

# Council



Forest Heath  
District Council

<b>Title of Report:</b>	<b>Joint Development Management Policies Document: Planning Inspector's Report and Adoption</b>	
<b>Report No:</b>	<b>COU/FH/15/007</b>	
<b>Report to and date/s:</b>	<b>Joint Development Mgt Policies Committee</b>	11 February 2015
	<b>Forest Heath Council</b>	27 February 2015
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<b>Purpose of report:</b>	To note the recommendations of the Forest Heath Local Plan Working Party and the St Edmundsbury Sustainable Development Working Party, and recommend the two Councils adopt the Joint Development Management Policies Document as modified by the Inspector.	
<b>Recommendation:</b>	<b>RECOMMENDED:</b>  <b>That the following documents attached to Report No: JDM/JT/15/001, be adopted:</b>  (1) <b>The Joint Development Management Policies Document (Appendix B);</b>  (2) <b>Habitats Regulations Screening Assessments for Joint Development Management Policies Document, (Appendix C);</b>  (3) <b>Sustainability Appraisal for Joint Development Management Policies Document, (Appendix D);</b>  (4) <b>the Forest Heath District Policies Map, and Town Centre maps for Newmarket, Mildenhall and Brandon (Appendix E)</b>	

<b>Key Decision:</b>  <i>(Check the appropriate box and delete all those that <b>do not</b> 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"/> Full Council Decision		
<b>Consultation:</b>		See Section 3 of this report.	
<b>Alternative option(s):</b>		See Section 4 of this report.	
<b>Implications:</b>			
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> <li>If adopted, the Joint Development Management Policies Document would become part of the statutory Local Plan for Forest Heath District.</li> </ul>		
<i>Are there any <b>equality</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Failure to adopt the Joint Development Management Policies Document could inhibit the Councils' ability to make appropriate decisions based on local planning policy	Medium	Adopt Joint Development Management Policies Document as statutory planning policy without delay.	Low
<b>Ward(s) affected:</b>		The Joint Development Management Policies document affects all wards within the District and Borough.	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	<a href="#">Forest Heath District Council Paper COU13/617</a> : 13 March 2013 – Joint Development Management Polices Document Submission  <a href="#">St Edmundsbury Borough Council Paper D301</a> : 26 February 2013 – Joint Development Management Polices Document Submission  <a href="#">Forest Heath District Council Local Plan Working Party Paper LOP/FH/15/001</a> : 28 January 2015  <a href="#">St Edmundsbury Borough Council Sustainable Development Working Party Paper SDW/SE/15/001</a> : 28 January 2015  <a href="#">Appendix A: Inspector's Report on the Examination into the Forest Heath and St Edmundsbury Joint Development Management Policies Document</a>  <a href="#">Appendix 2 to Appendix A: West Suffolk Inspectors Report</a>		

	<p><a href="#">Appendix B: Joint Development Management Policies Document tracked changes document</a></p> <p><a href="#">Appendix C: Habitat Regulations Screening Assessment</a></p> <p><a href="#">Appendix D: Sustainability Appraisal for the Joint Development Management Policies Document</a></p> <p><a href="#">Appendix E - Local Plan Policies Map</a></p> <p><a href="#">Appendix E: Map Key Feb 2015</a></p> <p><a href="#">Appendix E: Brandon Town Centre and Primary Shopping Area</a></p> <p><a href="#">Appendix E: Mildenhall Town Centre and Primary Shopping Area</a></p> <p><a href="#">Appendix E: Newmarket Town Centre and Primary Shopping Area</a></p>
<b>Documents attached:</b>	Links to relevant appendices published on the web are above. Paper copies are available on request.

