

BRECKLAND DISTRICT COUNCIL

Report by Paul Claussen, Executive Member for Planning and Environmental Services

**CABINET - 26TH JULY 2011
COUNCIL – 4TH AUGUST 2011**

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**Subject: THETFORD AREA ACTION PLAN (TAAP) DEVELOPMENT PLAN DOCUMENT:
PROPOSED SUBMISSION DOCUMENT**

Purpose:

This report seeks Member approval to publish and then submit the TAAP Document including Cabinet recommendations and those changes required to satisfy the Habitats Regulations Assessment. Publication and submission represents the last stage of document production and effectively represents the final opportunity for Breckland Council to shape the document before it is considered at an Examination in Public by a Government Inspector. Following consultation in February/March 2011 on a Draft Final TAAP document, the proposed submission version of the document has been further updated for consideration by Cabinet to reflect those changes which are necessary as a result of responses received. During the preparation of the document there have been three dedicated meetings of the Moving Thetford Forward Board, one meeting of the Overview and Scrutiny Commission and three Cabinet meetings. This level of scrutiny, together with the considerable public consultation and evidence base which underpins the document, means that the Council can publish and submit a sound document which will guide the growth and regeneration of Thetford over the next 15 years.

Recommendation(s):

It is recommended that Cabinet: Consider the TAAP and provide their views to Council on the content of the Proposed Submission TAAP Document.

It is recommended that Full Council: Agree to publish the TAAP document, including any Cabinet recommendations (to be reported verbally) and amendments necessary for Habitat Regulations Assessment, for a period of at least 6 weeks.

1. INTRODUCTION

1.1 Information

To date the focus of Local Development Framework (LDF) activity has been on the Core Strategy and Development Control Policies DPD and Sites Specifics and Proposals DPD. This accords with national policy that requires Local Planning Authorities to prepare a Core Strategy first which other Development Plan Documents will then deliver. As a consequence, the subsequent documents in the LDF must be in broad conformity with the Core Strategy as required by Regulation 13(6) of the Local Development Document Regulations 2004.

Breckland Council has the benefit of an adopted Core Strategy that provides the framework for finalising the TAAP document. As set out in the Council's adopted Local Development Scheme, the TAAP will look in detail at the land allocations and policies that will guide the growth and regeneration of Thetford.

As Members will recall this authority has already undertaken 3 rounds of public consultation. The first was the Issues and Options which was completed in the summer 2008. The second was the Preferred Options which was completed early 2009. The third was the Draft

Final TAAP during February 2011. As well as these public consultations, local stakeholders helped shape the TAAP during its production through the Moving Thetford Forward (MTF) Board and its Thematic Groups.

In December 2010, Cabinet approved a consultation document setting out the Draft Final TAAP document. The 5 week consultation started on 31 January 2011 and finished on 4 March 2011. The consultation process included:

- an open morning in the town centre;
- four drop-in sessions over 2 days at different locations on the “One Stop Bus”;
- an interactive on-line document;
- a summary leaflet in the February edition of the ‘About Thetford’ magazine which went to 10,500 houses in the Thetford area. In addition summary leaflets were sent to Croxton and Kilverstone and Brettenham Parish Councils for distribution;
- press notices placed in the EDP;
- informative posters with legends translated into other languages; and,
- letters and emails sent to all statutory consultees.

A total of 862 comments were duly made with a further 143 comments received on issues other than the TAAP or on the approach to consultation or anonymous. In total approximately 150 different people and organisations submitted comments during the consultation. The accompanying report summarises the comments received, the proposed response by way of amendments presented in the Proposed Submission document. Following an assessment of comments it is advised that the Council is now able to submit a final version of the TAAP for independent Examination now that a number of changes have been made to the Draft Final TAAP document to produce the Final (submission) TAAP.

1.2 **Background**

The requirements of the TAAP document are set out in Breckland Council’s adopted Core Strategy which provides the local planning framework for the District to 2026. The Core Strategy identified Thetford for a significant level of new growth extending to the allocation of 6,500 new homes and the delivery of around 5,000 new jobs over the period to 2026. This is a significant level of growth which will result in major change in the area, circumstances recognised in the Government’s decision to designate Thetford a national Growth Point. The Submission TAAP now seeks to allocate land for 5,000 dwellings to 2026 – the detail underpinning the proposed housing numbers is set out in the Housing Topic Paper at Appendix C accompanying this report.

