



The Planning
Inspectorate

Report to Breckland District Council

by Ian Broyd MRICS Dip TP

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 30TH May 2012

PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE THETFORD AREA ACTION PLAN
DEVELOPMENT PLAN DOCUMENT**

Document submitted for examination on 18 November 2011

Examination hearings held on 6 and 7 March 2012

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Abbreviations Used in this Report

AA	Appropriate Assessment
BIDD	Breckland Integrated Delivery Document
CAAMP	Conservation Area Appraisal Management Plan
CS	Core Strategy & Development Control Policies DPD
CS.1	Council Statement 1 – Vision, Objectives, Strategic Role..
CS.4	Council Statement 4 – Matter 4.0 Retail
CS.6	Council Statement 6 – Environment, Landscape, Water, Waste..
DPD	Development Plan Document
ED	Examination Document
EH	English Heritage
EIP	Examination in Public
FES	Footprint Ecology Study
ha	Hectare
HA	Highways Agency
HRA	Habitats Regulations Assessment
LCA	Landscape Character Assessment
LDS	Local Development Scheme
LP	Local Plan
LSC	Landscape Science Consultancy
m	metre or million
NE	Natural England
NPPF	National Planning Policy Framework
RPH	Registered Provider of Housing
RS	Regional Strategy
RSPB	Royal Society for the Protection of Birds
S or s	Section
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SPA	Special Protection Area
sqm	Square metres
SUE	Sustainable Urban Extension
TAAP	Thetford Area Action Plan

Non-Technical Summary

This report concludes that the Thetford Area Action Plan Development Plan Document provides an appropriate basis for the planning of the Area over the next 15 years providing a single modification is made to the Plan. The Council has requested that I recommend the modification necessary to enable them to adopt the Plan.

The modification relates to the need to include a new policy within the plan confirming that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Introduction

1. This report contains my assessment of the Thetford Area Action Plan (TAAP) Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the DPD has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It considers whether the DPD is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework¹ (NPPF) states that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft Area Action Plan Autumn 2011 which is the same as the document published for consultation between 30 August 2011 and 11 October 2011.
3. Below I refer to a main modification that is needed to make the Plan sound and legally compliant. In accordance with section 20(7C) of the 2004 Act the Council requested that I should make the modification needed to rectify the matter that makes the Plan unsound and thus incapable of being adopted.
4. **Assessment of Duty to Co-operate**
5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. Following a request from me (ED.8), the Council outlined how it considered the duty to co-operate had been fulfilled (ED.9 & ED.10). As a result of the evidence trail identified in those documents I am satisfied that the duty to co-operate has been fully met.

Assessment of Soundness

Main Issues

7. Notwithstanding that the Council provided an assessment of the TAAP against the Draft National Planning Policy Framework² (NPPF), following publication of the final document on 27 March 2012, a further round of consultations was undertaken to invite representations on any implications the NPPF might have on the TAAP³ and the requirement that all local plans should include a policy stating a presumption in favour of sustainable development⁴. The proposed condition has been advertised as a modification which is required in order to make the plan consistent with national policy and therefore sound. I recommend that a main modification as set out in the Appendix to this report⁵

¹ NPPF-paragraph 182

² THET.28

³ ED.26

⁴ ED.30

⁵ Main Modification 1

be included in the plan. I have considered the response from the Council and respondents to those consultations and conclude that the TAAP meets the requirements of the NPPF, including the new requirement that it has been "positively prepared"⁶. Similarly, I am satisfied that the TAAP effectively addresses the spatial implications of economic, social and environmental change that is contained within it⁷.

8. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings including the further consultation undertaken on the NPPF I have identified 7 main issues upon which the soundness of the Plan depends.

