

Cabinet



Forest Heath
District Council

Title of Report:	Recommendations of the Local Plan Working Group - 28 November 2016: Core Strategy Single Issue Review (SIR), Site Allocations Local Plan (SALP) Submission Documents and Draft Infrastructure Delivery Plan (IDP)	
Report No:	CAB/FH/16/059	
Report to and dates:	Cabinet	13 December 2016
	Council	21 December 2016 <i>(for Recommendations (2) and (3) only)</i>
Portfolio holder:	Lance Stanbury Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
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Purpose of report:	On 28 November 2016, the Local Plan Working Group considered the following substantive items of business: (1) Responses to consultation and engagement on the Preferred Option 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).	

	<p>(2) Core Strategy Single Issue Review (CS SIR) Submission Document (Regulation 19) (Report No: LOP/FH/16/012).</p> <p>(3) Site Allocations Local Plan (SALP) Submission Document (Regulation 19) (Report No: LOP/FH/16/013).</p>
<p>Recommendation:</p>	<p>It is <u>RECOMMENDED</u> that:</p> <p>(1) <u>Responses to consultation and engagement on the Preferred Option 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)</u></p> <p>That:-</p> <p>(a) 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) to Report No: LOP/FH/16/011 be endorsed, subject to the following amendment to Working Paper 2:</p> <ul style="list-style-type: none"> • <u>Representations 24341 (page 66) and 24342 (page 69) (The Trustees of the E G Lambton 1974 Settlement) (Site N/18 George Lambton Playing Fields)</u> <p>The following sentence be deleted under the 'Council's Assessment':</p> <p style="text-align: center;"><i>"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."</i></p> <p>(b) 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</p>

responses.

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

That, subject to the approval of Council:-

- (a) 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.**
- (b) 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.**
- (c) 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.**
- (d) 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.**

	<p>(3) <u>Site Allocations Local Plan (SALP) Submission Document (Regulation 19) (Report No: LOP/FH/16/013)</u></p> <p>That, subject to the approval of Council:-</p> <p>(a) 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.</p> <p>(b) 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.</p> <p>(c) 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.</p> <p>(d) 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.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>

<p><i>The decisions made as a result of this report will usually be published within 48 hours and cannot be actioned until five clear working days of the publication of the decision have elapsed. This item is included on the Decisions Plan.</i></p>			
Consultation:		See Reports: LOP/FH/16/011, 012 and 013	
Alternative option(s):		See Reports: LOP/FH/16/011, 012 and 013	
Implications:			
<i>Are there any financial implications? If yes, please give details</i>		See Reports: LOP/FH/16/011, 012 and 013	
<i>Are there any staffing implications? If yes, please give details</i>		See Reports: LOP/FH/16/011, 012 and 013	
<i>Are there any ICT implications? If yes, please give details</i>		See Reports: LOP/FH/16/011, 012 and 013	
<i>Are there any legal and/or policy implications? If yes, please give details</i>		See Reports: LOP/FH/16/011, 012 and 013	
<i>Are there any equality implications? If yes, please give details</i>		See Reports: LOP/FH/16/011, 012 and 013	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
See Reports: LOP/FH/16/011, 012 and 013			
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		<p><u>Local Plan Working Group:</u> 28 November 2016 Report No: LOP/FH/16/011 & Working Paper 1 & Working Paper 2 & Working Paper 3</p> <p>Report No: LOP/FH/16/012 & Working Paper 1</p> <p>Report No: LOP/FH/16/013 & Working Paper 1 & Working Paper 2</p>	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1. **Responses to consultation and engagement on the Preferred Option 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)**

- 1.1. The Core Strategy Single Issue Review (CS SIR) revisits 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).
- 1.2. 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).
- 1.3. 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 will be updated and refined as the Local Plan documents progress 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.
- 1.4. Paragraph 155 of the National Planning Policy Framework (NPPF) advises:

"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) notes that "Section 18 of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce a Statement of Community Involvement, which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications."

- 1.5. The Forest Heath and St Edmundsbury Statement of Community Involvement (SCI) was adopted in February 2014. The SCI contains 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 sets out the key stages in preparing a local plan document, and the protocols that all local authorities must follow. The SCI states 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."

