



AGENDA

NOTE: In the case of non-members, this agenda is for information only

- Committee** - **POLICY DEVELOPMENT AND REVIEW PANEL 1**
- Date & Time** - TUESDAY, 24TH JULY, 2007 AT 10.00 AM
- Venue** - REGENCY ROOM, THE ASSEMBLY ROOMS, MARKET PLACE, SWAFFHAM

Members of the Committee requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting. If the information requested is available, this will be provided, and reported to Committee.

Panel 1 Members:

Mr J.D. Rogers (Chairman)
Mr S.H. Chapman-Allen
Mr R.P. Childerhouse
Mr P.J. Duigan
Mr A.P. Joel (Vice-Chairman)

Mr K. Martin
Mr I.A.C. Monson
Mrs P. Quadling
Mrs P.A. Spencer
Mrs L.S. Turner

**PERSONS ATTENDING THE MEETING
ARE REQUESTED TO TURN OFF MOBILE
TELEPHONES**

Committee Services
Elizabeth House, Walpole Loke,
Dereham Norfolk, NR19 1EE

Date: Friday, 13 July 2007

PART A
ITEMS OPEN TO THE PUBLIC

	<u>Page(s)</u> <u>herewith</u>
1. <u>MINUTES</u> To confirm the Minutes of the meeting held on 22 May 2007.	1 - 4
2. <u>APOLOGIES</u> To receive apologies for absence.	
3. <u>URGENT BUSINESS</u> To note whether the Chairman proposes to accept any item as urgent business, pursuant to Section 100(B)(4)(b) of the Local Government Act, 1972.	
4. <u>DECLARATION OF INTEREST</u> Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Members' Code of Conduct requires that declarations include the nature of the interest and whether it is a personal or prejudicial interest.	
5. <u>NON-MEMBERS WISHING TO ADDRESS THE MEETING</u> To note the names of any non-members wishing to address the meeting.	
6. <u>BRECKLAND LOCAL DEVELOPMENT FRAMEWORK PROGRESS REPORT AND UPDATE ON RECENT BEST PRACTICE AND ADVICE</u> Report of the Operations Manager (Environment)	5 - 17
7. <u>NORFOLK MINERALS AND WASTE DEVELOPMENT FRAMEWORK - DRAFT CORE STRATEGY AND POLICIES - ISSUES AND OPTIONS MAY 2007</u> Report of the Operations Manager (Environment)	18 - 22
8. <u>POSTAL ADDRESSES AT CARBROOKE/WATTON</u> At its meeting on 22 May the Panel added the issue of the postal addressing of properties within the parish of Carbrooke yet addressed in Watton onto the work programme (Minute 37/07 refers). Royal Mail has been contacted about this issue and their response is reproduced below. "Postal addresses are not intended to describe a precise geographical or administrative area. It is a sorting and routing instruction to postal staff which enables mail to reach its destination from any part of the country. Post code boundaries do not always mirror those of other institutions, such as county borders, as these often change with County Council responsibility. On occasion anomalies between postal geographical and administrative boundaries will arise and this is one such occasion".	

9. **WORK PROGRAMME AND MEETING SCHEDULE**

Members are invited to consider any additional items or topics for inclusion on the future work programme.

10. **NEXT MEETING**

To note the arrangements for the next meeting to be held on Tuesday, 18 September 2007 at 10.00am in the Council Chamber, Town Council Offices, King's House, Thetford.

PROTOCOL

The Working Style of the Policy Development & Review Panels

This document sets out the roles of Members and Officers, and the general principles to be adopted by the Policy Development & Review Panels (PD&RP) overseeing the Panel's mode of operation.

Member Leadership

Members of the Panel will undertake scrutiny topics as directed by the Overview & Scrutiny Commission (O&SC) and will recognise that best practice identifies scrutiny as a Member-led activity. The Panel will expect Cabinet members, to take responsibility for answering their questions about topics which primarily relate to the Council's activities.

A Constructive Atmosphere

Meetings of the Panel will be constructive and not judgmental. Panel recognises and accepts that effective scrutiny is best achieved through challenging and constructive enquiry. People giving evidence at Panel should be given due respect and not made to feel under attack.

Independence

Members of the PD&RP will not be subject to whipping arrangements by the party groups.

Respect and Trust

Meetings will be conducted in a spirit of mutual respect and trust.

Consensus

Members of the Panel will work together and, while recognising political allegiances, will attempt to achieve consensus and agreed recommendations. There will be recognition that the Panel has a primary duty to scrutinise on behalf of the community.

Openness and Transparency

The PD&RP's business will be open and transparent, except where there are sound reasons for protecting confidentiality. The minutes of the Panel's meetings will explain the discussion and debate so that they can be understood by an outside reader.

Impartial and Independent Officer Advice

Officers who advise and support the Panel will give impartial and independent advice, as officers support all members of the Council.

Regular Review

There will be regular reviews of how the scrutiny process is working, and a willingness to change if it is not working effectively.

Programming and Planning

The Panel will have a programme of work assigned by the Overview & Scrutiny Commission. The Panel will be able to suggest additional topics for review through the O&SC for approval in the work programme. Before each topic is commenced, the O&SC will agree the scope of the exercise, what information they will need initially, and which members, officers and external witnesses they wish to see.

Managing Time

The Panel will aim to conclude the business of each meeting in reasonable time. The order of business will be arranged as far as possible to minimise the demands on the time of witnesses. Where possible, members should give advance notice of specific questions being provided at the time of the meeting to save items being deferred.

BRECKLAND COUNCIL

At a Meeting of the

POLICY DEVELOPMENT AND REVIEW PANEL 1

**Held on Tuesday, 22 May 2007 at 10.00 am in
Swaffham Town Council, The Assembly Rooms, Swaffham**

PRESENT

Mr J.D. Rogers (Chairman)	Mrs P.A. Spencer
Mr K. Martin	Mrs L.S. Turner
Mr I.A.C. Monson	

Also Present

Mr C. Morris	'One' Railways
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In Attendance

Mark Broughton	Scrutiny Officer
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Action By

32/07 INTRODUCTION

As new Chairman of the committee Mr J Rogers, welcomed all Members to the meeting in addition, as a point of Protocol Mr Rogers asked that Members noted that when wishing to speak during meetings they address him John, Chairman or Councillor and **not** Chair.

33/07 MINUTES (AGENDA ITEM 1)

The Minutes of the meeting held on 13 March 2007 were confirmed as the correct record and signed by the Chairman.

34/07 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr P Duigan, Mr R Childerhouse and from the vacant Labour or Independent Member still to be nominated.

35/07 NON-MEMBERS WISHING TO ADDRESS THE MEETING (AGENDA ITEM 5)

Mrs D Irving, was in attendance for information only and did not wish to speak at the meeting.

36/07 LOCAL TRANSPORT REVIEW (AGENDA ITEM 6)

The Chairman introduced Mr Clive Morris a representative from 'One' Railway who had been invited to attend the meeting.

