

Local Plan Working Group



Forest Heath
District Council

Minutes of a meeting of the **Local Plan Working Group** held on
Monday 28 November 2016 at **4.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

Chairman Rona Burt
Vice Chairman Robin Millar

David Bowman
Carol Lynch
Louise Marston

Christine Mason
David Palmer
Reg Silvester

In attendance:

Brian Harvey
Lance Stanbury

(Portfolio Holder for Planning and
Growth)

46. **Apologies for Absence**

Apologies for absence were received from Councillor Simon Cole.

47. **Substitutes**

There were no substitutes present at the meeting.

48. **Minutes**

The minutes from the meeting held on 16 June 2016 were received and unanimously confirmed as a correct record and signed by the Chairman.

49. **Responses to Consultation and Engagement on the Preferred Options Core Strategy Single Issue Review (SIR), Preferred Options Site Allocations Local Plan (SALP) and Draft Infrastructure Delivery Plan (IDP) (Report No: LOP/FH/16/011)**

The Principal Planning Officer presented this report which explained that the Core Strategy Single Issue Review (CS SIR) revisited the quashed parts of the 2010 Core Strategy as well as reassessing overall housing need/numbers to ensure compliance with the National Planning Policy Framework (NPPF). An 'Issues and Options' (Regulation 18) consultation was completed on the CS SIR in July to September 2012, with a second Issues and Options (Regulation 18) consultation taking place between August and October 2015. A Preferred Option consultation was completed between April and July 2016 (Regulation 18).

An Issues and Options draft of the Site Allocations Local Plan (SALP) was prepared but did not proceed to consultation in 2013. A further Issues and Options (Regulation 18) draft was completed, and consultation took place concurrently with the SIR between August and October 2015 and again between April and July 2016 (Regulation 18).

A second draft of an Infrastructure Development Plan (IDP) was prepared to accompany the Preferred Option(s) consultation drafts of both the CS SIR, and the SALP. The IDP would be updated and refined as the Local Plan documents progressed through the planning process (to the Submission draft stage). Consultation took place on this second draft of the IDP concurrently with the Regulation 18 consultations on the SIR and SALP between April and July 2016.

Paragraph 155 of the National Planning Policy Framework (NPPF) advised:

"Early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses is essential. A wide section of the community should be proactively engaged, so that Local Plans, as far as possible, reflect a collective vision and a set of agreed priorities for the sustainable development of the area, including those contained in any neighbourhood plans that have been made."

The accompanying guidance in the National Planning Practice Guidance (NPPG) noted that "[Section 18 of the Planning and Compulsory Purchase Act 2004](#) required local planning authorities to produce a Statement of Community Involvement, which should explain how they would engage local communities and other interested parties in producing their Local Plan and determining planning applications."

The Forest Heath and St Edmundsbury Statement of Community Involvement (SCI) was adopted in February 2014. The SCI contained a statement of intent to engage with our communities – part of a wider commitment made by the Councils to create and maintain effective working relationships with all sectors of the community. The document set out the key stages in preparing a local plan document, and the protocols that all local authorities must follow. The SCI stated the Councils' intention to go well beyond the minimum requirements for consultation. The 'Issues and Options' stage concludes, "we must take into account any representations made to us at this 'Issues and Options' stage."

Responses to all three documents had been received from statutory consultees, such as the Environment Agency, Historic England, Natural England etc., town and parish councils, interest groups and individual residents and landowners. There were a total of 152 representations (of support, objection or comments) from 51 respondents to the Core Strategy Single Issue Review Preferred Options document; 418 representations on the Site Allocations Local Plan Preferred Options document from 87 respondents; 20 representations on the draft Infrastructure Delivery Plan from 7 respondents. Working Papers 1, 2 and 3 of Report No: LOP/FH/16/011 set out summaries of all of the responses received, together with Officer responses and comments and/or actions on each.

Consultation responses to the Sustainability Appraisal and the Habitats Regulations Assessment would be considered by the Council's Consultants preparing these documents and would be addressed as part of the next iteration of each of these documents.

The final Submission documents would be taken for approval for consultation and submission to Cabinet on 13 December 2016 and Council on 21 December 2016. As the design and printing of the documents would take a further few weeks, following the Council meeting, the consultation was planned to take place from 10 January 2017 to 21 February 2017.

Comments received during this final consultation would be submitted directly to the Secretary of State with the Local Plan documents for consideration through a Local Plan Examination. It was anticipated that submission of these documents would take place in early March 2017. However, should any factors arise which could cause delay and which were beyond the Council's control, a further meeting of the Working Group would be arranged to outline options for the progressing of the Single Issue Review and any consequential impact on the Local Plan timetable itself.