- 1.6 Responses to all three documents have 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.
- 1.7 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.
- 1.8 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.
- 1.9 Consultation responses to the Sustainability Appraisal and the Habitats Regulations Assessment will be considered by the Council's Consultants preparing these documents and will be addressed as part of the next iteration of each of these documents.
- 1.10 The final Submission documents will 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 will take a further few weeks, following the Council meeting, the consultation is planned to take place from 10 January 2017 to 21 February 2017.
- 1.11 Comments received during this final consultation will be submitted directly to the Secretary of State with the Local Plan documents for consideration through a Local Plan Examination. It is anticipated that submission of these documents will take place in early March 2017. However, should any factors arise which could cause delay and which are beyond the Council's control, a further meeting of the Working Group will be arranged to outline options for the progressing of the Single Issue Review and any consequential impact on the Local Plan timetable itself.

Comments from the Local Plan Working Group

- 1.12 The Working Group considered 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) and recommended that these 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.”

2. **Core Strategy Single Issue Review (SIR) Submission Document (Regulation 19) (Report No: LOP/FH/16/012)**
- 2.1 The Core Strategy Single Issue Review (CS SIR) revisits 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).
- 2.2 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) is 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.
- 2.3 Since the 2015 Issues and Options and the 2016 Preferred Options consultations on the CS SIR, Officers have been preparing the final Submission version of the document. This is 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.
- 2.4 The SIR Submission draft has been reviewed by the Planning Advisory Service and an external expert planning solicitor who have provided feedback and provides the Council confidence that the documents prepared are robust to minimise risk of a successful challenge. The Council's Communications Team have also read and commented upon documents.
- 2.5 Working Paper 1 to Report No: LOP/FH/16/012 is the final 'Submission' (Regulation 19) CS SIR consultation document. This statutory Local Plan document confirms the District's overall housing need over the period 2011 – 2031 and how that housing need is distributed among the settlements.
- 2.6 Following on from the consultation on the CS SIR Preferred Options, the Working Group were provided with:
- 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.
- 2.7 The Working Group also referred to page 37 of the agenda papers which set out the overall housing provision and distribution for the period 2011 to 2031. Up to end of March 2016, 2437 dwellings have been committed or completed, which left a need to provide 4440 dwellings for the remainder of the Plan period. The shortfall, as a result of the Hatchfield Farm decision, has been met through commitments arising since March 2016 and through increasing capacity on some sites consulted on at the Preferred Options stage.
- 2.8 Policy CS7 distribution is used as a basis for allocating sites in the Site Allocations Local Plan Submission document (Regulation 19). This distribution

provides certainty for the remainder of the Plan period and protects the District from unplanned growth. 6,800 new dwellings and associated infrastructure will be delivered in the period 2011 to 2031.

- 2.9 Environmental designations around Brandon will be protected from negative effects of development. The allocations in Brandon are limited to protect the environmental assets and designations. There is opportunity for growth to the west of Mildenhall for planned mixed use development. Fewer homes are 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 is not considered deliverable. The high levels of growth in Red Lodge and Lakenheath in the Plan period will be delivered with the appropriate infrastructure. The primary villages are protected from further unplanned growth.
- 2.10 The final Regulation 19 consultation on this document will be focused on the whether the CS SIR is a 'legally compliant' and 'sound' document. The consultation will ask the public and stakeholders specific questions required by the Planning Inspectorate and requires that representations consider whether the tests of soundness have been met, as set out in the introduction to the document in Working Paper 1 to Report No LOP/FH/16/012.
- 2.11 Consultants have also been appointed to under 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 will accompany the document for consultation in January 2017.
- 2.12 The final Submission (Regulation 19) CS SIR document will 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 is planned from 10 January 2017 to 21 February 2017. Consultation events will be held in towns and in Lakenheath and Red Lodge and will be advertised online and in the press. Comments received during this next consultation will 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.
- 2.13 It is anticipated that submission of these documents will take place in early March 2017. However, should any factors arise which could cause delay and which are beyond the Council's control, a further meeting of the Working Group will be arranged to outline options for the progressing of the Single Issue Review and any consequential impact on the Local Plan timetable itself.