During the Examination in Public into the Council’s Core Strategy held during summer 2009, considerable attention was devoted to the discussion on the major growth proposed for Thetford. The Council had already developed a significant evidence base to support the growth in Thetford. However, Government guidance expects that Core Strategies are not normally the document within which high levels of detail are contained and many participants were anticipating.

In the case of Thetford, the Council has specified that the detail of where growth will happen will be addressed through the preparation of an Area Action Plan. Therefore, to respond to the scale of growth and to carefully plan and manage this change, Breckland Council has committed to preparing an Area Action Plan which will, once adopted, form part of the Development Plan for Breckland. The Area Action Plan will also incorporate parts of adjoining rural parishes, including those parts of the adjoining Parishes of Brettenham, Kilverstone and Croxton close to Thetford. The settlement boundary for Thetford will be addressed in this document. The changes proposed for the Croxton settlement boundary have been addressed through the Site Specifics DPD. Brettenham and Kilverstone do not have rural settlement boundaries.

The Area Action Plan has been developed within the context of an extensive established evidence base and an adopted Core Strategy which sets the strategic framework in terms of the amounts of development and the principle of an urban extension to the north of the town

within the A11. An Area Action Plan which is not in broad conformity with the Core Strategy will be found unsound.

The TAAP document will need to allocate the following levels of development and include policies to address the following issues to enable the Core Strategy requirements to be met:

Provide an urban extension of 5,000 dwellings on greenfield land to the north of the town;

- Allocate 22Ha of new employment land (in addition to the 18Ha at the Thetford Enterprise Park which already has planning permission);
- Provide for 5,000 net new jobs;
- Seek to regenerate the town centre and Existing Employment and Residential Estates;
- Seek to improve education and health;
- Encourage modal shift to more sustainable modes of transport; and,
- Ultimately, improve the town's reputation.

1.3 **Committee Process – Summer 2011**

The proposed submission document was considered by the Moving Thetford Forward Board at its meeting on 14 July 2011. The main issues raised at this meeting will be reported orally.

1.4 **Assessment of Comments Received on the Draft Final TAAP**

The following sections set out the proposed more significant changes from the Draft Final TAAP document to the proposed document for submission for Examination. A report summarising comments made on the Draft Final TAAP during the consultation earlier in 2011, as well as the responses and way forward is included in Appendix A. The main comments and main changes made are summarised here. Note that TH numbers refer to the policies in the Draft Final TAAP, not the Submission TAAP which is included in Appendix B.

1.5 **Main changes made in response to comments Received**

1.5.1 **Clarity regarding application of policies for the Urban Extension versus the rest of the town.**

Comments were made regarding the layout of the document and consequently there could be confusion about which policy applies to which area. *It is acknowledged that the format of the document needed to be changed so that town wide policies are first, followed by policies specific to the Urban Extension and then policies specific to area interventions. Introductory text explaining that town wide policies also apply to the Urban Extension and Area Interventions has now also been included.*

1.5.2 **Delivery of policy**

There is broad support for what the TAAP aims to do, but some queries have been raised on how it is going to be implemented. *For example the Thetford Loops policy has been improved to reflect that within the existing town, the walking and cycling network should be delivered and routes that are also Thetford Loops would be signed accordingly. With regards to Indoor Sport, there were queries regarding the causal factor for the improvements needed (clarified to emphasise the need for more is a result of the growth) and its lack of detail is not helpful. Discussions have been held with Parkwood Leisure and the document amended to identify the scope for potential improvements to indoor sports provision in Thetford. Finally, the delivery section and implementation section have been improved to explain delivery options and set out clearer milestones for when policies will be implemented.* The test for the Thetford Area Action Plan is whether there is a reasonable prospect that the plan can be delivered. It does not have to provide exhaustive detail on precise delivery and viability.