The Working Group considered and noted the responses, comments and actions as set out in Working Paper 1 (Core Strategy Policy CS7 Single Issue Review), Working Paper 2 (Site Allocations Local Plan Preferred Options) and Working Paper 3 (Draft Infrastructure Delivery Plan). In particular, in relation to Working Paper 2, the Group recommended the following amendment:

- Representations 24341 (page 66) and 24342 (page 69) (The Trustees of the E G Lambton 1974 Settlement) (Site N/18 George Lambton Playing Fields)

The following sentence be deleted under the Council's Assessment:

"In addition, as located off Fordham Road, development of this large site is likely to raise similar concerns to those recently upheld by the SoS for the development of Hatchfield Farm."

With the vote being unanimous, it was

RECOMMENDED:

That:-

1. The consultation responses to the Core Strategy Single Issue Review (SIR), the Site Allocations Local Plan (SALP) and the draft Infrastructure Delivery Plan (IDP) be noted.
2. The responses, comments and actions as set out in Working Paper 1 to Report No: LOP/FH/16/011 (Core Strategy Policy CS7 Single Issue Review), Working Paper 2 (Site Allocations Local Plan Preferred Options) and Working Paper 3 (Draft Infrastructure Delivery Plan) be endorsed, subject to the following amendment to Working Paper 2:

- Representations 24341 (page 66) and 24342 (page 69) (The Trustees of the E G Lambton 1974 Settlement) (Site N/18 George Lambton Playing Fields)

The following sentence be deleted under the 'Council's Assessment':

"In addition, as located off Fordham Road, development of this large site is likely to raise similar concerns to those recently upheld by the SoS for the development of Hatchfield Farm."

3. The Head of Planning and Growth, in consultation with the Portfolio Holder for Planning and Growth and the Chairman and Vice Chairman of the Local Plan Working Group, be authorised to make any minor typographical, factual, spelling and grammatical changes to the Officer responses.

50. **Core Strategy Single Issue Review (SIR) Submission Document (Regulation 19) (Report No: LOP/FH/16/012)**

The Principal Planning Officer presented this report which explained that the Core Strategy Single Issue Review (CS SIR) revisited the quashed parts of the 2010 Core Strategy as well as reassessing overall housing need/numbers to ensure compliance with the National Planning Policy Framework (NPPF).

An 'Issues and Options' (Regulation 18) consultation was completed on the CS SIR in July to September 2012, with a second Issues and Options (Regulation 18) consultation taking place between August and October 2015. A Preferred Option consultation was completed between April and July 2016 (Regulation 18). A final Submission consultation (Regulation 19) was scheduled to take place between 10 January 2017 and 21 February 2017 and the Submission draft of the CS SIR, was attached as Working Paper 1 to Report No LOP/FH/16/012.

Since the 2015 Issues and Options and the 2016 Preferred Options consultations on the CS SIR, Officers had been preparing the final Submission version of the document. This was last stage of consultation prior to the document, together with the supporting information and evidence and representations received, being submitted to the Planning Inspectorate for Examination in Public.

The SIR Submission draft had been reviewed by the Planning Advisory Service and an external expert planning solicitor who had provided feedback and provided the Council confidence that the documents prepared were robust to minimise risk of a successful challenge. The Council's Communications Team had also read and commented upon the documents.

Working Paper 1 to Report No: LOP/FH/16/012 was the final 'Submission' (Regulation 19) CS SIR consultation document. This statutory Local Plan document confirmed the District's overall housing need over the period 2011

– 2031 and how that housing need was distributed among the settlements. The Core Strategy Policy CS7 overall housing provision and distribution would be used as a basis for allocating sites in the Site Allocations Local Plan Submission document (Regulation 19). This distribution provided certainty for the remainder of the Plan period and protected the District from unplanned growth. 6,800 new dwellings and associated infrastructure would be delivered in the period 2011 to 2031.

The final Regulation 19 consultation on this document would be focused on the whether the CS SIR was a 'legally compliant' and 'sound' document. The consultation would ask the public and stakeholders specific questions required by the Planning Inspectorate and required that representations consider whether the tests of soundness had been met, as set out in the introduction to the document in Working Paper 1 to Report No LOP/FH/16/012.

Consultants had also been appointed to undertake the full Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) work in relation to the final Submission draft of the CS SIR document. A full report setting out these findings would accompany the document for consultation in January 2017.

The final Submission (Regulation 19) CS SIR document would be considered by Cabinet on 13 December 2016 and Council on 21 December 2016 for approval for consultation and submission to the Secretary of State. A final consultation was planned from 10 January 2017 to 21 February 2017. Consultation events would be held in towns and in Lakenheath and Red Lodge and would be advertised online and in the press. Comments received during this next consultation would be submitted directly to the Secretary of State with the Local Plan documents for consideration through a Local Plan Examination led by an independent Planning Inspector.