## **1. Key issues and reasons for recommendations**

### **1.1 Inspector's report**

- 1.1.1 National legislation and the National Planning Policy Framework (NPPF) set out a requirement for Councils to maintain an up to date set of local Planning policies for their areas. For St Edmundsbury, the Replacement Local Plan was adopted in 2006 and provides planning policy until 2016 or until superseded by national or more up to date local policy. St Edmundsbury commenced the preparation of a new Local Plan in 2008 with the preparation of the Core Strategy which was adopted in December 2010. Following this, three site allocation documents, Vision 2031, were adopted in September 2014. For Forest Heath, a number of policies have been retained from the Local Plan, (1995). Subsequent to the adoption of the 1995 Local Plan, the Council prepared, published and ultimately adopted its Core Strategy in May 2010.
- 1.1.2 Following the adoption of both authorities' Core Strategies, work commenced in 2011 on a joint document of Development Management Policies following the work already undertaken separately in the two authorities. Two consultations held in early and late 2012 were undertaken leading to approval from both Councils in 2013 to submit the document for examination (Papers D309 (St Edmundsbury) and COU13/617 (Forest Heath) refer). The document, together with all of the comments received during the final round of consultation, was submitted to the Secretary of State for examination by an independent Planning Inspector on 13 December 2013.
- 1.1.3 Examination hearings into certain matters were called and conducted by the Inspector during July 2014. During this time objectors were able to put to the Inspector why they considered the Joint Development Management Policies Document should be changed. Following the hearings, the Inspector asked that his recommended main modifications be the subject of public consultation. The Councils conducted this consultation for period of six weeks ending in November 2014.

- 1.1.4 The Inspector examining the Joint Development Management Policies Document produced a report (dated 21 January 2015) with an appendix setting out main modifications he recommends to make the document sound and legally compliant. A copy of the Inspector's report is attached at Appendix A.
- 1.1.5 On 28 January 2015, Forest Heath District Council's Local Plan Working Group and St Edmundsbury Borough Council's Sustainable Development Working Party considered the Inspector's report and the documents proposed for adoption, and no changes were made to the recommendations. Subject to the outcome of the Joint Development Management Policies Committee, formal adoption will be proposed at St Edmundsbury Council's meeting on 24 February 2015, and Forest Heath Council's meeting on 27 February 2015.

## **2. Additional supporting information**

### **2.1 The Inspector's Report**

- 2.1.1 A Planning Inspector was appointed to carry out an independent examination of the Plan to determine legal compliance and soundness and subsequently produce a report to the LPAs with binding recommendations (if adopted).
- 2.1.2 The Inspector's role was to consider whether the Joint Development Management Policies Document complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound a Plan must be:
- (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
  - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
  - (c) **effective** – deliverable over its period and based on effective joint working; and
  - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF's policies.
- 2.1.3 The Planning Inspector's report concludes that, provided that a number of modifications are made to it, the document is sound. The main modifications are attached to the Inspector's report at **Appendix A**. The Councils specifically requested that the Inspector recommend any modifications necessary to enable the document to be found sound and consequently adopted as a statutory local plan.
- 2.1.4 The examination process requires that the Inspector's report and the main modifications are binding upon the Councils, if they decide to adopt the Joint Development Management Policies Document. All of the main modifications suggested relate to matters discussed at the examination hearings. The purposes of the recommended modifications are summarised in the Inspector's report.

- 2.1.5 The Councils may need to make additional modifications to the document to reflect the changes to the policies. Section 23(3)(b) of the 2004 Planning and Compulsory Act allows such additional modifications to be made to the plan before adoption, and this is referred to in the Inspector's report. It should also be noted that minor factual changes may need to be made to the document prior to publication. These factual changes do not materially affect the policies, and as such fall into the category of additional modifications.

### **Final Joint Development Management Policies Document**

- 2.1.6 A "Tracked Changes" version of the Joint Development Management Policies Document using ~~striketrough~~ to indicate deletion and underline to indicate new text has been prepared (**Appendix B**). This document includes the main modifications required by the Planning Inspector and the additional modifications suggested by council officers.
- 2.1.7 If the Councils are minded to adopt the Joint Development Management Policies Document, it is this version that will be adopted and become part of the Local Plan to be used in the determination of planning applications. The Council cannot pick elements of the main modifications and discard others. For the document to be sound the Inspector requires that all the main modifications must be incorporated, if the Councils are to adopt the Joint Development Management Policies Document. Modifying a main modification or a policy that has not been changed through examination, would either go against the Inspector's requirements or result in a policy that has not been the subject of examination.

### **Policies Map**

- 2.1.8 Planning regulations require that a Policies Map is published as a separate document upon the adoption of a Local Plan document. The Forest Heath District Policies Map, and Town Centre maps for Newmarket, Mildenhall and Brandon, and the St Edmundsbury Borough Policies Map and Inset Maps 1-4 have been updated to reflect the modifications and are attached at **Appendix E**.