Mr Morris, the Director of Rural Transport for the railways of the east of England, updated Members on the 'One' Railways service provision across the district and beyond. Mr Morris advised Members that 'One' Railways was part of a 10 year National Express franchise that had been running for three years. Members were advised that the railway franchise was operating at a cost of £450 million a year with a premium of £500 million being

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paid to the Government and that 'One' was running at a 2% profit margin which aimed to reach their target profit margin of 5%. A Member asked whether the Government were investing back into the rail network for the region the £500 million premium being paid by 'One' Railway. Mr Morris confirmed that although he was unsure of the percentage of money that was being paid back to the region the Government were investing all the money back into Network Rail.

Mr Morris advised Members that three years ago there were only six trains a day to Brandon and now they were thirty three trains a day which 'One' hoped would help to lift the environment of the train station. Members were informed that children in the local schools in Brandon were getting involved in smartening up the station.

Members expressed their delight that there was an hourly service to Brandon and felt that this would benefit the local people hugely with the regular service helping tourism in the area in addition; the improvement in service would encourage local people and tourists to visit the Brecks area. A member asked how the new service to Brandon was being promoted; it was confirmed that a double sided flyer with all the new service information was available highlighting the increased parking availability and the installation of CCTV and the 'Brandon Life' publication was running promotions to travel from Brandon and receive two tickets for the price of one on the 'One Day Ranger' ticket. In addition, 'One' had the Press taking photos at Brandon train station waving off the first additional train in the new service which Mr Morris hoped would help raise great awareness to local residents in turn spreading to potential tourists to the area. A Member asked whether there was any plan to expand the car park in response, Mr Morris advised Members that once it was in 'One' Railway's remit they will be increasing the parking by an additional 25 – 30 spaces.

In addition to the increased service from Brandon there were more Sunday services to Lakenheath where three trains were stopping each way on a Sunday. A Member asked whether this service on a Sunday would be stopping any more. In response, it was stated that if this service was to be increased the running and operating costs would increase for example, the timetable would have to be changed and therefore, with the increased cost it was unlikely this service would be stopping any more than it was currently.

Mr Morris confirmed that the biggest challenge for 'One' Railways was coping with growth confirming that the Norwich to Cambridge route had grown in use by 14 -15%. He confirmed that they only operated two car unit trains for this route which were running well off peak however, in peak times they were very busy and that this increase in use, meant that the car parks were extremely busy too. Mr Morris confirmed that the need to increase the amount of parking spaces at Attleborough and Thetford train stations was very important. Members were advised that 'One' were working in partnerships with Norfolk County Council and South Norfolk Council and that 'One' had very good relationships with Norfolk County Council Transport and Planning Department.

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It was expressed that increasing the parking at Thetford train station was imperative, and a Member asked that if plans were developed to increase the parking in the future that Mr Morris attend a Thetford town council meeting to update councillors and residents. Mr Morris confirmed that although this was within Network Rail's remit it was not specifically within his however, Members were informed that at the latter part of the year there were plans to have completed a new footbridge and separate entrance to the Norwich bound platform, adjacent to the allotments, giving access to wheelchairs, pushchairs and cycles.

The scope to increase the car parking at Attleborough station was discussed, with the knowledge that the land available around the station if developed would increase the parking spaces by 100%. It was confirmed that the land across the road from the station which could be developed was owned by the County Council. Mr Morris confirmed that it would be the combined responsibility of the train operator and local authority to take the responsibility to increase the car parking. Members were advised that at Wymondham station 100 car park spaces had been developed on the north side of the car park and to assist with the costs of this development they would be introducing a modest charge to their travellers. Mr Morris advised Members that they could perhaps encourage Norfolk County Council to increase the car parking at Attleborough if they used Wymondham as an example and suggested a modest charge to help with costs.

A Member asked whether 'One' Railway would have any influence on encouraging Network Rail to make unmanned stations manned and introducing barrier crossings at all stations especially in light of accidents that still occurred at station crossings. Mr Morris explained that 'One' did have influence with Network Rail however, confirmed that all of the accidents that have happened had been due to people's misuse of the crossing not an issue with the operation of the crossing. It was confirmed that on stations where there was no barrier trains have to reduce their speed down to 10-15 miles an hour.

Mr Morris confirmed that they had recently been working on a 'Route Utilisation Strategy' which had been conducted to investigate where growth was needed with the railways. Members were advised that the Government and the rail industry had highlighted the importance of ensuring the infrastructure could cope with the demand of the railways growth and that this would involve the electrification of all the lines. A Member wondered whether there would be any scope to have a train line from Norwich to King's Lynn. In response, Mr Morris confirmed that although they would be keen to get an integrated service and run a direct service it would not be sustainable and the train operator would not be able to influence an addition to a train route of this nature as it was a franchise mapping issue. Mr Morris suggested that if Members were seriously interested in adding this train route that lobbying would have more of an influence than 'One' Railway.

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The Scrutiny Officer asked whether there were any plans to integrate other modes of transport e.g. taxi/buses with the train service. In response, Mr Morris confirmed that a 'Plus Bus' service was available to travellers providing the purchase of a bus ticket in addition to a train ticket which was a 'bolt on' option available for most tickets.

Mr Morris confirmed that a partnership with a taxi service and the rail network had never been done before however, he would take the idea away from the meeting with him and look into it.

37/07 WORK PROGRAMME AND MEETING SCHEDULE (AGENDA ITEM 7)

The Scrutiny Officer asked Members for suggestions regarding future items they would like to review as a Panel. Members raised the following areas for review:

- Royal Mail – Mr J Rogers explained that there were 16 roads within his ward where the postal addresses were Watton however, Royal Mail had insisted were Carbrooke. The definition of the addresses being Norfolk - Watton or Carbrooke – Watton was required. Members were advised that the query of address had caused problems for pupils in Watton not being able to attend their local school and instead having to go to Carbrooke. Mr Rogers advised Members that he had taken this issue up with Trading Standards. The Scrutiny Officer advised Members that he would contact Royal Mail in the interim.
- New Planning Regulations - when developed.
- Regional Framework and how it would interrelate to the Local Development Framework to ensure that the policies run smoothly together.

Members stressed that it was imperative that Breckland had the infrastructure in place to cope with the Local Development Framework.

38/07 DATE OF NEXT MEETING (AGENDA ITEM 8)

The arrangements for the next meeting on Tuesday, 19 June 2007 at 10.00 am, Breckland House, Thetford were noted.

The meeting closed at 11.00 am

CHAIRMAN

BRECKLAND COUNCIL
OVERVIEW AND SCRUTINY PANEL 1 – 24th JULY 2007

REPORT OF THE OPERATIONS MANAGER - ENVIRONMENT
(Author: David Spencer, Principal Planning Policy Officer)

BRECKLAND LOCAL DEVELOPMENT FRAMEWORK
PROGRESS REPORT AND UPDATE ON RECENT BEST PRACTICE AND
ADVICE

Summary: This report informs Members of progress on the Breckland Local Development Framework (LDF) and the latest best practice and advice on how to prepare Local Development Frameworks and the new spatial planning agenda. Additionally this report assesses Breckland's progress on its LDF relative to surrounding authorities. The Report also re-affirms the key tests which all LDFs, including Breckland's, will be subjected to through the independent Examination process and draws out examples from those authorities who have so far failed to deliver a sound LDF.