Comments from the Local Plan Working Group

- 2.14 The Working Group considered the Submission draft of the Core Strategy Single Issue Review Submission document, as set out in Working Paper 1 to Report No: LOP/FH/16/012 and recommended approval for consultation, with no further amendment.

3. **Site Allocations Local Plan (SALP) Submission Document (Regulation 19) (Report No: LOP/FH/16/013)**
- 3.1 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).
- 3.2 Since then, the Council has 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.
- 3.3 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.
- 3.4 A final SALP Submission consultation (Regulation 19) is scheduled to take place early next year and it is the submission draft of the SALP is 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).
- 3.5 Since the 2015 issues and options and the 2016 Preferred Options consultations on the SALP, Officers have been preparing the final submission version of the document. This is 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.
- 3.6 The SALP Submission document has been reviewed by the Planning Advisory Service and an external expert planning solicitor who have provided feedback and provides the Council confidence that the documents prepared are robust to minimise risk of a successful challenge. The Council's Communications Team have also read and commented upon documents.
- 3.7 Working Paper 1 to Report No LOP/FH/16/013 is the Site Allocations Local Plan Submission document. It supersedes and updates the 2015 and 2016 consultation documents and sets out the Council's sites for housing, employment and other uses to 2031.
- 3.8 Following on from the consultation on the SALP Preferred Options, the Working Group were provided with a summary of the key issues which had been raised on the planning policy context, settlement and preferred site options, economy and jobs, retail and town centres, gypsies and travellers and travelling showpeople and settlement boundary reviews, along with any subsequent changes which had been made to the Submission draft, along with the reasons for the changes.

- 3.9 The final Regulation 19 consultation on the SALP submission document will be focused on the whether it is a 'legally compliant' and 'sound' document. The consultation will ask the public and stakeholders specific questions required by the Planning Inspectorate and requires that representations consider whether the tests of soundness have been met as set out in the introduction to the document in Working Paper 1 to Report No: LOP/FH/16/013.
- 3.10 Consultants have also been appointed to under 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 will accompany the document for consultation in January 2017.
- 3.11 The Council are planning for long term growth to give certainty in how and where settlements will grow within the district. This will ensure that service providers can plan and deliver the necessary infrastructure to enable the planned growth to happen when it is required. This would include such facilities as roads, sewers and water infrastructure.
- 3.12 A draft Infrastructure Delivery Plan (IDP) accompanied the 2015 and 2016 SALP consultation documents. Since then, further work with infrastructure providers has taken place which has helped inform the selection of final sites in the SALP submission document. A further revised IDP will accompany the SALP submission document to further set out the infrastructure requirements to support development. Comments can also be made on this next iteration of the draft IDP during the 2017 consultation.
- 3.13 The Policies Map (formerly known as the Proposals Map) illustrates 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 identifies key sites for development. The Policies Map encompasses 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 has been produced for consultation alongside the 2017 SALP submission document. This allows the allocated sites to be viewed alongside other already adopted policies and constraints to assist when making consultation comments.
- 3.14 The final Submission (Regulation 19) CS SIR document will 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 is planned from 10 January 2017 to 21 February 2017. The change in consultation date for the next consultation has also required an update to be made to the Local Development Scheme (timetable for plan preparation). This has been published on the Council's website. The amendment to the timeline does not affect the anticipated adoption of the document in December 2017.
- 3.15 Comments received during this next consultation will 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 is anticipated that submission of these documents will take place in early March 2017. However, should any factors arise which could cause delay and which

are beyond the Council's control, a further meeting of the Working Group will be arranged to outline options for the progressing of the Single Issue Review and any consequential impact on the Local Plan timetable itself.

Comments from the Local Plan Working Group

- 3.16 The Working Group considered the Submission draft of the Site Allocations Local Plan Submission document, as set out in Working Paper 1 to Report No: LOP/FH/16/013 and recommended approval for consultation, with no further amendment.