Issue 1 – Vision, Objectives, Strategic Role & Evidence Base

9. The Vision and Objectives of the plan are set out in Sections 4 & 5 of the DPD. They reflect the aims and objectives of the East of England Regional Strategy (RS) (THET.32) and the Core Strategy (THET.1) both of which identify Thetford as a Key Centre for Development and Change. That decision was in no small measure based on the town's proximity and excellent access to the A11 as part of the strategic road network.
10. In 2006, by way of confirming the growth potential of the town, the Government awarded it Growth Point Status. This was taken forward in the CS which allocated a net increase of some 6,500 dwellings⁸ and 5,000 new jobs⁹ to Thetford over the plan period (2001-2026).
11. Concerns were expressed that consultation was not undertaken prior to Growth Point Status being awarded by the Government. However, that award was in fact made in recognition of the scale of development that had already been agreed in both the RS, as early as 2005¹⁰ and the CS, adopted in 2009. In securing that status, it allowed the Council to be eligible for additional funding¹¹.
12. Other representations were made to the effect that the consultation process at the various stages in the preparation of the TAAP was flawed. In particular it is argued that a petition indicating a preference to retain the Thetford bus station on its present site was ignored.
13. When making its decisions, the Council has to take account of arguments for and against individual schemes and then strike a balance. Notwithstanding that the Council decided to go against the wishes of a number of respondents and petitioners, in the case of the bus station, its reasons for doing so are set out in the supporting text of Policy TH5 (Thetford Bus Interchange)¹². There is no evidence to suggest that there has been a failure on the part of the Council to carry out consultations on the plan in accordance with the requirements of

⁶ Paragraph 182 of the NPPF

⁷ NPPF-paragraph 154

⁸ THET 1-Policy CP1-Housing

⁹ THET 1-Policy CP3-Employment

¹⁰ THET.34-Thetford Growth Point Bid, page 4, 2nd bullet point

¹¹ CS.1-paragraph 1.1.2

¹² The bus interchange is discussed further under Issue 3

the relevant Regulations¹³.

14. The Core Strategy (CS) identifies an area to the north of the town and south of the A11 as the preferred location for the bulk of the town's growth in a sustainable urban extension (SUE)¹⁴.

The Core Strategy Housing Target for Thetford

15. Following the adoption of the CS in 2009 and during the process of testing and consulting on the issues and options for delivering the scale of development that it proposed, the Council came to the conclusion that a number of important constraints would prevent the entirety of the CS housing target being achieved. Those constraints include a need to respect important landscape features in and around the town and ensuring that adequate protection is given to a large site of an Ancient Monument and the extensive Breckland Special Protection Area (SPA) that encloses the town on 3 sides. The SPA and a 1,500m buffer dominate the town's hinterland. It has been the main influence in determining the location and extent of potential areas for major development.
16. A further constraint is imposed as a result of the Council deciding that the town's existing medium density and predominantly low rise character should be respected and safeguarded. Accordingly, the Council is of the view that a softer, lower density edge will be required where the proposed urban extension abuts the existing settlement and its rural hinterland. In order to secure this objective, an average density no greater than 37 dwelling/ha will be used in designing the new housing layouts. As a result of these constraints the TAAP proposes some 5,000 new dwelling to the north/north-east of the town. This would represent about 80% of the CS target. Given these constraints and the objective to maintain, as far as possible, the character and appearance of the existing town and its hinterland this approach is justified.
17. The TAAP housing allocation represents a shortfall of some 1,500 dwellings in the CS housing target. It thus raised the question as to whether the DPD could be judged as being consistent with both the CS and the RS, while the latter remains in force. When I raised the issue with the Council (ED.3) it was pointed out (ED.4) that it was evident when the housing target was included in both the RS¹⁵ and the CS¹⁶ it would need to be demonstrated, through Habitat Regulation Assessments, that proposed development to the north/north-east of the town could be carried out without harm to European habitats and species. That work has now been carried out and, as already mentioned, it shows that, on environmental grounds, the CS target was set too high to be acceptable¹⁷.
18. At present the Council are not seeking to reduce the overall housing target but, in an early review of the CS, will seek to meet the target through redistribution. If there has to be a reduction in numbers this will only occur in

¹³ Town & Country Planning (Local Planning) (England) Regulations 2012

¹⁴ THET.1-, Policy CP1, paragraph 3.26

¹⁵ THET.32

¹⁶ THET.1, paragraph 3.8

¹⁷ THET.19, Revised Housing Topic Paper-2011, section 5

the later stages of the 25 years plan period. In the short to medium term the housing numbers provided in the TAAP will meet the identified local housing need. The Council is committed to reviewing its CS as a matter of urgency to deal with the latest environmental evidence that dictates a reduced housing allocation for Thetford. That review will begin this year after the adoption of the TAAP¹⁸. Given these circumstances I do not find the proposed housing target contained in the plan to be inconsistent with the CS housing target for Thetford.