### **Habitat Regulations Assessment (Screening) and Sustainability Appraisal**

- 2.1.9 As a result of the modifications, the Habitat Regulations (Screening) Assessment (HRA) and the Sustainability Appraisal document have been updated.
- 2.1.10 The HRA considered the impacts of policies in the Joint Development Management Policies Document on sites of nature conservation interest and importance. The HRA report concludes that there will be no likely significant effects due to the policies included in the Plan. The HRA report is **Appendix C** which is available online at <https://democracy.westsuffolk.gov.uk/documents/s5728/SDW.SE.15.001%20Appendix%20C%20February%202015%20JDMPD%20HRA%20Screening%20ONLINE%20ONLY.pdf>
- 2.1.11 The conclusions of the Sustainability Appraisal report are that the main

modifications are non-material to the SA, had already been considered in the SA, result in non-significant changes to the effects that had been identified or strengthen the significance of the positive effects that had been identified. These are positive outcomes from a sustainability perspective. The Sustainability Appraisal report is **Appendix D** which is available online at <https://democracy.westsuffolk.gov.uk/documents/s5729/SDW.SE.15.001%20Appendix%20D%20February%202015%20JDMPD%20SA%20ONLINE%20ONLY.pdf>

## 2.2 **Local Plans Working Group and Sustainable Development Working Party outcomes**

- 2.2.1 Forest Heath District Council's Local Plan Working Group and St Edmundsbury Borough Council's Sustainable Development Working Party considered the Inspector's report and the documents proposed for adoption on 28 January 2015, and no changes were made to the recommendations. Subject to the outcome of this Committee, formal adoption will be proposed at St Edmundsbury's full Council meeting on 24 February 2015, and Forest Heath's full Council meeting on 27 February 2015.

## 3. **Consultation**

- 3.1 Two rounds of consultation have been undertaken on the Joint Development Management Policies Document as set out below:
- 3.2 Preferred Options Consultation (Regulation 18): January 2012 – March 2012  
Submission Consultation (Regulation 19): October 2012 – December 2012
- 3.3 During the various consultation stages, the Councils invited a large number of people, organisations and groups to make representations. The comments received during the Regulation 18 consultation were used to inform the next stage of document preparation. The comments received during the Regulation 19 consultation (the final stage of consultation) were forwarded to the Planning Inspector for consideration during the independent examination. The Inspector has made main modifications in relation to comments received where he feels this is necessary for soundness. In addition, the Councils have been able to make additional modifications for clarity and factual accuracy which are a direct result of some of the comments received during the final stage of consultation.

## 4. **Alternative Options**

- 4.1 There are two options open to the Council now that the Inspector's report has been received:
- (a) Adopt the Joint Development Management Policies Document as amended by the main modifications suggested by the Inspector
  - (b) Not adopt the Joint Development Management Policies Document

The implications for following one of the above options are assessed below:

### **(a) Adopt the Joint Development Management Policies Document as**

## **amended by the main modifications suggested by the Inspector**

By choosing to adopt the Joint Development Management Policies Document, the Council would be putting an essential part of the development plan for the area in place. It would place both authorities in a very strong position to provide guidance on the delivery and management of development in West Suffolk.

### **(b) Not adopt the Joint Development Management Policies Document**

There are a number of implications if the Councils choose not to adopt the Joint Development Management Policies Document. The Councils have used extensive resources to develop the Joint Development Management Policies Document, the evidence base which supports it, and to provide for an independent examination into the document. Should the Councils decide not to adopt the Joint Development Management Policies Document the Councils will, in effect, be directing the authorities to start the process again.

The National Planning Policy Framework (NPPF) requires each local planning authority to produce a local plan for its area. The JDMPD is a Local Plan document in its own right, and part of the suite of Local Plan documents for West Suffolk. The St Edmundsbury Replacement Local Plan (2006) and Saved Policies from the Forest Heath Local Plan (1995) provide a limited range of development management policies until replaced by up-to-date policies. Without updated development management policies that focus on locally important constraints and opportunities the Councils will be reliant on the NPPF and National Planning Practice Guidance.