1.5.3 A11 Brandon Road Junction

Concerns have been raised about the direct impact of the proposed changes at this junction on the adjacent SPA and SAC – i.e. it would result in a reduction in size of these protected areas. *The enlargement of the Brandon Road junction has been the subject of detailed consideration through the Habitats Regulation Assessment provided at Appendix H of this report. It needs to be borne in mind that the enlargement of the A11 junctions is a consequence of both background growth in the volume of traffic on the A11 and to a lesser extent the planned growth at Thetford. The Council's Habitat Regulation Assessment concludes that the junction improvements will not have an adverse affect on the SPA designation. In respect of the SAC designation mitigation will be required and a precautionary approach is taken in the proposed junction policy.*

1.5.4 Town Centre Regeneration and Bus Interchange

The town centre and bus interchange policies attracted the most comments.

With regards to the Town Centre, disappointment was expressed at the state of the town centre and the current retail offer. There was a general feeling that the town has been left to diminish in quality. This led to great support for the town centre masterplan although it was obvious that residents wanted this completed as soon as possible and the changes implemented.

Whilst there was some support for the bus interchange relocating to Minstergate, most people who commented on this were against the move (see summary table below). There was also a feeling that people are not being listened to. The issues raised were discussed with Norfolk County Council in some detail in relation to both the TAAP and the planning application for the Minstergate site.

	Total	Percentage
Those who indicated they agreed with the policy.	5	8%
Those who indicated they did not agree with the policy.	37	62%
Other comments on policy.	18	30%
	60	100%

The current bus interchange is of poor quality and does not reflect well on the town or public transport use. A new modern interchange with sufficient capacity to cater for the planned growth of the town is required to (a) enhance the town centre; and (b) encourage more people to use public transport. The existing site is constrained, by adjacent buildings (one of which is listed), flood zones (along the river frontage) and by the existence of a Scheduled Ancient Monument. Without significant demolition of buildings the existing facilities can not be improved to provide a high quality interchange of sufficient capacity to cater for the planned growth and regeneration of the town. If building demolitions occurred to achieve a suitable site assembly for a new bus interchange the regeneration potential of this important town centre site and the opportunity it provides to significantly enhance the river frontage and wider revival of the town centre would be compromised.

The TAAP has changed as a result of the consultation but not in respect of the Bus Interchange proposals for Minstergate which remains an allocation in the document. The Town Centre policy has been amended to allow for a greater level of non-food retail in the town centre and the scale of retail activity at the Local Centres in the urban extension have been scaled back accordingly. The Council continues to be recommended that the regeneration benefits of relocating the bus interchange and consequently enabling two key town centre sites to be redeveloped outweighs the case for retaining the bus station in its current site. Members should be aware however of the feeling in the town regarding these issues.

1.5.5 Impact of Development on Breckland SPA

Comments were received on the 1500m Stone Curlew Buffer and its implications for the TAAP.

The representations received made reference to the Core Strategy Inspectors Report which acknowledged that the 1,500m buffer zone was a blunt instrument but that it served the purpose of applying the Habitats Regulations' precautionary principle until more detailed evidence could be brought forward demonstrating either a lack of disturbance caused by development, or a better understanding of disturbance to enable mitigation.

The representation received highlight that the Council has been unwilling to commission the urgent evidence suggested by the Inspectors, which, it is suggested, could have supported and underpinned the Council's original preferred strategy for Thetford (i.e. to distribute the growth more evenly to also include the south/south east of the town). The TAAP perpetuates the Core Strategy's imposition of a growth strategy for the town that, whilst perhaps being considered deliverable, is not in the best interest of the town's regeneration or the local population particularly those in the most need of help and support.

Representations assert that recent evidence commissioned by the Shadwell Estate can demonstrate the 1500m buffer is no longer necessary (Investigations of Nesting Site Selection and Distribution of the Population of Stone Curlew Around Thetford, Landscape Science Consultancy Ltd. 2011). The Shadwell Estate have new evidence that enables the Council to look again at the appropriateness of the 1500 m buffer zone and therefore to reconsider the Thetford growth strategy. Representations from the Estate urge the Council to take up this opportunity provided by new evidence and review the TAAP immediately.

The argument presented is that the Council's approach of continuing to progress the TAAP, without the urgent work requested by the Inspectors, is unsound by not being based on robust and credible evidence. It is also suggested that if the TAAP is allowed to progress in its current form, it will result in Thetford having to grow in a way that does not provide the best solution for dealing with the town's regeneration nor meet the needs of its most vulnerable people.