Whether the proposed Sustainable Urban Extension (SUE) would lead to a "two centre town"

19. Concerns were expressed in representations that the prospect of such a large urban extension to the north of the built-up area would result in the creation of a 2 centre town which would undermine and prejudice the regeneration of the existing town centre. The proposed development is, indeed, of a very significant scale. The extension will extend over some 270ha including indicative allocations of about 135ha for residential development, 28ha for employment, shops and community uses and 58ha for schools, open space, playing fields and allotments. Land would also be set aside for a new railway station to serve the SUE, but it is acknowledged that there is considerable uncertainty that the facility would be delivered within the plan period.
20. The proposed SUE would result in an increase of almost 50% in the population of the town. If not carefully managed it is conceivable that development of this scale could create its own centre of gravity and challenge the primacy of the existing town centre. However, I am satisfied that the Council has taken every care, through the framing of the plan's policies, to ensure that the new urban extension will not operate as a separate entity. To counter this, the plan contains a raft of policies that will integrate the SUE with the rest of the town, including the integration of a public transport, walking and cycle network that will link to the town centre, its services and facilities and so ensure that the SUE becomes a satellite of the main centre and not its competitor.
21. In theory, the proposed shopping provision planned for the SUE could present the greatest threat to the existing town centre. To counter that prospect shopping will be limited to a purely local function. It would be contained within 2 new local centres and total some 1,700 sqm (net) floorspace. Of this allocation, about 500 sqm (net) would be for sale of comparison goods or other Class A uses. The remaining 1,200 sqm would be provided as new convenience floorspace with a preference for it to be in small foodstores of about 500 sqm (net) each¹⁹. I would not expect provision of additional floorspace on this scale to present a challenge to the vitality and viability of the town centre. Indeed, it is a principal objective of the plan that the increased purchasing power of the SUE population would significantly improve

¹⁸ THET.2, TAAP, paragraph 2.20

¹⁹ Policy TH30 (New Local Centres in the Urban Extension)

the viability and vitality of the established centre²⁰.

22. However, the proposed scale of convenience store provision in the local centres is criticised as being too small to compete effectively in this part of the town due to the strength of existing convenience retail provision. The Council's intended tight control on the size of the proposed local centres is to protect the town centre. In defence of that objective, the Council cites the examples of small foodstore formats that are now being provided by the major supermarket chains in the built up parts of towns up and down the country. Whether or not the units are taken up by developers once the local centres are built will test the effectiveness of the policy. Meanwhile, the Council is right to be cautious in controlling the scale of retail provision in the proposed local centres. I find Policy TH30 sound.

Whether the Evidence Base is sound-Sustainability Appraisal (SA)

23. Representations were made to the effect that the Sustainability Appraisal accompanying the TAAP had been carried out in a manner that ignores the development potential of open land to the south and south-east of the town.
24. The proximity and extent of the Special Protection Area (SPA) and Special Areas of Conservation (SACs) in relation to the town has already been mentioned. The SPA is extensive and has been established to protect the nesting sites of stone curlews, nightjars and woodlarks which are protected species under the European Habitats & Birds Directives (EHBD).
25. Under Policy SS1 and CP10 of the CS, a buffer of 1,500m has been established beyond the SPA boundary in which the Council undertakes not to allocate or promote development that would impact on the integrity of the SPA. The need for development to be constrained in the extended area is challenged by the owner of land to the south and east of the town based on a study by the Landscape Science Consultancy (LSC). The essence of the conclusions of the study is that the 1,500m buffer is too blunt an instrument; its blanket prohibition is unnecessary and development proposals should be considered on a site by site basis. Other criticisms are that further research into locating a more balanced form of development suggested by the Inspectors in their report on the CS has not been carried out and that different rules have been applied in dealing with stone curlew evidence in the north-east compared with the south of the town.
26. The LSC study is rebutted by the Council's and the RSPB's ecology advisers. Both experts contributed to the Footprint Ecology Study 2008 (FES)²¹ that gave rise to the establishment of a 1,500m buffer which was introduced to protect the integrity of the SPA. The need and justification for the buffer is reinforced in the CS's HRA²². The LSC study is criticised in not giving sufficient weight to the impact and proximity of development on breeding stone curlew. Both the Council's and RSPB's experts are firm in the need to retain the buffer and the policy currently applied to it.

