

Council 25 February 2014

Joint Development Management Policies Document – Consideration of Modifications

1. Summary and reasons for recommendation(s)

- 1.1 The joint Forest Heath / St Edmundsbury Development Management Policies local plan document is currently with the appointed Planning Inspector. It is expected that, during the course of its examination, there will be a requirement to produce modifications in order that the Inspector can declare them “sound”.
- 1.2 In order to meet a tight timetable set by the Inspector, the Council needs to put in place a means whereby draft modifications are initially agreed, albeit that any modifications will eventually have to be consulted on prior to the Inspector issuing his report to the Councils.

2. Recommendation(s)

- 2.1 It is **RECOMMENDED** that the Head of Planning and Regulatory Services, in consultation with the Portfolio Holder for Planning and Regulatory Services, be given delegated authority to approve proposed main modifications required to Joint Development Management Policies Document ahead of public consultation on the main modifications following the close of the local plan hearings.

Contact details

Name
Title

Telephone
E-mail

Portfolio holder

Terry Clements
Portfolio Holder for Planning and
Regulatory Services

Terry.clements@stedsbc.gov.uk

Lead officer

Ian Poole
Place Shaping Manager

01284 757350

Ian.poole@westsuffolk.gov.uk

3. Corporate priorities

- 3.1 The recommendation(s) meet the following, as contained within the Corporate Plan:
- (a) *Working together for prosperous and environmentally-responsible communities;*

4. Key issues

- 4.1 On 26 February 2013 the Council approved the submission of the Joint Development Management Policies local plan document to the Secretary of State for examination by a Planning Inspector. Subsequent further work on the accompanying Sustainability Appraisal was required, but the examination has now commenced by the Inspector, Mr Malcolm Rivett. Hearings are likely to take place in April or early May 2014. During the course of the examination, as with the recent examination of the Vision 2031 documents, it is likely that there will be a need to suggest and agree modifications to the documents in order to ensure that the Inspector can find them "sound". Some modifications will arise from questions asked by the Inspector and others will result from comments received from people or organisations that submitted representations during consultation on the document. Although it is anticipated that most will be minor in nature, there may be a need for the Council to propose some "main modifications" to the plan in order for the Planning Inspector to find it sound by the time the Examination concludes. While it will ultimately be necessary to consult on these main modifications, it is unlikely that there will be an opportunity before or during the Hearings to take officers' suggested main modifications through the democratic process for consideration and endorsement. To do so would add considerable delays to the examination process, given that the Inspector will have arranged the Hearings and report writing to fit in with his other case load.
- 4.2 Given that the proposed main modifications will be subject to public consultation following the conclusion of the Hearings, it is suggested that an appropriate way forward would be for the Head of Planning and Regulatory Services should be granted delegated powers, in consultation with the Portfolio Holder for Planning and Regulatory Services, to agree with the draft proposed main modifications to the Joint Development Management Policies local plan document to be submitted to the Planning Inspector. A similar approach is being sought at Forest Heath District Council.

5. Other options considered

- 5.1 The Borough Council is obliged to act diligently to respond to the timetable of the Examination in order that undue delays are not created. The alternative approach of considering proposed modifications to the local plan document at Cabinet, and possibly Council, before submitting them to the Planning Inspector could introduce significant delay to the adoption of the local plan documents. Ultimately a meeting of the Full Council will determine whether to adopt the local plan document, as required to be modified by the Inspector.
- 5.2 Given the immediacy of the forthcoming hearings, there has not been an opportunity to consider this paper at Cabinet but, given that the ultimate approval of the recommendation in 2.1 above is required by Council, the

Portfolio Holder for Planning and Regulatory Services has agreed that the matter should be considered at this meeting.

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 content of this paper will have any 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 content of this paper will have any impact on diversity and equality in the borough.

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

6.3.1 A Sustainability Appraisal of the emerging local plan document has been published at each stage of their preparation. Any modifications to the document, as modified, will also need to be the subject of a Sustainability Appraisal before they are adopted by the Council.

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 Proposed main modifications will need to be the subject of consultation, with comments being submitted directly to the Planning Inspector. At that stage, the Inspector is able to re-open the Hearing if he considers that the comments require such an action.

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

8.1 There are no resource implications resulting from the content of this paper.

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

9.1 Given that any proposed modifications will ultimately be the subject of consultation, as outlined in 7.1 above, there is little risk of legal challenge as a result of the proposal contained in this report.

10. Legal and policy implications

10.1 There are no legal or policy implications resulting from the content of the consultation document.

11. Ward(s) affected

11.1 All wards in the borough.

12. Background papers

12.1 D265, Joint Development Management Policies Submission

E148: Joint Development Management Policies Submission Document:
Sustainability Appraisal Addendum 2013

13. Documents attached

13.1 None

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