In response to these comments the Council is advised that: whilst it is recognised that existing evidence base does not provide a comprehensive explanation of the causal relationship between lower nesting densities for stone curlew proximate to built development it is nonetheless a statistically robust analysis which justifies a precautionary approach. The soundness of the precautionary approach, the robustness of the existing scientific evidence and likelihood of additional research being satisfactorily completed in a timeframe available to inform the TAAP was thoroughly examined as part of the Core Strategy examination. The statutory environmental bodies accept that the work to date by the Council is the best available scientific evidence.

To include an option for the south and east of Thetford would be contrary to the provisions of PPS12 as there is no certainty, in the absence of agreed and robust environmental evidence, that the area can come forward to meet the growth and regeneration requirements to 2026. Whilst Core Strategy Inspectors raised reservations regarding a single direction of growth in 2009 in terms of regeneration and self-containment, it is demonstrated through the accompanying evidence base that significant additional work has been undertaken to address these issues and demonstrate delivery of a sustainable urban extension. The uncertainty of delivery on a growth option to the south and east of Thetford is compounded by the absence of technical evidence on infrastructure capacity and delivery and it is not considered that significant further delay to the Area Action Plan against the uncertain environmental evidence is in the best interest of the regeneration of the town and providing certainty for residents and investors on how the town will grow and develop in the next 15 years. In the absence of any evidence, Breckland Council is unable to re-consider alternative options for the growth of Thetford including land to the south and east of the town which lies within 1500m of protected habitat suitable for Stone Curlews.

1.5.6 Impact on A11

The Highways Agency suggested some text changes to make policies relating to the A11 more flexible in terms of timing and standards of any junction improvements. The document has been amended *accordingly to reflect the Highway Agency comments. A meeting was held with landowners, Norfolk County Council and the Highways Agency where all transport related comments made on the Draft Final TAAP were discussed and it was confirmed that:*

- *The planning application should be read in full to see if the Highways Agency's queries answered with the possibility of running SATURN model again if required to test some different modal splits. It was concluded that for the TAAP to continue, there is no need to do additional sensitivity testing.*
- *It was confirmed that the dualling of the A11 is likely to have minimal impact on the A11/London Road junction. The main changes to that junction would arise from changes resulting from the Urban Extension.*

1.5.7 The following Stakeholders made the following comments

i RSPB

- Main comments were on the Habitats Regulation Assessment with general support for the recommendations. *See section 3.6 of this report on Habitat Regulations Assessment.*
- RSPB suggest an approach similar to Greater Norwich Development Partnership on water. *The Stage 2 Water Cycle Study indicates there is sufficient resource to 2021. Water demand beyond 2021 has the potential to impact on water dependent habitats. The Water Cycle Study refers to (i) reducing demand and (ii) transferring water resources from adjoining groundwater licences where there is surplus capacity.*
- With regards to the decentralised energy supply policy, RSPB stated the need to ensure that any renewable energy infrastructure is sensitively sited and uses environmentally responsible fuel sources. *The policy was more about the connection to such power stations rather than power stations themselves which are subject to Core Strategy policies CP12 and DC14*
- RSPB stated that the Core Strategy HRA recommends that Breckland Council should seek developer contributions to manage and produce an urban heaths management plan for the urban heaths in and near to Thetford (e.g. Thetford Heath, Thetford Golf Club and Marsh, and East Wretham and Brettenham) as well as a specific management plan for Barnham Cross Common. *See table above.*

ii Environment Agency

No comments were received from the Environment Agency within the consultation period. The Agency has been approached and no additional substantive points have been raised.

iii Norfolk County Council

- Minerals: NCC has highlighted the potential for some minerals to be present in the Urban Extension area. *However the majority of these minerals are to the north of the A11 and under a Scheduled Monument leaving a small area for further investigation.*
- Waste: *a paragraph has been added to the TAAP that states that NCC is committed to providing an improved Household Waste and Recycling Centre in Thetford.*
- Surface Water Management: Some slight text changes were suggested to reflect this issue. *Discussions are ongoing between the Council and NCC regarding the production of a Breckland Surface Water Management Plan. The wording in the TAAP is adequate to cover off this issue.*
- Transport: some slight text changes suggested. *Dialogue has been held with the County Council on integrating the Transport Study findings into the final version of the TAAP. A number of minor changes have been made, allowing for greater flexibility on the implementation of local transport improvements.*