²⁰ THET.2-TAAP, Table 5.1 – Thetford S05

²¹ ENV.11 - Footprint Ecology Study-The effect of housing development and roads on the distribution of stone curlews in the Brecks

²² ENV.15, paragraph 12.2.4

27. In its evidence, the Council confirmed that the buffer does not represent a blanket "no development zone" but one in which proposals will be carefully scrutinised for their impact on the integrity of the SPA. I do not find that the LSC study's conclusions are sufficiently well founded, particularly in relation to the likely impact of development on breeding protected species, to justify overriding the protection afforded by the 1,500m buffer.
28. The Sustainability Appraisal is alleged to be unsound because it takes account of the FES in preference to that produced by the later LSC study, which was finalised in October 2011. Quite apart from the fact that, at this date, the TAAP was close to submission, the LSC conclusions do not appear sufficiently robust to set aside the comprehensive FES that has been found to be sound through the examination of both the CS and the Site Specific DPDs. Moreover, Natural England (NE), while accepting that the LSC report represents a significant step forward in understanding the relationship between stone curlews and development, NE continues to support the initiatives currently being pursued by the Council in protecting the integrity of the SPA²³. While the LSC study may contribute to the body of research for the protection of Annex 1 species, I find the cautionary approach adopted by the Council to locate development beyond the 1,500m buffer remains justified.
29. Representations point to reservations that were raised by the CS Inspectors in their report about pursuing a single direction of growth for the town. The Council's justification for pursuing the CS's preferred option to the north of the town is set out in its Matter 1 Statement²⁴. The single direction for expansion is justified by the degree to which the plan will achieve an extension that will be integrated into the town in a way that it is truly sustainable in terms of the services to be provided and its transport links to the rest of the town and its centre. The uncertainty of delivery of a growth option to the south and east is compounded by absence of technical evidence on infrastructure capacity and delivery and the absence of accepted scientific evidence which addresses the causal effect of development lying within 1,500m of the Breckland SPA.
30. Insofar as it is alleged that different rules have been applied to stone curlew nesting evidence between the north and south parts of the town and the anecdotal evidence supplied by Shadwell Estates, the rebuttals provided by the Council and the RSPB²⁵ explain to my satisfaction that different rules have not been applied bearing in mind that the Shadwell Estate land lies within the 1,500m buffer and the proposed SUE land does not. I am satisfied that the SA was carried out in accordance with the Strategic Environmental Directive (SEA)²⁶ and the reasons for not pursuing development to the south-east of the town are explained in the SA²⁷. The SA is sound and the evidence base as a

²³ Appendix 2, Document PS6

²⁴ Document CS1, paragraphs 1.2.4 to 1.2.8

²⁵ ED21 and ED22

²⁶ SEA Directive 2001/42/EC

²⁷ THET.3a and THET.4-Thetford AAP Sustainability Appraisal Submission EIP (paragraph 5.4 and others) and Non-Technical Summary

whole is proportionate and meets the requirements of the NPPF²⁸.

Issue 2 – Housing Delivery and Phasing

Housing Delivery

31. The quantum of housing proposed in the TAAP, its delivery and whether it is consistent with the CS is discussed under Issue 1. The Council was also asked to confirm that as a result of a reduced housing target it would nevertheless meet the District's housing needs. The Council's confirmation that it does, is explained in some detail in its paper on Thetford's Housing Needs²⁹. In essence, Thetford's housing (and job) targets were "inflated" based on strong rates of delivery and economic growth pre-2008³⁰ at the time of the RS examination. They were also promoted by the Council in order to secure its regeneration objectives for its 2 main settlements but always with the caveat and knowledge that environmental considerations could influence the ultimate target. Again, given the background to both the RS and CS targets for Thetford I am satisfied that the housing needs are adequately provided for pending the review of the CS. The TAAP will continue to seek within its allocation of 5,000 new dwellings that 40% should be affordable³¹ in accordance with CS policy DC4.

Existing Housing Stock

32. Concern was raised in representations that the TAAP will not achieve a high standard of regeneration in the existing housing stock, much of which was built between 1950-1970 and is now regarded as being out-dated³². The reasoned justification for Policy TH36 (Regeneration Proposals in Existing Residential Areas) acknowledges that a large part of the stock of that era is in need of improvement and the policy provides support for its regeneration. A significant proportion of the stock on the western estates in need of improvement is owned by a Registered Provider of Housing (RPH). Other parts are in private ownership as a result of "right to buy" provisions.
33. The Council is of the view that clear opportunities exist for regeneration in respect of those properties that are in the single ownership of the RPH. The Council is working with that provider to take forward a range of regeneration schemes³³. The standard of regeneration will depend on availability of funding and the Council's control of schemes through its development management powers. There is no reason to believe that that control will secure other than a high standard of development. Policy TH36 provides in some detail what will be required in order to secure upgrading of the estates.