1. INTRODUCTION

- 1.1 The current Development Plan for Breckland consists of Regional Planning Guidance 6 (which covers Norfolk, Suffolk and Cambridgeshire to 2016), the adopted Norfolk Structure Plan (2001) and the adopted Breckland Local Plan (1999). The introduction of the Planning & Compulsory Purchase Act at the end of September 2004 changed the development plan system. Regional Planning Guidance and County Structure Plans will be replaced by Regional Spatial Strategies (RSS). At the local level, Local Plans will be replaced by Local Development Frameworks.
- 1.2 There will be a new RSS for the East of England (covering Norfolk, Suffolk, Cambridgeshire, Essex, Bedfordshire and Hertfordshire to 2021). The draft was prepared by the East of England Regional Assembly (EERA) and is now being finalised by the Secretary of State. LDFs are the statutory responsibility of Local Planning Authorities. County Council's retain a role as monitoring authority and for preparing County wide Minerals and Waste Development Frameworks. Breckland has embraced the new LDF system and has for some time been leading the way locally in delivering the new system. A number of factors have impeded the initial progress and these are addressed in detail in the Report.
- 1.3 One factor that has impinged on LDF progress has been the fact that guidance accompanying the new Planning Act has been continually evolving over the last 3 years. A key element of the new Act is the requirement that LDFs need to be rooted in spatial planning. This is a new concept and a move away from the solely land-use planning approach which underpinned the Local Plan system. A number of authorities have prepared new LDFs in a similar style to Local Plans and this approach has been rejected. The theory around spatial planning has baffled many practitioners and is only now becoming better understood and interpreted. In essence, spatial planning is about:
- Integrating policies for the development and use of land with other policies and programmes;
 - Having a vision based on sound evidence, local distinctiveness and community objectives;
 - Recognising the LDF is not exclusively a technical planning document but the Local Authority's central delivery document, alongside the Sustainable Community Strategy;

- Having aspirations for communities but having a realistic and clear delivery framework.
- 1.4 For Members new to the Authority and this Overview and Scrutiny Panel a diagram of the Local Development Framework folder of documents is provided at Appendix A for reference.

2. KEY DECISION

- 2.1 This is not a key decision.

3. EQUALITIES, HUMAN RIGHTS AND CRIME & DISORDER

- 3.1 This report raises no issues relating to Equalities, Human Rights and Crime and Disorder.

4. COUNCIL PRIORITIES

- 4.1 The matters raised in this report fall within the following Council priority:
- A well planned place to live which encourages vibrant communities

5. PROGRESS ON BRECKLAND'S LOCAL DEVELOPMENT FRAMEWORK

Work to Date

- 5.1 Breckland's Local Development Framework will be a suite of documents. The initial suite will contain documents for a Core Strategy, Development Control Policies, Site Specific Proposals and an Area Action Plan for Thetford. The Authority has already adopted a Statement of Community Involvement and has produced required Annual Monitoring Reports. The focus of LDF work has been on a joint Core Strategy and Development Control Policies document. This will set out the spatial vision and objectives for the District and the strategy needed for delivery. The Development Control policies will further guide and control the delivery of new development and its contribution towards supporting sustainable communities. Whereas the Local Plan contained a detailed compendium of over 120 development control policies, the new LDF will contain a refined collection of more meaningful policies, perhaps as few as 30 policies.
- 5.2 Breckland's approach of preparing a Core Strategy and Development Control policy document jointly is endorsed by the Government Office and will be supported, in principle, by the Planning Inspectorate. A number of concerns have been raised that a replacement policy framework is required in the interim before the Local Development Framework is adopted. Recent advice from the Government Office affirms that the Core Strategy should be the first LDF document produced by Local Planning Authorities. Interim policies produced on an adhoc basis will be given no weight in the planning process.
- 5.3 Breckland has already produced a number of drafts of its Core Strategy and Development Control Policies document. A series of roadshows were held in the summer of 2005, followed by the publication of a draft document in October 2005. Your Officers have also held various meetings across the District with Town and Parish Councils and other organisations, including all Town Councils and prospective Local Service Centre villages. Following changes in Government Guidance a further round of consultation was undertaken in March of this year which revisited the development strategy and a number of policy areas. An outline of the results of the consultation is provided in Section 8 of this Report.

Factors Affecting Progress

- 5.4 Your Officers are aware that there is a developing anxiety that the Breckland Local Development Framework is taking some time to produce now that we are 3 years into the new system. There are a number of factors which have influenced this situation and need to be taken into account. Nevertheless Breckland is making reasonable progress in the local context and this is explored in Section 6 of this Report. The factors affecting Breckland are not unique to the District but given the scale of growth the District needs to accommodate and the demands of the spatial planning agenda it is important that these factors are satisfactorily resolved to protect Breckland from having an unsound LDF and/or facing judicial review at a later stage.

(1) Delays to the Regional Spatial Strategy (RSS)

- 5.5 The RSS for the East of England provides the housing and employment requirements for Breckland over the period 2001-2021. During this time the District needs to accommodate 15,200 new homes and 6,000 new jobs. The RSS also identifies Thetford as a Regional Key Centre for Development and Change, linking in with Thetford's successful designation as a National Growth Point. The RSS specifies that Thetford will deliver at least 6,000 homes. The strategic direction of the RSS needs to be reflected in the Breckland LDF and will provide higher level certainty for the local development strategy. The RSS was due to be adopted in summer 2007. However, the Secretary of State has now advised that further time is needed to assess the impacts of the RSS on European Habitats in the Region (a process known as Appropriate Assessment). This will delay adoption of the RSS until Autumn 2007 at the earliest. The Regional Appropriate Assessment work is critical in the Breckland context given the proximity of European Habitats to Thetford. It is your Officers' assessment that Breckland will need the clarity of the Regional Appropriate Assessment to advance its own LDF.

(2) Evolving Guidance on LDFs

- 5.6 The introduction of the new Planning Act in Autumn 2004 was accompanied by Regulations. These Regulations are open to interpretation and in the void of detailed guidance on implementing LDFs the approach of a number of authorities has been flawed. Advice at the time was for LDF Core Strategies to be strategic and visionary and for much of the detail to be delegated to Site Specific documents, Area Action Plans and Supplementary documents. As the new system is being implemented a number of studies by Government bodies are now advising that there is a shift in emphasis on Core Strategies being more detailed and specific about where development will occur. The latest guidance is outlined in Section 6 below.

(3) Developing and Maintaining an up-to-date Evidence Base

- 5.7 Government Guidance on detailed topics such as Housing, Flood Risk and European Habitats has been fully revised in the last 3 years. New requirements emerging from the guidance include: producing Strategic Housing Land Availability Assessments; updating Strategic Flood Risk Assessments and carrying out an Appropriate Assessment on European Habitats. Advice from the Planning Inspectorate requires that Local Authorities have a sound evidence base when submitting their LDF documents for examination. Breckland has made considerable progress in producing the required evidence base, however, parts of this evidence base now need updating to meet latest Government guidance and the absence of evidence required by legislation (i.e. Appropriate Assessment) will result in an unsound LDF.