- o Education: some changes to text suggested including a firmer figure of 6Ha (14.8 acres) for land to be set aside adjacent to the North Campus site for expansion of the Academy offer. *Changes made and reference to central Forum for education removed. Planning Obligations added to the education policy but subsequent acknowledgement from NCC that this issue is also covered off in the Core Strategy.*
- o Archaeology: general support.

iv Natural England (NE)

With regards to the TAAP, NE felt the influence of the Core Strategy HRA on the TAAP is too negative. *This text has subsequently been improved to remove such negativity.*

With regards to the HRA, they queried the effect on the Wash *and this has been addressed in the HRA accompanying this document.* They supported the other recommendations in the HRA.

1.6 **Monitoring and Implementation Framework (MIF)**

Monitoring and review are key elements of the new planning system. The TAAP will need to include a Monitoring and Implementation Framework (MIF) to assess the performance of policies as well as setting a framework for delivery. The MIF will also identify key infrastructure dependencies that impact upon site delivery, risks and contingencies, further detail in relation to phasing and timescales, as well as identifying the bodies responsible for delivery. The MIF will also set out the key indicators and targets against which each of the policies will be monitored against.

The MIF will provide the authority with the ability, through its local Annual Monitoring Report (AMR), to identify that the policies of the plan are 'on-track' and those areas where early review may be necessary. This is an important part of the planning systems' requirements that proposals are deliverable and flexible. The MIF is included as part of the proposed submission document at Appendix B. Members should note that the Monitoring and Implementation Framework may need to be amended prior to the consultation to reflect any changes that are to be taken forward subject to the decision of the Council.

1.7 **Habitats Regulation Assessment (HRA) (Also known as Appropriate Assessment)**

The Assessment is required to meet the obligations of Articles 6(3) and 6(4) of the European Habitats Directive in order to ascertain whether the strategy will have a significant effect on designated European sites. The Habitats Regulation Assessment is effectively the final check on the document and will be conducted on the final draft of the proposed submission document following consideration by the Cabinet meeting. The HRA is attached at Appendix H.

As Members will be aware there are significant areas of Breckland which are protected European Habitats. The principle areas are the Special Protection Areas (SPAs) for birds where sizeable tracts of Breckland farmland and forest have been protected for Stone Curlews, Nightjars and Woodlarks. Away from the Brecks, there are a number of Special Conservation Areas (SACs) which have been designated to protect particular habitats and their associated flora and fauna. In respect of Thetford the local SAC designations are the Breckland SAC which includes the heaths and fluctuating meres and the Waveney/Little Ouse Valley Fens SAC. The scope of Appropriate Assessment also requires the authority to consider the impact of the strategy on European Habitats up to 20km beyond the District boundary. This includes parts of the Broads, the North Norfolk Coast and the Ouse Washes near Downham Market.

An initial Appropriate Assessment undertaken at the Draft Final stage highlighted some issues. It was not received in time to make changes to the TAAP to reflect the latest HRA, but was put out for consultation alongside the document. This drew some comments and general support for the suggested changes. *In light of the findings of the Appropriate Assessment, mitigation measures must be put in place to remove any significant effects or*

likely significant effects that the plan may have on European sites. Mitigation measures include amendments made to policies to remove elements that could have an effect, or to require other actions that can eliminate any effects. The policies in this document that have an effect on European sites have been amended to ensure that the qualifying features are not harmed, as well as considering other measures that will be necessary. These mitigation measures are incorporated throughout the document where necessary and summarised in the table below.