Pinsnet.Ink ²⁸ NPPF-paragraph 158

²⁹ Document ED.5 – Note on Thetford's Housing Needs – 8 November 2011

³⁰ ED.5, paragraph 11.2

³¹ THET.2-TAAP, paragraph 2.30-How issues should be addressed

³² THET.2-TAAP, paragraph 25.1

³³ CS.2-Housing Delivery and Phasing, paragraph 2.1

It is sound.

Five Years Housing Supply

34. The Council confirmed in evidence that, at 1 March 2012 and excluding the housing supply proposed in TAAP, it would have a 3.76 years supply in relation to the need for local plans to identify a 5 years supply of deliverable sites³⁴. On adoption of the TAAP the Council confirms it would have an additional 1.87 years of supply providing a 5.59 years supply³⁵. This would more than meet the 5% buffer required under the NPPF³⁶.
35. On the issue of housing provision, delivery and phasing I find the plan sound.

Issue 3 – Transport and Infrastructure, Land Use, Community Facilities including Biodiversity and Green Infrastructure

Transport & Infrastructure

36. The TAAP's transport strategy is based on achieving significant modal shift targets³⁷ from single occupancy car use to more sustainable modes of transport³⁸.
37. The proposed SUE is to be sited close to the A11 Trunk Road which skirts Thetford and will provide convenient access to this part of the strategic road network. The TAAP confirms the intention to upgrade 5 of the junctions on the A11 (TH27 Changes to the A11 Trunk Road). The timing of the improvements will be agreed between the Highway Agency, the Council and the County Council as highway authority. Improvements will also be necessary to junctions on the local road network and these are identified in Policy TH28. The transport policies, following some proposed minor modifications, are supported by all the authorities responsible for transport in the district.

Wider transport impacts

38. Suffolk County Council and St Edmundsbury Council were concerned that the transport plan for Thetford was too limited in its scope³⁹ and that the traffic generated by development associated with the SUE would have impacts over a wider area than that on which the study area was focused. To allay this concern, Suffolk County Council sought amendments to the TAAP to make it clear that consultation would be undertaken with adjoining transport authorities where proposals would be expected to have cross-boundary impact. The Council has indicated that it will incorporate a minor modification to Policy TH3 (Transport-Achieving Modal Shift) confirming its intention to consult with adjoining transport authorities where development proposals

³⁴ Day 1 of the Hearings, Issue 2 (b) and NPPF paragraph 47

³⁵ ED.20- Post Hearing Note 3- Housing Supply Numbers

³⁶ NPPF, paragraph 47

³⁷ TRA.2a, section 7.2

³⁸ THET.2-TAAP-Objective Thetford SO12

³⁹ TR1 – Thetford Transport Study 2008 and TR2 - Transport Plan for Thetford Final Report 2010 – Mott MacDonald

would have a demonstrable and significant impact on their districts. I find this undertaking is sufficient to meet the concerns of Suffolk County Council and St Edmundsbury Borough Council.

Existing Railway Station

39. Representations were made criticising the lack of concrete proposals to bring about the improvements to Thetford railway station (Policy TH6). However, apart from promoting and supporting improvements to timetabling, car parking and station buildings and their surroundings, funding of those improvements would be in the hands of the train operator. The plan can do little more than register the need for improvements and to provide and facilitate their implementation through the Council's planning and other powers. So far as the area of search for additional car parking at the station includes land used as allotments, any potential loss of allotments would need to satisfy CS Policy DC11 which would only countenance loss where there is an excess provision or where a suitable alternative site can be found. The policy, as drafted, is sound.