- 5.8 The requirement to prepare an Appropriate Assessment is particularly demanding and has already impacted on the preparation on the Regional Plan. The presence of significant areas of European Habitat in the south and west of the District, together with the River Wensum and Scarning Fen in the north, mean that this is a key piece of work. A methodology has been agreed with Natural England although further work is needed in the Brecks to assess impacts on Stone Curlews, Woodlarks and Nightjars. The volume of work required to satisfy the Appropriate Assessment is considerable and various research projects involving the RSPB and Forestry Commission are underway.

(4) Staff Turnover

- 5.9 Breckland is not immune from the current national shortages of professional planners. The situation is relatively critical for Breckland. The core team delivering the LDF consists of 2 full-time planning officers, supported by the Environmental Planning Manager. Two Planning Policy Officers have left the team in the last 5 months due to promotion, reflecting the current competitive market for Planners. Recruitment and retention of Planners is a risk to delivering the LDF. Most authorities in Norfolk have larger, and more established, teams preparing their LDFs. Conversely some neighbouring authorities (Forest Heath and King's Lynn & West Norfolk) are experiencing particularly challenging recruitment issues to fill LDF posts.

(5) Sustainable Community Strategy

- 5.10 The LDF needs to be seen as a key delivery mechanism for the Sustainable Community Strategy. The Breckland Local Strategic Partnership (LSP) has committed to refresh the existing Community Strategy into a Sustainable Community Strategy by early 2008. The preparation of both the LDF and the Sustainable Community Strategy need to be closely aligned. Both documents need to share a joint evidence base on the Characteristics of the area. In order to achieve this a temporary Research Officer will be appointed for a 3 month contract over the summer to refine and update existing evidence that has been collated.
- 5.11 These five key factors need to be considered and are reflected in the timetable for the preparation of the LDF outlined in Section 10 of this report.

6. ADJOINING AUTHORITIES' LOCAL DEVELOPMENT FRAMEWORKS

- 6.1 The situation affecting Breckland's LDF needs to be considered in the context of how adjoining authorities are progressing their LDFs. All authorities in Norfolk and adjoining authorities in Suffolk are focussing on their Core Strategy as their first LDF document. A number of authorities are also incorporating their Development Control policies with the Core Strategy.
- 6.2 North Norfolk is the first authority to be submitting its Core Strategy and Development Control Policies Document. It is your Officers understanding that this submission is not without its risks, with parts of the evidence base (ie Strategic Flood Risk Assessment) yet to be finalised and issues around the Development Strategy yet to be resolved. North Norfolk's experience will be reported to this Panel and a number of Norfolk authorities are awaiting to see if their approach will be found sound.
- 6.3 Great Yarmouth and Breckland are the next two authorities timetabled to submit their Core Strategies in 2008, although Great Yarmouth are preparing their Development Control policies separately in a later document. Breckland has taken steps to revisit the LDF evidence base and re-consult the public and key stakeholders on a number of strategic areas early in 2007. This work puts Breckland on a surer footing to submit a sound LDF document. King's Lynn and Forest Heath Councils have now

recognised the need to revisit their LDF work and this will put their submission documents behind Breckland. Also behind Breckland are the Greater Norwich authorities (Broadland, Norwich City and South Norfolk) who have been directed to produce a joint Core Strategy. They are currently consulting on Issues and Options and are unlikely to submit their Strategy until 2009 at the earliest. St Edmundsbury in Suffolk also adjoins Breckland, they are currently preparing their Issues and Options and are unlikely to submit their Core Strategy until 2009.

- 6.4 As this section of the report demonstrates, Breckland is in the leading pack of Norfolk authorities working towards having a sound LDF Core Strategy and Development Control policies. Members may also note that other authorities are recognising the need to do additional work and Breckland is in an advantageous position having taken an early decision to review key parts of the background work.

7. SUMMARY OF RECENT BEST PRACTICE AND ADVICE

- 7.1 As outlined in paragraph 5.6 above, a considerable amount of updated and revised guidance is emerging on how to implement the LDF system. This section of the Report details some of the latest guidance which needs to be taken into account when finalising the Breckland LDF.

Advice from the Planning Inspectorate: June 2007

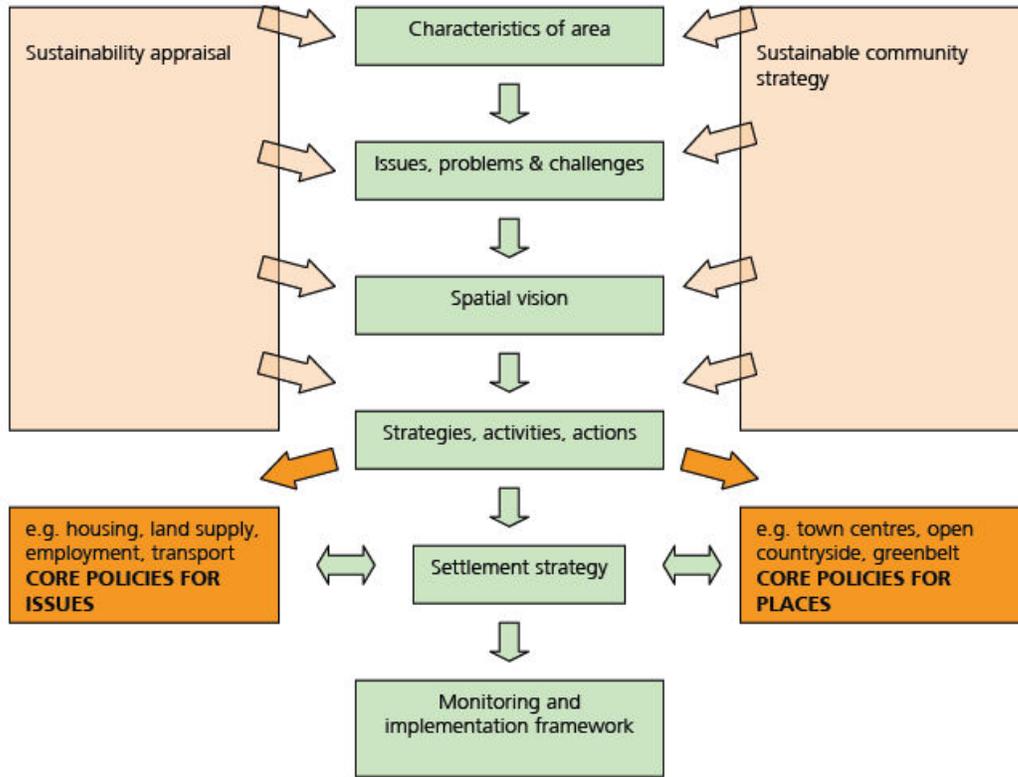
- 7.2 At the end of June 2007, the Planning Inspectorate, the Government Body who will examine the Breckland LDF, published a report entitled 'Local Development Frameworks: Lessons Learnt'. This report assesses the early wave of LDFs that have been submitted to the Inspectorate, a number of which have been found to be unsound. The Inspectorate's criticisms of early LDFs can be summarised as follows:
- Evidence needs to be submitted with the Document, not hastily prepared as an afterthought once the document has been written.
 - Core strategies are failing to add a local dimension to regional or national guidance and policy
 - LDFs are insufficiently spatial: delivery is as critical as the use of land
 - Core Strategies should pinpoint specific sites rather than suggesting general aspirations.
 - Self-assessment should be a continual part of the process, not an add-on at the end.