Type of Effect	Detail	How addressed
Urban Effects	Refers to a range of impacts such as eutrophication (e.g. from dog fouling), trampling, increased fire risk, habitat damage from recreational impacts such as biking, off-road vehicles etc, introduction of alien plants, litter, fly-tipping, predation from cats etc. Proximity to urban centres and high population pressure means these impacts are all exacerbated and as a result particular management measures are often required.	<i>A new policy has been produced on Biodiversity Management Plans. This was subject to a 3 week technical consultation during May and June. The document has also included an Access and Monitoring Framework to coordinate developer contributions to monitor and potentially mitigate increased recreational pressure in those parts of the SPA suitable for Nightjar and Woodlark.</i>
Direct Impacts	Direct loss of protected habitat would result from enlarging proposals for the A11/Brandon Road junction.	<i>See 3.4.1 iii above. Policy has been amended to include reference to need for mitigation</i>
Thetford Loops	Walkers and cyclists could be attracted to sensitive areas around Thetford.	<i>Thetford Loops policy has been improved to reflect the potential effects of improving access to sensitive parts of the forest and the effect of this on birds. Provision has been made for the changing of routes to reflect forestry activities – different protected birds next in different areas of the Forest depending on how large the trees are. Changes have been made to the Croxton Loop to remove access to sensitive part of the forest.</i>
Water Abstraction	There are clear concerns that there is insufficient water supply for the level of development proposed and a new groundwater source could result in adverse effects on the integrity of nearby European Sites	<i>Improvements made to wording of relevant sections of the TAAP.</i>
Air Pollution	Potential adverse effects from roads to the Breckland SAC as a result of air pollution and other impacts	Detailed discussions regarding Brandon Road and Mundford Road are ongoing.

However, the HRA of the Proposed Submission TAAP finds that the potential effects can be mitigated and allow for the document to be submitted without resulting in an adverse affect on European Habitats and Species.

1.8 **Sustainability Appraisal**

Alongside the TAAP document, the authority has to prepare a Sustainability Appraisal Report (SA). The SA considers the social, economic and environmental impacts of the

TAAP proposals and provides an essential tool in ensuring the policies and allocations represent the most sustainable option. It sets out a thorough baseline of Thetford and Breckland data and evidence which demonstrates what is important and/or unique in Breckland in terms of the economy, society and the environment. The Report also considers the implications of other plans, policies and programmes and where there are land use dimensions which the LDF can help deliver. This baseline has informed 17 sustainability objectives against which all reasonable options have been assessed and from which preferred options have been identified. The Sustainability Appraisal Report will be a key consideration when the document is examined and provides scope to a Government Inspector to look at the potential outcomes of alternative policy options where there are representations that the Council should have taken forward another option. Importantly, the Report also takes into account the legal requirement for a Strategic Environmental Assessment (SEA), which is an obligatory appraisal of the environmental effects of the plan and the need to justify those policy options that have a negative effect on the environment.

The SA for the Submission TAAP considers that the approach taken is the most sustainable.

The SA will be presented as part of the proposed Submission publication; however Members are advised that due to the size of the document (>170 pages) it will only be made available electronically with a master hard copy available at the Council Offices. This approach legally meets the requirements on LDF document preparation.

1.9 **Tests of Soundness**

The publication of Planning Policy Statement 12 'Local Spatial Planning' (2008) introduced two new simplified tests of soundness. The TAAP document must be justifiable and effective. Justification of the TAAP document must be demonstrated by the Council in terms of providing a robust and credible evidence base, including the levels of public participation together with research / fact finding evidence supporting the choices made in the plan. Additionally justification must provide in the Sustainability Appraisal Report that the most appropriate sites and policy options have been put forward to deliver the Council's Core Strategy when considered against the reasonable options. The extent of public consultation is detailed in paragraphs 3.1.3 and 3.1.4 above. The significant evidence base underpinning the TAAP document is outlined in the TAAP document in Appendix B of this report.

The second test of soundness is effectiveness which means that the TAAP must be deliverable, flexible and able to be monitored. The deliverability of the TAAP document will focus on the delivery of homes, jobs, open spaces and retail floorspace on the sites identified.

Capita Symonds has undertaken a soundness self-assessment in accordance with guidance from the government's Planning Advisory Service (PAS) and advice from the Planning Inspectorate (PINS). The outcome from this self-assessment is that the correct process for preparing and submitting the TAAP document has been followed. There are no significant risks to delivery on sites identified in the TAAP as set out in this report. The TAAP is based on a single option of an Urban Extension to the north of the town and as such, based on current environmental evidence, there are no reasonable alternatives to deliver the scale of growth available to a Government Inspector. In the event that an Inspector finds the document unsound on the principle of delivery to the north of Thetford, then the Council would have no option but to consider a review of the Core Strategy to either determine whether there are other spatial strategies to deliver the growth or whether, more fundamentally, an alternative growth level needs to be explored.

