

Cabinet



Forest Heath
District Council

Title of Report:	Core Strategy Single Issue Review (CS SIR) and Site Allocations Local Plan (SALP) - Next Steps	
Report No:	CAB/FH/17/016	
Report to and dates:	Cabinet	4 April 2017
	Council	26 April 2017
Portfolio holder:	Councillor Lance Stanbury Portfolio Holder for Planning and Growth Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk	
Lead officer:	Marie Smith Service Manager (Planning Strategy) Tel: 01638 719260 Email: marie.smith@westsuffolk.gov.uk	
Purpose of report:	To formally request the Planning Inspector appointed to Examine in Public the Core Strategy SIR and the SALP, to make any necessary modifications to make the Plans 'sound' under Section 20 (7c) of the Planning and Compulsory Purchase Act 2004.	
Recommendation:	It is <u>RECOMMENDED</u> that the Council formally requests the Inspector to make any necessary main modifications under Section 20 (7c) of the 2004 Planning and Compulsory Purchases Act that he/she judges necessary, to make all submitted Local Plan documents 'sound'.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	<ul style="list-style-type: none"> • In accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 • Town and Country Planning (Local 	

	Planning) Regulations 2012, the Council's Statement of Community Involvement and Local Development Scheme.		
Alternative option(s):	None		
Implications:			
Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Are there any legal and/or policy implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> There is a requirement for Local Planning Authorities to produce a Local Plan and Sustainability Appraisal and to undertake consultation during its preparation under the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 and the Town and Country Planning (Local Planning) Regulations 2012.		
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The documents have been screened and an Equality Impact Assessment has been prepared which will be made available in line with all other evidence.		
Risk/opportunity assessment:	The Local Development Scheme includes a risk assessment of issues that could affect the Councils ability to deliver the Local Plan(s) in accordance with the programme. Actions to manage the risks have also been identified.		
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Significant public opposition	High	Local Plan documents have the potential to be highly contentious. Whilst every effort will be made to build cross-community consensus, there is a high risk of significant public opposition.	Medium
Loss of Staff	Medium	The structure and staffing levels within the Strategic Planning Team will be constantly monitored and reviewed to ensure that the appropriate level of skills and resources are maintained. External consultants will be employed to ensure the Local Plan can be delivered.	Low

Financial shortfall	Medium	The Council has allocated funds through its Financial Services Planning process to allow for the preparation of the Local Plan. Additional and unexpected costs will be monitored which may require a review of the financial allocation.	Low
Changing Political Priorities	Medium	Proposals are discussed with Members of all parties via a variety of means, the Local Plan Working Group etc.). This helps build consensus and reduces the likelihood of wholesale change of direction from local politicians.	Low
Legal Challenge	High	As a measure of last resort anyone may issue a legal challenge within six weeks of adoption of the Local Plan. Officers will continue to seek to ensure that local plan documents are prepared within the legal framework in order to reduce the risk of successful legal challenge through retaining a planning solicitor and seeking feedback from the Planning Advisory Service through document preparation.	Medium
Ward(s) affected:		All Wards in the District.	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		Single Issue Review (CS SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution and Site Allocations Local Plan (Regulation 19) and supporting document and evidence base http://www.westsuffolk.gov.uk/planning/Planning_Policies/local_plans/forest-heath-local-plan.cfm	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 **Background**

1.1.1 The Forest Heath Local Plan documents set out the overall housing quantum and distribution between settlements and site allocations and general policies against which, (amongst other material considerations), planning applications will be determined across the District of Forest Heath.

1.1.2 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) and the **Site Allocations Local Plan** (SALP) identifies 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.

1.1.3 Several stages of consultation and engagement have taken place in preparing the Proposed Submission versions of the SIR and SALP. These were undertaken in under Regulation 18 and 19. These are summarised below:

Regulation	Consultation Stage	Date
Reg.18	SIR Initial Issues and Options	July – September 2012
Reg.18	Local Plan Issues and Options Consultation (SIR and SALP)	11 August – 6 October 2015
Reg.18	Local Plan Preferred Options (SIR and SALP)	4 April – 1 July 2016
Reg.19	Local Plan Proposed Submission Consultation (SIR and SALP)	10 January – 13 March 2017

1.1.4 A final submission consultation (Regulation 19) commenced on 10 January 2017. This period of consultation was extended to the 13 March 2017 to allow consultees a full six weeks to consider an Erratum to the Sustainability Appraisal for the Site Allocations Local Plan which became available during the consultation period. Consultation on the Habitats Regulations Screening Assessments was extended to 21 March 2017 to allow additional time for consideration of a supporting air quality assessment, regarding the Breckland SAC and the Breckland SPA, which became available during the consultation period.

1.1.5 A total of 29 individuals responded to the Proposed Submission Core Strategy Single Issue Review. This amounted to 42 separate representations. All of the representations received were entered onto the consultation database and made available to view online.

- 1.1.6 A total of 88 individuals responded to the Proposed Submission Site Allocations Local Plan. This amounted to 228 separate representations. All of the representations received were entered onto the consultation database and made available to view online.
- 1.1.7 The Portfolio Holder for Planning and Growth, the Chairman and Vice Chairman of the Local Plan Working Group and, in the absence of the Head of Service for Planning and Growth, the Chief Executive of West Suffolk (Forest Heath District and St Edmundsbury Borough Council) in accordance with the delegation given to them following Full Council on 21 December 2016 (Report No: COU/FH/16/028) have confirmed that the representations received do not raise any material issues which would require further consideration/modification to the Core Strategy Single Issue Review and Site Allocations Local Plan and authorise Officers to submit the Development Plans for Examination in Public.
- 1.1.8 The Core Strategy Single Issue Review and the Site Allocations Local Plan was submitted to Secretary of State on 23 March 2017 in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.1.9 It should also be noted that the representations received have been reviewed by an external expert planning solicitor who has provided the Council confidence that the documents prepared are robust to minimise risk of a successful challenge.
- 1.1.10 Inspectors no longer make modifications unless specifically asked to do so by the Local Planning Authority. It is important that the Inspector be formally requested to do so, otherwise, if he found the Plan not to be sound, he would have no choice but to recommend that the Plan not be adopted and the Local Authority would have to start the Plan making process again. Therefore to meet the all the legal requirements and in accordance with paragraph 6.5 of the procedural practice in the Examination of Local Plans (The Planning Inspectorate June 2016, 4th Edition v.1), a further resolution is requested under Section 20 of the 2004 Planning and Compulsory Purchase Act.
- 1.1.11 Therefore, Members are asked to formally request the Planning Inspector appointed to Examine in Public the Core Strategy SIR and the SALP to make any necessary modifications to make the Plans 'sound' under Section 20 (7c) of the Planning and Compulsory Purchase Act 2004.

2. Next Steps

- 2.1 It is anticipated that the Examination in Public will commence in June 2017 and it is hoped that Council will receive a report late 2017 recommending adoption of the Development Plans.