It was anticipated that submission of these documents would take place in early March 2017. However, should any factors arise which could cause delay and which were beyond the Council's control, a further meeting of the Working Group would be arranged to outline options for the progressing of the Single Issue Review and any consequential impact on the Local Plan timetable itself.

During the meeting, the Working Group were provided with additional information, following from the CS SIR Preferred Options consultation:

- A summary of the responses which had been made by the key statutory consultees and the key issues which had also been raised by other parties.
- Supporting text and Policy CS7 changes which had been made to the Submission draft, along with the reasons for the changes.

The Working Group were also referred to page 37 of the agenda papers (Working Paper 1) which set out the overall housing provision and distribution for the period 2011 to 2031. Up to the end of March 2016, 2,437 dwellings had been committed or completed, which left a need to provide 4,440 dwellings for the remainder of the Plan period. The shortfall, as a result of the Hatchfield Farm decision, had been met through commitments arising

since March 2016 and through increasing capacity on some sites consulted on at the Preferred Options stage.

Officers explained that environmental designations around Brandon would be protected from negative effects of development. The allocations in Brandon were limited to protect the environmental assets and designations. There was opportunity for growth to the west of Mildenhall for planned mixed use development. Fewer homes were distributed to Newmarket as a result of the Secretary of State's decision in August 2016 to refuse planning permission at Hatchfield Farm for 400 homes and the site was not considered deliverable. The high levels of growth in Red lodge and Lakenheath in the Plan period would be delivered with the appropriate infrastructure. The primary villages were protected from further unplanned growth.

With the vote being unanimous, it was

RECOMMENDED:

That, subject to the approval of Council:-

1. The Core Strategy Single Issue Review (CS SIR) Submission document (Regulation 19), as set out in Working Paper 1 to Report No: LOP/FH/16/012, be endorsed.
2. The Core Strategy Single Issue Review (CS SIR) Submission document (as set out in Working Paper 1 to Report No: LOP/FH/16/012) and accompanying Strategic Environment Assessment (SEA)/Sustainability Appraisal (SA), together with supporting documents, be approved for Regulation 19 consultation.
3. The Head of Planning and Growth, in consultation with the Portfolio Holder for Planning and Growth and the Chairman and Vice Chairman of the Local Plan Working Group, be given delegated authority to submit the Core Strategy Submission document, all representations received to it during the final consultation and supporting documents, to the Secretary of State for independent Examination, subject to there being no material issues raised by consultees at the final consultation stage which require further consideration/modifications to the CS SIR.
4. The Head of Planning and Growth, in consultation with the Portfolio Holder for Planning and Growth and the Chairman and Vice Chairman of the Local Plan Working Group, be authorised to make any minor typographical, factual, spelling and grammatical changes to the document, provided that it does not materially affect the substance or meaning.

51. Site Allocations Local Plan (SALP) Submission Document (Regulation 19) (Report No: LOP/FH/16/013)

The Forest Heath Core Strategy was adopted in May 2010. Following a successful High Court Challenge in May 2011, parts of Policy CS7 detailing how the overall housing need would be distributed between the settlements over a 20-year period (to 2031) were quashed (removed from the Strategy). Consequential amendments were also made to Policies CS1 (Spatial Strategy) and CS13 (Infrastructure and Developer Contributions).

Since then, the Council had been revisiting the quashed parts of the Core Strategy (known as the Single Issue Review) to determine the overall housing numbers and distribution, as well as developing a Site Allocations Local Plan (SALP) to identify which sites should be developed, in order to achieve the vision and objectives of the Core Strategy and meet the outcomes of the Single Issue Review.

An 'Issues and Options' (Regulation 18) consultation on the SALP was completed between July to September 2012, with a second Issues and Options (Regulation 18) SALP consultation taking place between August and October 2015. A preferred options SALP (Regulation 18) consultation was completed between April and July 2016.

A final SALP Submission consultation (Regulation 19) was scheduled to take place early next year and it was the Submission draft of the SALP as set out in Working Paper 1 to Report No LOP/FH/16/013, along with the final Local Plan Policies Map (as set out in Working Paper 2 to Report No LOP/FH/16/013).

Since the 2015 Issues and Options and the 2016 Preferred Options consultations on the SALP, Officers had been preparing the final submission version of the document. This was last stage of consultation prior to the document, together with the supporting information and evidence and representations received, being submitted to the Planning Inspectorate for Examination in Public.

The SALP Submission document had been reviewed by the Planning Advisory Service and an external expert planning solicitor who had provided feedback and provided the Council confidence that the documents prepared were robust to minimise risk of a successful challenge. The Council's Communications Team had also read and commented upon documents.