Bus Station

40. Representations were made to the proposed new bus interchange on a site at Minstergate (Policy TH5). The proposal is criticised on the grounds of cost, safety, poor pedestrian environment and poor access that would give rise to bus movements conflicting with delivery vehicles serving nearby businesses. However, the relocated site is supported by the County Council (CC) as highway authority who are satisfied that the proposed access arrangements are acceptable and safe and confirm that the necessary funding for land acquisition and other works is in place. At the time of writing an application for planning permission to develop the new bus interchange on the Minstergate site is being considered by the CC.
41. The Council's defence of the proposal is that the scheme will enable a key element of public transport infrastructure to be upgraded to meet disability requirements as well as accommodating the projected increase in bus usage necessary to bring about a shift from private car use. Importantly, it will allow a comprehensive redevelopment of the prime riverside site of the present bus station for town centre uses thus enhancing the centre's role and attractiveness. The suggestion that the existing site could be redeveloped to accommodate town centre uses as well as retaining the bus station is rejected by the Council as being too expensive. While there appears to be significant local support to keep the bus station on its existing site, on balance, the Council's proposals for relocation would seem to be a better solution for the town centre as a whole. I find the policy sound.
42. Overall the TAAP's transport policies are supported by the County Council as highway authority and the Highways Agency and I find them sound.

New Education, community facilities, open space and recreation

43. The TAAP's policies for the provision of new education, community and health facilities, open space, allotments and recreation in the SUE are based on existing and forecast local needs. Those needs have been well researched and have led to proposals that are backed by a sound evidence base. The detailed

phasing and delivery of the facilities will be achieved through a masterplan⁴⁰ and will be provided in tandem with the increase in population. The education and community health provisions are supported by the County Council as the Education Authority and the National Health Service. I find the policies sound.

Biodiversity & Green Infrastructure

44. The Habitats Regulation Assessment (HRA)⁴¹ of the TAAP identifies those Special Areas of Conservation (SACs) that are close to or within the TAAP boundary that have public access and which could give rise to urban effect issues⁴². The Council acknowledges that the proposed SUE could potentially impact on the integrity of the SACs and thus exacerbate the urban effect issues. However, Policy TH8 (Monitoring & Management of Key Biodiversity Sites) and paragraph 11.5 of the TAAP indicate the mitigation measures that are required by the CS's HRA in order to address the problems relating to urban proximity⁴³. Those requirements provide a reasonable set of measures to deal with any additional risks to the SACs presented by this major development. Monitoring will be carried out to ensure that the measures remain effective.
45. As already discussed under Issue 1 above, the SUE has been assessed (HRA⁴⁴) in terms of its impact on the SPA. Natural England and the RSPB are both satisfied that the integrity of the SPA can be safeguarded and maintained. As for the SAC, monitoring will ensure that integrity of the SPA is maintained and, if necessary, ensure that mitigation measures are put in place.
46. I am satisfied that the policies seeking to protect key biodiversity sites as well as those for the protection and provision of existing and new green infrastructure, which includes allotments⁴⁵, as well as indoor sports facilities, are sound.

Issue 4 – Town Centre (TC) including Retail

47. The Town Centre has an attractive setting which is much enhanced by its historic core and riverside location. The centre and part of its wider hinterland is rightly recognised and protected as a conservation area. The overarching strategy for the TC is to halt the slow drift of activity away from it by creating a series of "anchors" and to channel the bulk of pedestrian movement along its major shopping routes⁴⁶. Policy TH1 provides the key elements of management that will be adopted to secure the TC's regeneration. However, included in the guiding principles of the policy⁴⁷ is an undertaking to "preserve

⁴⁰ THET 2-Map 19.1-Draft Masterplan for the Thetford Urban Extension

⁴¹ THET.17--Habitats Regulations Assessment November 2011

⁴² That is harmful effects that can arise from urban activity and presence-trampling, dog fouling, habitat damage through biking, fire risk, cat predation and the like

⁴³ ENV.15 - CS HRA 2008, Section 12-Mitigation

⁴⁴ THET.17-Habitats Regulations Assessment November 2011

⁴⁵ THET.1-CS, Policy CP6-Green Infrastructure- Definition

⁴⁶ THET.2-TAAP, paragraph 7.3

⁴⁷ THET.2-TAAP, Policy TH1(h)

and enhance, where possible and viable, the historic and natural assets which exist in the TC". English Heritage considered that inclusion of the phrase "where viable" in the text weakens the policy and raises the prospect of developers using economic viability as a reason to avoid the preservation of historic assets. This was discussed at the hearing and the Council agreed to include as a minor modification the removal of a reference to viability in this part of the policy.

