 according to data provided by the Environment Agency.
- Aircraft noise constraints to the south and east of Lakenheath as a consequence of aircraft landing at and taking off from USAF Lakenheath.
- Site of Special Scientific Interest (SSSI) County Wildlife Site and Special Area of Conservation located to the south and east of the settlement.

Red Lodge

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield	0	0	20	20	40
Greenfield	100	100	100	100	400
Mixed	0	0	200	200	400

Policy CS7 allocates **840** dwellings in Red Lodge. This is considered appropriate and justified given that Red Lodge is a Key Service Centre and consequently a more sustainable location for new development, albeit it is constrained by:

- The requirement for a replacement sewage treatment works or extension of the existing facility. Consequently, no new sites can be delivered until the proposed WWTW capacity can be provided. This is currently being resolved by Anglian Water and the embargo on new development until 2020 has been removed.
- Habitats Regulations designations for Stone Curlew. The Habitats protection 'buffers' are described in the Core Strategy (Policy CS2) and the effect is that very limited settlement expansion is possible to the south and east without demonstrating mitigation for the presence of the protected species.
- The existence of a Site of Special Scientific Interest, (SSSI), within the confines of the settlement.

The Primary Villages – Beck Row, Exning, Kentford and West Row

Years	2012-2016	2016-2021	2021-2026	2026-2031	Total
Brownfield / Greenfield	70	200	200	200	670

Policy CS7 allocates **670** dwellings in the four Primary Villages.

Broad locations

Broad locations will include west Mildenhall and north east Newmarket to accommodate strategic growth in the form of green-field urban extensions.

Greenfield urban extensions will also be required at Brandon, Lakenheath and Red Lodge to meet the spatial strategy housing requirements. However, to protect the Special Protection Area and Sites of Special Scientific Interest, no broad locations have been identified. Any proposals within the constraint zones defined for the purposes of Policy CS2 will require a project level Habitats Regulation Assessment to be completed.

Range of households

The accommodation needs of a range of households of different sizes, ages and incomes will be met by ensuring that the type of housing built contributes to meeting housing needs.

Housing development should make efficient use of land, achieving average densities of at least 30 dwellings per hectare, unless there are special local circumstances that require a different treatment. In the towns, it may be appropriate to achieve higher densities.

Consequential Changes to Policy CS1: Spatial Strategy

Newmarket

6. Land will be allocated for approximately 270 dwellings on brownfield or mixed brownfield / greenfield sites within the existing development boundary from 2012 - 2031.

7. Greenfield land will be allocated for approximately 960 dwellings to include an urban extension to the north east of the town from 2012 - 2031.

Brandon

5. Land will be allocated for approximately 30 dwellings on brownfield sites within the existing development boundary from 2012 - 2031.

6. Greenfield land will be allocated for approximately 700 dwellings. Further growth may be necessary if a relief road proves to be deliverable from 2012 - 2031.

Mildenhall

4. Land will be allocated for approximately 170 dwellings on brownfield or mixed brownfield / greenfield sites within the existing development boundary from 2012 - 2031.

5. Greenfield land will be allocated for approximately 900 dwellings to include an urban extension to the west of the town from 2012 - 2031.

Lakenheath

3. Land will be allocated for approximately 50 dwellings on brownfield sites within the existing development boundary from 2012 - 2031.

4. Greenfield land will be allocated for approximately 750 dwellings from 2012 - 2031.

Red Lodge

3. Land will be allocated for approximately 440 dwellings on brownfield or mixed brownfield / greenfield sites the majority of which are to be built after 2021.

4. Greenfield land will be allocated for approximately 400 dwellings between 2012 - 2031

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Part 4: Implementation, monitoring and review

Implementation of our housing strategy will be achieved through a variety of mechanisms. The Site Allocations Local Plan, master plans and concept statements will specifically identify sites and parameters for residential development.

Should monitoring through the Annual Monitoring Report and five year land supply report indicate that the district is failing to deliver the required amount of new housing, a more proactive approach to site identification and development will be necessary in the latter part of the plan period or an early review of the policy will be required.

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