Planning Advisory Service:

- 7.3 The Planning Advisory Service (PAS) is hosted by the Improvement and Development Agency (IDeA). The IDeA works for local government improvement so councils can serve people and places better. PAS has published various guidance on how to implement the new LDF system in the last 6 months including:
- Effective Practice In Spatial Planning (May 2007)
 - Planning together: local strategic partnerships and spatial planning (March 2007)
 - LDF Soundness: Self Assessment Toolkit (updated)
 - Core Strategy Guidance (December 2006)

- 7.4 PAS has recognised that local planning authorities are anxious to receive additional guidance on what a Core Strategy should contain. The Core Strategy Guidance produced at the end of 2006 provides a good idea of what a Core Strategy should look and feel like. Figure 1 below is taken from the guidance (the full version can be viewed at www.pas.gov.uk) and illustrates the steps required to produce a sound Core Strategy. A key element is integration with the Sustainable Community Strategy.

figure 1: core strategy key elements



Government Advice

- 7.5 There has been no substantive updates to existing Government Advice on LDFs contained in Planning Policy Statement (PPS) 12 and its companion document 'Creating Local Development Frameworks'. At a more local level the Government Office in the East of England is advocating a very similar line to that contained in the Advice note from the Planning Inspectorate. The key messages are around the adequacy of spatial visions, objectives and strategies; their local distinctiveness and the technical process that Local Planning Authorities are going through to develop and test options for policies. Additionally, the local Government Office is promoting that LDF Core Strategies are more specific about levels of development and the spatial distribution, including the identification of key sites and their delivery. At the time of writing this report the only authority in the East of England that has an adopted Core Strategy is South Cambridgeshire and that was only passed sound with caution.
- 7.5 In September 2006 this Panel considered the outcomes of the first LDF Core Strategy Inspector Reports that were published in August 2006. The Reports found that both Stafford and Lichfield were unsound and both authorities were directed to re-prepare their LDF documents at their own expense. Since then a number of other authorities have been found to be unsound in their LDF Core Strategies including Ryedale (North Yorkshire), Chichester and Waverley. The lessons from these authorities are similar to those for Stafford and Lichfield. Appendix B of this report outlines the lessons from Stafford and Lichfield and the steps taken to address those issues. Conversely a handful of LDF Core Strategies have been found to be sound,

including South Cambridgeshire, Plymouth, Hambleton (North Yorkshire) and South Hams (Devon). Interestingly, it has recently been quantified by Hambleton that it has cost the authority £1.7million to prepare its Core Strategy.

8. SUMMARY LDF DEVELOPMENT CHOICES CONSULTATION RESPONSE

- 8.1 In March additional consultation was undertaken on the Core Strategy and Development Control Policies in an Issues and Options document known as “Development Choices”. The purpose of the consultation was to revisit some of the options around the development strategy and selected policies where government guidance has recently changed (i.e. climate change, housing and car parking). The consultation started on 19th March and ended on 4th May. For the first time the consultation included an interactive on-line consultation and some 600 comments were made through the website. A total of 1400 comments were made on “Development Choices” and they can be viewed by everyone on-line at the Breckland website. The comments have been summarised and have generated a 400 page report. These comments will need to be reported to this Panel when considering the preferred spatial strategy and policy options for Breckland.
- 8.2 In summary the consultation was successful in providing additional detail on choices around the development strategy. This enabled a good response from a number of key stakeholders including Environment Agency, Anglian Water, Norfolk County Council, the Government Office and numerous Town and Parish Councils. Their response will enable the production of a more responsive and deliverable LDF.
- 8.3 The consultation reveals that the options for the strategies and levels of developments earmarked for the towns is on the right lines and deliverable. We will need to look more closely at Attleborough and its transport issues and the presence of European habitats close to Thetford. There was widespread agreement that the LDF needs to look beyond 2021 to 2026 to ensure housing is delivered and there is long-term certainty about where development will occur. Options around reducing the density of developments in the villages to as low as 22 homes per hectare (9 per acre) and increasing parking in residential areas to reflect local circumstances also received significant endorsement.
- 8.4 Further work and more evidence is clearly needed around which villages are to be identified as ‘Local Service Centres’ and how the LDF is going to address concerns about how rural housing needs. A number of alternative Local Service Centre villages have been suggested (i.e. Bawdeswell, Shropham, Litcham) and this is balanced by comments in support of protecting the rural areas and limiting new development. In conclusion the consultation has not revealed any major showstoppers at this stage which would prevent the delivery of a development strategy in broad alignment with that which was consulted on.

9. TESTS OF SOUNDNESS

- 9.1 Members are reminded that when the Core Strategy & Development Control Policies document is submitted to the Secretary of State, it will be examined by the Planning Inspectorate who will test its ‘soundness’ against the following tests:-
- 1 how the proposed change relates to the core strategy (unless it is the core strategy development plan document);
 - 2 how it relates to the community strategy;

- 3 whether it would be in general conformity with the regional spatial strategy and be consistent with national planning policy;
- 4 whether it is consistent with any other development plan document;
- 5 whether it is consistent with other relevant plans and strategies which will affect the delivery of the policies in the plan, e.g. local transport plans;
- 6 whether it has any environmental, economic or social implications that have not already been covered in the sustainability appraisal;
- 7 whether the proposed change requires the preparation of a revised sustainability appraisal; if so whether this has been done or, if not, how it is to be done; and
- 8 what further consultation has been undertaken by the local planning authority in accordance with the statement of community involvement.

9.2 Failure to submit a 'sound' document could result in either a binding Inspectors Report with fundamental changes or a Direction that the authority prepares, at its own expense, another document for submission.

10. **FUTURE WORK PROGRAMME FOR BRECKLAND LDF**

10.1 Your Officers consider that there are 3 key workstreams for the LDF in the next 12 months. The Table below sets out the key milestones and how they need to be managed.

Document	Milestone	Committee	Public Consultation
Core Strategy & Development Control Policies	Consultation of Preferred Options	Panel 1, Overview & Scrutiny Commission and Cabinet	Late November 2007
	Submission to Secretary of State	Panel 1, Overview & Scrutiny Commission, Cabinet, Full Council –	June 2008
	Examination in Public – late 2008		
Site Specifics	Collate Evidence Base	Start formal dialogue with Town and Parish Councils when Preferred Strategy agreed in early October 2007	n/a
	Consult on Issues and Options	Panel 1 – April/May 2008 Cabinet – May/June 2008	Summer 2008
Thetford Area Action	Collate Evidence Base	Work ongoing	
	Consult on Issues and Options	Moving Thetford Forward Steering Group, Overview & Scrutiny and Cabinet	To be determined in 2008

10.2 In pursuing this timetable Breckland should have an adopted Core Strategy and Development Control document by early 2009, an adopted Site Specifics document by end of 2010 and an adopted Thetford Area Action Plan by end of 2010. A full colour chart detailing the LDF timetable can be viewed on-line at www.breckland.gov.uk, paper colour copies will be distributed at the Panel meeting.