Working Paper 1 to Report No LOP/FH/16/013 was the Site Allocations Local Plan Submission document. It superseded and updated the 2015 and 2016 consultation documents and set out the Council's sites for housing, employment and other uses to 2031.

The final Regulation 19 consultation on the SALP Submission document would be focused on the whether it was a 'legally compliant' and 'sound' document. The consultation would ask the public and stakeholders specific questions required by the Planning Inspectorate and required that representations considered whether the tests of soundness had been met as set out in the

introduction to the document in Working Paper 1 to Report No: LOP/FH/16/013.

Consultants had also been appointed to undertake the full Sustainability Appraisal (SA), Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) work in relation to the final Submission draft of the CS SIR document. A full report setting out these findings would accompany the document for consultation in January 2017.

The Council were planning for long term growth to give certainty in how and where settlements would grow within the district. This would ensure that service providers could plan and deliver the necessary infrastructure to enable the planned growth to happen when it was required. This would include such facilities as roads, sewers and water infrastructure.

A draft Infrastructure Delivery Plan (IDP) accompanied the 2015 and 2016 SALP consultation documents. Since then, further work with infrastructure providers had taken place which had helped inform the selection of final sites in the SALP submission document. A further revised IDP would accompany the SALP submission document to further set out the infrastructure requirements to support development. Comments could also be made on this next iteration of the draft IDP during the 2017 consultation.

The Policies Map (formerly known as the Proposals Map) illustrated particular land uses throughout the district including areas for protection, such as Special Protection Areas and conservation areas, as well as employment and residential activities. It also identified key sites for development. The Policies Map encompassed all Local Plan documents including policies in the Core Strategy (2010) and the Joint Development Management Policies document (2015). Working Paper 2 to Report No: LOP/FH/16/013 contained the updated Policies Map which had been produced for consultation alongside the 2017 SALP submission document. This allowed the allocated sites to be viewed alongside other already adopted policies and constraints to assist when making consultation comments.

The final Submission (Regulation 19) CS SIR document would be considered by Cabinet on 13 December 2016 and Council on 21 December 2016 for approval for consultation and submission to the Secretary of State. A final consultation was planned from 10 January 2017 to 21 February 2017. The change in consultation date for the next consultation had also required an update to be made to the Local Development Scheme (timetable for plan preparation). This had been published on the Council's website. The amendment to the timeline did not affect the anticipated adoption of the document in December 2017.

Comments received during this next consultation would be submitted directly to the Secretary of State with the Local Plan documents for consideration through a Local Plan Examination led by an independent Planning Inspector. It was anticipated that submission of these documents would take place in early March 2017. However, should any factors arise which could cause delay and which were beyond the Council's control, a further meeting of the Working Group would be arranged to outline options for the progressing of

the Single Issue Review and any consequential impact on the Local Plan timetable itself.

During the meeting, the Working Group were provided with additional information, which included a summary of the key issues which had been raised during the SALP Preferred Options consultation on:

- planning policy context
- settlement and preferred site options
- economy and jobs
- retail and town centres
- gypsies and travellers and travelling showpeople
- settlement boundary reviews.

along with any subsequent changes which had been made to the Submission draft, along with the reasons for the changes.

With the vote being unanimous, it was

RECOMMENDED:

That, subject to the approval of Council:-

1. The Site Allocations Local Plan (SALP) Submission document (Regulation 19) as set out in Working Paper 1 to Report No: LOP/FH/16/013, be endorsed.
2. The Site Allocations Local Plan (SALP) Submission document (as set out in Working Paper 1 to Report No: LOP/FH/16/013) and accompanying SEA/SA, together with supporting documents, be approved for Regulation 19 consultation.
3. The Head of Planning and Growth, in consultation with the Portfolio Holder for Planning and Growth and the Chairman and Vice Chairman of the Local Plan Working Group, be given delegated authority to submit the Site Allocations Local Plan Submission document, all representations received to it during the final consultation and supporting documents, to the Secretary of State for independent Examination, subject to there being no material issues raised by consultees at the final consultation stage which require further consideration/modifications to the SALP.
4. The Head of Planning and Growth, in consultation with the Portfolio Holder for Planning and Growth and the Chairman and Vice Chairman of the Local Plan Working Group, be authorised to make any minor typographical, factual, spelling and grammatical changes to the document, provided that it does not materially affect the substance or meaning.

Prior to the conclusion of the meeting, Councillor Robin Millar took the opportunity to thank both Officers and Members for all of their hard work

during the Local Plan process, particularly in light of the challenges which had been faced along the way.

(Councillor Rona Burt left the meeting at 5.30 pm, during the consideration of, and prior to, the voting on this item. Councillor Robin Millar took the Chair for the remainder of the meeting).

The Meeting concluded at 6.15 pm

Signed by:

Chairman