It should be noted at this stage that the Council may have to provide additional resources to demonstrate a commitment to the successful delivery of these sites proceeding and during the Examination process, particularly in light of any responses received during the forthcoming 6 week publication period. Further information can be found in the accompanying 'Commitments Paper'.

Members should also note that the TAAP allocated 5,000 homes to the Urban Extension to the north of Thetford. This is lower than the 6,500 homes assigned to Thetford through the Core Strategy. Initial discussions with the Planning Inspectorate have identified this reduction in allocation is still likely to be in broad conformity given the constraining environmental information. The Draft Final consultation did not result in any significant objection to the reduction of housing numbers. However, the authority does need to give consideration to the issue of how it addresses the reduction of housing numbers in Thetford and the potential of a Core Strategy review to deal with the unallocated balance and the available strategic options. A separate report on the options for a review of the Core Strategy will be prepared for consideration by the Council in Autumn 2011. This report will also enable the Council to consider the implications of the emerging National Planning Policy Framework and the forthcoming Localism Act.

1.10 **Publishing and Submitting the Document**

In April 2008, the Government produced amended Regulations governing the preparation of Local Development Documents, especially in the latter stages of document production. A diagram outlining the publication and submission process is provided at Appendix F. Under the new Regulations, local planning authorities are now required to publish the document for a period of at least 6 weeks both in paper and on-line and invite representations from key stakeholders (Regulations 27 & 28). The material to be published will include:

- the Development Plan Document (as proposed to be submitted)
- the changes to the Proposals Map (if the adoption of the development plan document would result in changes to the map)
- the Sustainability Appraisal report
- a statement setting out:
 - who was invited to be involved in the plan preparation
 - how they were invited to be involved in the plan preparation
 - a summary of the main issues raised and how they have been addressed
- any other supporting documents relevant to the preparation of the Development Plan Document:
 - Habitats Regulation Assessment;
 - Sustainability Appraisal;
 - Housing Topic Paper;
 - Employment Topic Paper;
 - Commitments Paper; and,
 - Draft Final TAAP Comments Received and Way Forward Summary Document.

It is important to distinguish that this is not a widespread public consultation but should be seen as a “final check” with those bodies which have a role in delivering and monitoring the LDF, including Town and Parish Councils. The objective is to seek representations relating to issues of soundness to be made. However, everyone who has made comments at the previous consultations will be notified and there will be a formal public notice in the Eastern Daily Press.

Following the 6 week publication period, the authority is required to produce a summary of the main issues raised by the representations. Any very significant issues raised by representations that go to the heart of the soundness of the plan should come to light during this summation process (Regulation 30).

The nature of representations received will determine the course of action that the Council takes and this is reflected in the recommendation of this report. If there are no representations which cause the authority to question whether the plan is sound then the document can be submitted to Secretary of State and subjected to examination. However, should the authority receive representations that may warrant a modification to the document then there are two courses of action:

- i Under the new Regulations, the authority can make small focussed changes which would need to be re-appraised and consulted on before being submitted.
- ii Should the publication period draw fundamental comments which the Council considers are valid and that they go to the heart of the soundness then extensive changes may be required which would mean withdrawing the document and going back to undertake further evidence gathering and consultation.

Capita Symonds advise that the lengthy progression of the LDF and considerable consultation undertaken both through the Core Strategy and TAAP documents has significantly reduced the risk of the plan being found fundamentally unsound at this stage.

1.11 **Conclusion**

The TAAP document as presented is a sound document that is both justified and effective. It is aligned with the wider corporate objectives of both the Council and is in conformity with the Council's adopted Core Strategy document. Like the Core Strategy, the TAAP is grounded in an extensive evidence base which identifies what makes Thetford the place that it is and the local distinctiveness of the environment, society and economy of the town is embraced in the Strategy. The document also addresses the issues, opportunities and challenges which the town is likely to face during the lifetime of the TAAP to 2026. The TAAP is accompanied by a comprehensive Sustainability Appraisal Report which assesses all the reasonable strategic and local policy options applicable to Thetford. The Strategy is also underpinned by a Habitats Regulation Assessment.