11. OPTIONS AVAILABLE

11.1 There are no options available.

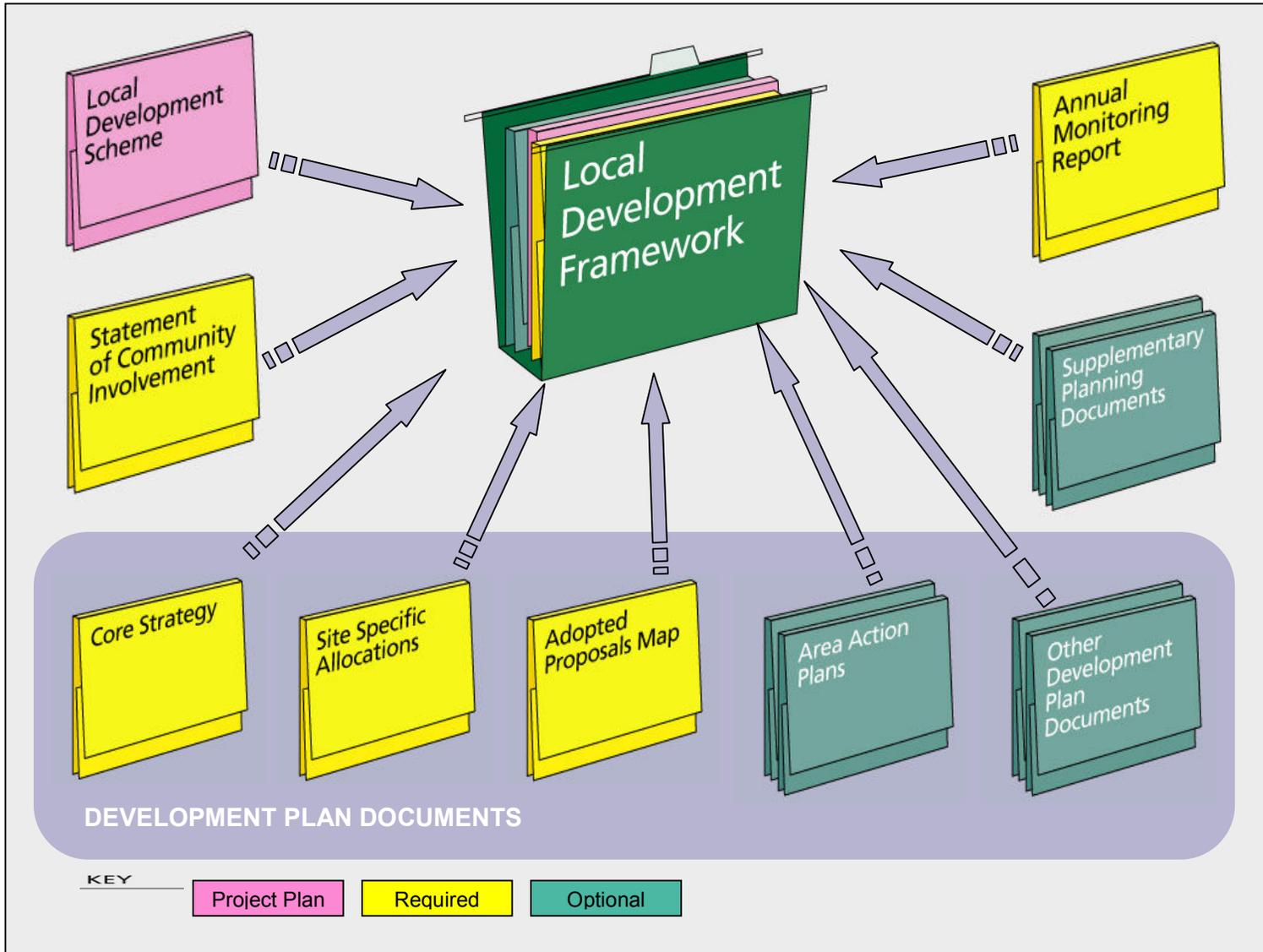
12. REASONS FOR RECOMMENDATION

12.1 The Report is for information and future use in the scrutiny of the LDF.

RECOMMENDATION TO OVERVIEW AND SCRUTINY PANEL 1

12.2 Members are requested to note the contents of the Report.

This report has taken account of the need for compliance with the Council's Equal Opportunities Policy and the requirements of Section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998. This report raises no matters to which attention specifically needs to be drawn under the legislation.



Appendix B

Inspectors' Criticisms of Stafford and Lichfield LDFs	Application to Draft Breckland LDF 2006	Action Taken
<p>Detail on issues such as housing numbers and jobs distribution should not be resolved at the Site Specifics stage. Therefore, more meaningful options should have been presented at an earlier stage for the public to comment on.</p>	<p>At present the Core Strategy only gives a broad outline of the scale of growth in the Development Strategy policy (i.e. Strategic Growth in Thetford). In the absence of detailed government guidance this was considered an acceptable level of detail with specific numbers to be hammered out through the site specific process. To avoid similar criticisms, Breckland's Development Strategy needs to be more specific, setting out housing numbers and jobs numbers for each settlement named in the Strategy. This work can largely be done from existing monitoring, but supplementary evidence is needed from an updated Urban Capacity Study (Strategic Housing Land Availability Assessment) and a Jobs Distribution forecast for accuracy. Importantly, extra consultation will be needed on the options behind the precise numbers so that agencies, service providers, developers and the public can comment on the exact scale of growth.</p>	<p>The Development Choices Consultation (March – May 2007) set out options for a more specific strategy. It included possible housing numbers, jobs and retail floorspace figures. This evidence has enabled many stakeholders to comment on the numbers and advise Breckland Council on issues around delivery, environmental constraints and infrastructure requirements.</p>
<p>Lack of local distinctiveness leading to “bland” policies that could be applied anywhere</p>	<p>The criticism applies to the Breckland LDF and was an issue identified by the joint Panel and Development Control Committee sessions. Whilst the LDF as drafted is technically robust, it does need more of a local ‘flavour’ added to it where appropriate to make the plan more Breckland specific. Some policies such as the Local Biodiversity Conservation are already very Breckland specific, however, further work needs to be done to add a more local flavour to the Strategy and policy framework.</p>	<p>This is a key area which still needs addressing. The development of a joint ‘Characteristics of Breckland’ Report which will be used for both the LDF and the Sustainable Community Strategy will tackle this area and provide an up-to-date baseline position from which to refine the Spatial Vision, Strategy and Policies for Breckland.</p>