Publication will enable key stakeholders to assess the document and the supporting evidence and make representations on the soundness of Breckland Council's approach. It is not a stage at which to re-open the strategy and introduce new options but to test whether Breckland Council has adhered to the procedural steps and has responded appropriately to the evidence and comments from earlier consultation. As stated above Breckland Council still has the option after publication to either go back and undertake a fundamental re-write of the Plan or undertake a more discrete review of a particular policy prior to submission. Without pre-empting the results of the publication period it is not envisaged that this will be necessary. Capita Symonds advises that the Government Inspector who will examine the document will have considerable scope to explore the evidence and test alternative options which have been presented. Members are reminded that the Inspector's Report will be binding on the authority and that there will be no further consultation after receipt of the Report.

Having a submitted and adopted TAAP document will ensure that this authority is in a position to better management new development over the next 15 years in a way which is responsive to local issues. The timely publication and submission of the TAAP document will enable the authority to facilitate the wider regeneration of the town and to retain tighter control over development proposals and limit the potential piecemeal approach to the release of housing land which PPS3 'Housing' currently allows for.

1.12 **Summary Conclusions**

The proposed Submission document presented at Appendix B represents the professional advice of Capita Symonds' Breckland Planning Policy Team and the recommendations from Moving Thetford Forward Board (14 July 2011). The proposed policies, allocations, settlement boundary amendments and projects are considered to best reflect the evidence from background studies combined with the comments received from a diverse range of consultees at previous consultations and is consistent with the Core Strategy and as such represent the most sustainable option going forward for final publication.

The proposed Submission document presented is intended to be a detailed and comprehensive document that enables communities, landowners and developers to understand what the 'map' for their community will look like for the next 15 years.

1.13 Options

1.13.1 Option A

Members agree that the Council publishes the TAAP document, including Cabinet Recommendations and any amendments necessary for Habitats Regulation Assessment, for a period of at least 6 weeks. Members further agree to submit the TAAP document to the Secretary of State for an Examination in Public by a Government appointed Inspector whose report will be binding on the authority unless comments received during the 6 weeks of pre-Submission publication indicate that the document is unsound and should be withdrawn.

1.13.2 Option B

Members do not agree that the Council publishes the TAAP document, including amendments. Members further do not agree to submit the TAAP Document to the Secretary of State for an Examination in Public by a Government appointed Inspector.

1.14 Reasons for recommendations

Members are asked to approve Option A in order to allow the timely progression of a sound development and regeneration framework for Thetford.

2. IMPLICATIONS

2.1 **Risk:** A Risk Management questionnaire has been completed and confirms that risk has been given careful consideration, and that there are no significant risks identified associated with the information in this report.

2.2 **Financial:** This report has no direct financial implications – i.e. it does not request funding. The LDF production budget for 2011/12 includes an allowance for this consultation. It should be noted that the commitments paper (accompanying this report) sets out how the TAAP can be delivered and does require various organisations and Councils to commit to various tasks to deliver the TAAP

2.3 **Legal:** Statutory Instrument 2008 No. 1371 Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 sets out the procedures to which the LDF process must adhere.

2.4 **Equality and Diversity:** None

3. Alignment to Council Priorities

PPS12 deals with the Local Development Framework, including arrangements for consultation and participation. The statement will need to be taken into account throughout the production of the Local Development Framework and its components and will be relevant to the following Council priorities:

- Building Safer and Stronger Communities
- Environment
- Prosperous Communities

4. Wards/Communities Affected

This report directly affects the Wards of Thetford Guildhall, Thetford Abbey, Thetford Castle and Thetford Saxon, Weeting and Harling and Heathlands

Background papers: - See appendices.

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Key Decision

[This is a key decision as indicated on the Forward Plan.]

Appendices attached to this report:

Appendix A – Key comments from Thetford Town Council and Thetford Society

Appendix B – Report summarising comments received from Draft Final TAAP consultation and the response to those comments and the way forward.

Appendix C – Submission TAAP and maps

Appendix D – Housing Topic Paper

Appendix E – Commitments Paper

Appendix F - A diagram outlining the publication and submission process

Appendix G – Habitats Regulation Assessment (July 2011)

Appendix H – Proposed Submission Sustainability Appraisal Report (electronic version only)