<p>Absence of information / evidence base to support the policies, especially delivery of housing numbers.</p>	<p>It is the advice of your officers that the Breckland evidence base is more robust than that submitted by Lichfield and Stafford. However, there are areas where we need more evidence to underpin the strategy and policies, particularly where we need to make our approach more locally orientated. In particular, additional work is needed to ensure that the evidence base extends to 2021.</p>	<p>In the past 9 months the following evidence has been assembled:</p> <ul style="list-style-type: none"> (1) Strategic Housing Market Assessment (2007) (2) Breckland Housing Needs Study (2007) (3) Breckland Affordable Housing Viability Study (2007) (4) Breckland Landscape Character Assessment (2007) (5) Breckland Town Centre and Retail Study Update (2007) <p>The following work has been commissioned and is due to be completed in the next 3 months:</p> <ul style="list-style-type: none"> (6) Breckland Landscape Character Assessment – Fringe Study (7) Strategic Flood Risk Assessment Update (8) Strategic Housing land Availability Assessment (9) Open Space Assessment & Play Strategy (10) Appropriate Assessment of European Habitats
<p>Lack of spatial policies and evidence that other Authorities will deliver on the LDF Strategy. In particular lack of spatial expression of the Community Strategy.</p>	<p>Again, this is a criticism that applies to the Breckland LDF. The issue for the LDF is compounded by the nature of the Community Strategy which itself a document with little local distinctiveness and detailed policies, targets and indicators which the LDF should be working to deliver. However, this should not detract from the need to spell out more clearly how the LDF will meet local community needs and how policies will be implemented. In this regard more specific references to the plans, programmes and strategies of other agencies will be required and where applicable evidence of Breckland Council's commitment to deliver the policy framework.</p>	<p>The Community Strategy is being revised into the Sustainable Community Strategy (SCS). LDF Officers are integral to this process and will be involved in the preparation of the SCS. Reciprocally, the Corporate Policy Team and key LSP stakeholders have been, and will be involved in the LDF. The LSP was presented with a Paper in April 2007 outlining the need for the two documents to be connected and the opportunities/methods for achieving this.</p>
<p>Inclusion of policies contrary to government guidance</p>	<p>As currently drafted the Breckland Core Strategy and Development Control Policies are not contrary to national or regional guidance. It is important that Breckland does not fail this test of soundness. However, in achieving this status, the policy framework as drafted is not as locally distinctive as it could be (as identified above).</p>	<p>Revisions to the LDF will ensure that there is no repetition or contradiction of regional or national planning guidance.</p>

BRECKLAND COUNCIL
OVERVIEW AND SCRUTINY PANEL 1 – 24th JULY 2007

REPORT OF THE OPERATIONS MANAGER - ENVIRONMENT
(Author: David Spencer, Principal Planning Policy Officer)

NORFOLK MINERALS AND WASTE DEVELOPMENT FRAMEWORK
DRAFT CORE STRATEGY AND POLICIES – ISSUES AND OPTIONS MAY 2007

Summary: This report informs Members of the content of the recent draft Norfolk Minerals and Waste Development Framework prepared by the County Council and the subject of consultation. As the Local Planning Authority it is important that Breckland Council is aware of the County plans for Minerals and Waste and how this affects the Strategy, policies and sites in the Breckland Local Development Framework. The document runs to 106 pages and is accompanied by two supporting volumes. These are not reproduced with this report but can be viewed on-line at www.norfolk.gov.uk.

1. INTRODUCTION

- 1.1 Under the Planning and Compulsory Purchase Act 2004 County Councils retain the role of Minerals and Waste Planning Authority. Part of this responsibility is to prepare a Minerals and Waste Local Development Framework (MWLDF) which has two functions: (1) to plan for how much waste is produced in the County and how it is dealt with; and (2) how much mineral extraction is needed. Both these issues are critical in the context of the growth in Norfolk up to 2021 as provided for in the Regional Plan. The scale of growth is 78,700 new homes (including 15,200 in Breckland) and this will result in a County population growth from 824,200 in 2005 to 871,300 in 2021. At one end aggregates will be needed as raw materials to deliver the new homes and infrastructure and at the other end waste production needs to be carefully managed and dealt with.
- 1.2 The County Council started work on its MWLDF in 2005 including an earlier Issues and Options consultation in December 2005. Like a number of planning authorities, the County Council has taken stock of recent national events in the preparation of LDFs and has decided to re-start its work and re-consult on a revised Issues and Options Paper for the Core Strategy and Development Control Policies. The document is due to be adopted by April 2009. Like the Breckland LDF, the County MWLDF will include a separate Site Specifics document outlining the proposed sites for mineral extraction and waste processing and a draft of this document is due in Spring 2008.

2. KEY DECISION

- 2.1 This is not a key decision.

3. EQUALITIES, HUMAN RIGHTS AND CRIME & DISORDER

- 3.1 This report raises no issues relating to Equalities, Human Rights and Crime and Disorder.

4. COUNCIL PRIORITIES

- 4.1 The matters raised in this report fall within the following Council priority:
- A well planned place to live which encourages vibrant communities

5. SUMMARY OF DOCUMENT

General

- 5.1 The over-arching strategy/vision is to make Norfolk a leader in recycling and reducing waste. Minerals will increasingly be sourced from recycled aggregates and where primary extraction will only be permitted where it leads to biodiversity and landscape enhancements. Critically, minerals and waste provision will be needed to help deliver sustainable growth in Norfolk. The key issues are:
- Ensuring sufficient and adequate provision of minerals and waste
 - Reduce the transport impact of minerals and waste
 - Protect the environment
 - Reduce climate gases arising from minerals and waste developments
 - Promote employment in minerals and waste
 - Reduce health impacts from minerals and waste

Options for the Strategy

- 5.2 With minerals it is very difficult to control where they are extracted as deposits will need to be mined where they occur. There is however an element of control on where aggregates are stored and where they are distributed. With waste there is greater control over planning how much waste is produced and how and where it is processed/managed. The draft MWLDF presents three strategic options for minerals and waste development:
- Focus minerals and waste development to regional centres (Norwich, Kings Lynn, Great Yarmouth and Thetford)
 - A more decentralised option where other towns in Norfolk would accommodate waste facilities and mineral supply depots
 - A localised option, where villages would also form part of the hierarchy and could accommodate localised facilities for waste and minerals.

Minerals Landbank

- 5.3 The supply of minerals in Norfolk is varied. Landbanks of sand and gravel are low (approximately 5½ years worth) and do not meet the national requirement for at least 7 years supply. There is therefore a need to release more land for sand/gravel extraction. Crushed rock is more abundant in Norfolk with a 16 year landbank, compared to national requirements for a 10 year landbank. There are also modest supplies of chalk, silica sand and other minerals in Norfolk and it may be appropriate to develop a landbank for these. Increasingly there will be a need to encourage greater use of recycled aggregates. National and regional policy expects local authorities to maximise the use of recycled aggregates in building products. The County Council's preferred way forward for minerals includes:
- Always ensure the County landbank for minerals is above the national requirement
 - Require greater use of recycled aggregates in developments; and
 - To ensure minerals are extracted place no restriction on the size of mineral development approval

Waste hierarchy

5.4 The generation of waste per capita is relatively low in Norfolk. However, the County faces significant growth and that traditional methods of dealing with waste (ie landfill) are becoming increasingly costly and constrained. Recycling rates in Norfolk are good but there remains greater potential to (a) reduce the amount of waste being generated in the first place (ie. Packaging, construction techniques) and (b) increase the proportions of waste being composted and recycled. To address these issues the County Council is proposing to:

- Require developer contributions from waste proposals towards local waste minimisation schemes
- Encourage waste recovery methods dependent on their carbon footprint
- Encourage energy from waste (anaerobic digestion; landfill gas; thermal treatment)
- Only allow for new landfill where capacity falls below a certain threshold

Transport

5.5 Minerals and waste generate significant levels of transport – distributing minerals, dealing with waste and visiting household recycling centres. The draft MWLDF is predicated on the basis of travel reduction and the proximity principle in both the minerals and waste sectors, in order to avoid unnecessary demand for travel. In order to reduce demand for travel the MWLDF proposes to:

- Allocate minerals and waste sites close to the markets they will primarily serve
- Give priority to sites that have the most potential to enable the use of rail and water-borne freight.
- Avoid minerals and waste developments where road safety and road width (less than 6.1m) are known issues and to give priority to sites that access directly onto the designated HGV route hierarchy.

Environment

5.6 Minerals and waste developments can have a significant impact on the environment, including habitat loss, archaeological damage, loss of agricultural land, landscape alteration, water and soil contamination and noise and air pollution. However, minerals are needed in the national interest and can provide opportunities for biodiversity through restoration and afteruse. The County Council is proposing that the balance between environmental protection and the need for mineral and waste development can be achieved in Norfolk as follows:

- Avoid SSSIs unless there is overriding public interest
- Avoid regional and local sites of nature conservation/geological value unless the benefits of development clearly outweigh the impact.
- Do not permit development that would lead to loss of Biodiversity Action Plan habitat or species
- Development will not be permitted in core river valleys (not defined)
- Development will not be permitted on Grade 1, 2 and 3a agricultural land
- Restoration of sites will give priority to biodiversity and landscape enhancement and the creation of ecological networks.

6. ANALYSIS

Minerals

- 6.1 The scale of growth in Breckland and the proposed distribution of development needs to be reflected in the MWLDF. The Thetford Growth Point represents both an opportunity and a challenge in respect of both minerals and waste. The scale of growth in the town will require significant aggregates and generate additional household and commercial waste. It is therefore appropriate that the MWLDF makes provision for aggregate sites in Thetford. Solutions could include the use of a railhead either in the town or nearby to deliver aggregates or a facility that can be accessed from the A11. Additionally, the sustainable growth agenda presents the opportunity to encourage the use of recycled aggregates in the town. Dereham and Attleborough are also earmarked for significant growth to 2021 which will require aggregates. Both towns are served by rail and adjoin the strategic road network and it would be appropriate to encourage mineral handling facilities close to these centres. On this basis Breckland Council should support the County Council's option of a more decentralised approach to mineral development.
- 6.2 In respect of Thetford the options for growth within environmental limits are already defined. The town is encircled by nature conservation sites of European importance leaving the options for urban extensions to the north and east. The capacity of these extensions is currently being determined by Masterplan work and infrastructure studies. Given the finite amount of developable land available, primary mineral extraction close to Thetford would potentially limit the expansion of the town and undermine the Growth Point status and objective to accelerate housing growth at a sustainable location. This issue needs to be recognised in the development in the MWLDF.
- 6.3 The vernacular in Breckland is sustained by many local minerals including flint, chalk and carrstone, some of which are still extracted in Breckland (eg Newton quarry near Castle Acre). It is important that future supplies of these materials are recognised and protected in the Norfolk MWLDF.

Waste

- 6.4 Thetford will also need strategic waste infrastructure to deal with waste within the town. There is already a household recycling centre and weighbridge on Burrell Way Industrial Estate but further capacity and solutions should be investigated. Additionally there is a strong need to provide a household waste facility in the Dereham area for the existing community in and around the town and the future population growth. Again on this basis Breckland Council should support the County Council's option of a more decentralised approach to waste developments.
- 6.5 The options for the proposed waste hierarchy should be supported, although more consideration needs to be given to the environmental impact around the thermal treatment of waste. Proposals to reduce landfill and the transportation of waste out of the County should be supported provided there is no net increase in the carbon footprint.
- 6.6 The MWLDF needs to reflect the role of rural areas as part of the strategy for minerals and waste. In Breckland parts of isolated former airfields have accommodated minerals developments (aggregate recycling) and waste transfer and sorting operations. The relative remoteness of these sites avoids direct conflict with local communities although the access to these sites requires careful consideration.

Additionally, the MWLDF should give greater support to the potential of suitably located agricultural buildings for waste and minerals purposes.

Environment

- 6.7 The strong emphasis on environmental protection is supported given the significant number of SSSIs and local wildlife sites in Breckland. The presence of a large number of International nature conservation sites in Breckland needs to be noted in the MWLDF and addressed through Appropriate Assessment. Norfolk County Council wishes to seek the protection of core river valleys (although these are not defined). A number of river valleys in Breckland have already been exploited for minerals development including the Wensum, Thet Wissey and Yare valleys. Breckland Council should strongly support that all river valleys in Breckland are identified as core river valleys and given appropriate protection. This would include the Wensum, Wissey, Nar, Yare, Thet and Little Ouse valleys.
- 6.8 It is noted that the document does not address Nuclear waste. This is partly a national issue but nonetheless there have been previous policies in the Norfolk Waste Local Plan opposing the storage, treatment and disposal of nuclear waste in the County. The issue is of particular relevance given past statements in the mid-1990s from the then NIREX (now the Nuclear Decommissioning Authority (NDA)) that parts of Breckland merit investigation for nuclear waste storage. Breckland Council should require the drafting of the MWLDF to set out the County's position on the storage, treatment and disposal of nuclear waste and what appropriate measures should be adopted in the event that a national programme imposes a nuclear facility onto the County.

7. OPTIONS AVAILABLE

- 7.1 Respond to Norfolk County Council's consultation on the draft Minerals and Waste LDF Issues and Options consultation using the Officer comments in Section 6 of the Report subject to any additional comments from the Panel.
- 7.2 Do not respond to Norfolk County Council's consultation.

8. REASONS FOR RECOMMENDATION

- 8.1 To enable Breckland Council's views as the Local Planning Authority to inform the preparation of further drafts of the Minerals and Waste Strategy for Norfolk.

RECOMMENDATION TO OVERVIEW AND SCRUTINY PANEL 1

- 8.2 Members views are requested and that subject to any amendments that the analysis at Section 6 of this Report form Breckland Council's response to the draft Norfolk Minerals and Waste Local Development Framework Issues and Options document.

This report has taken account of the need for compliance with the Council's Equal Opportunities Policy and the requirements of Section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998. This report raises no matters to which attention specifically needs to be drawn under the legislation.