48. The Council has given a commitment to prepare a Town Centre Masterplan in 2012 which will consider regeneration opportunities in the town centre. This work will be undertaken recognising the heritage assets in the town centre and the wider Conservation Area. The Masterplan will identify the delivery and implementation on sites which are either on or adjoining heritage assets and on this basis the Council has provided a commitment that heritage bodies will be involved in the Town Centre Masterplan preparation. The Masterplan will make clear what development would be acceptable on each site within the Conservation Area, the opportunity areas and on plots which include statutory listed buildings. The Masterplan will ensure that the important contribution that the town's heritage assets make to its attractiveness as a shopping, work, leisure and recreation destination are given the prominence they deserve in creating an improved TC.
49. There is no substantive evidence to suggest that TC boundary is other than soundly based. The description of Thetford Retail Park as being in an "edge of centre" location is disputed. Although, not in a straight line, the Grove Lane frontage of the Park is less than 300m walking distance from the edge of the Primary Shopping Area boundary on Magdalen Street⁴⁸. There are differing interpretations of what may be regarded as "edge of centre" according to the NPPF definition. If additional floor space or larger shop units are needed in the Primary Shopping Area and cannot be provided there, based on the sequential approach, it would be sensible, due to its proximity, to look at the potential of the Retail Park to provide them. This option is recognised and suggested in the Council's Retail Study⁴⁹.
50. Based on the recommendations set out in Council's Retail and Town Centre Study, Policy TH2 of the TAAP identifies a need for about 330 sqm net of convenience retail floor space in Thetford before 2016. If that modest need is to be met it is only right that it should be directed towards the TC and so aid its regeneration.
51. Representations were made on the basis that Policy TH2 (New Retail Development) was flawed in not recognising a greater need for convenience floorspace to serve the town in the short term because the existing foodstores serving the town managed to retain only 65% of the estimated existing expenditure on convenience goods⁵⁰. There is insufficient evidence to indicate why that degree of leakage takes place and the reasons for it. For instance, it could be partly attributable to the town's out-commuters shopping in other parts of the district, or beyond, on journeys to or from work. Moreover,

⁴⁸ NPPF, Annex 2: Glossary of terms-Edge of Centre

⁴⁹ ECO3-Retail and Town Centre Study (2010), paragraph 13.20

⁵⁰ ECO3-Retail and Town Centre Study (2010), Table 4B

planning permissions have been granted for a new out of centre supermarket and extensions to 2 out of centre superstores and, according to the Council, not all of the assessment of penetration of these commitments had been carried out prior to the submission of the DPD for examination⁵¹.

52. It would support one of the main objectives of the plan, if further new convenience floorspace is needed in the town, that it should be located in the Town Centre and thereby aid its regeneration. It is clear that any significant development that would take trade from the TC could undermine its vitality and viability and reduce its regeneration prospects. Where a need for new convenience floor space can be justified and no suitable site exists in the TC, a sequential approach to siting new development should be adopted in accordance with national policy⁵². On present information there are not sufficient grounds to suggest that the Council's retail evidence base is less than robust and up-to-date or that Policy TH2 is unsound.
53. Criticisms that the plan makes insufficient provision for new housing in the Town Centre are unfounded since it provides for additional housing growth as part of the TC's redevelopment opportunities⁵³

Issue 5 – Employment

54. In line with Policy SS.1 of the CS, the TAAP proposes an increase in employment of some 5,000 net new jobs for the plan period. The jobs target will be delivered through the identification of new employment areas (as set out in Policy TH.29) as well as through the provision of supporting services (as analysed in the Employment Topic Paper ECO.4). An existing, extant outline planning permission for a Thetford Enterprise Park will also provide new jobs on an 18 ha site to the north of an existing employment area and to the south the A11. Included in the 5,000 new job target will be those to be provided as a result of regeneration proposals for the TC.
55. The plan also encourages the regeneration of the town's existing employment areas significant parts of which are recognised as not being suitable for modern employment requirements, although such units could still be attractive to parts of the commercial sector.
56. The Council's intention to limit its existing and proposed employment allocations, outside of the TC, to B Class⁵⁴ units are intended to be protective of the TC. Proposals to locate uses that are more appropriate to the TC in the employment areas are likely to undermine the vitality and viability of the TC and reduce its regeneration prospects by diverting investment. It is right that they should not be encouraged in employment areas. To do so would also contribute to a less sustainable plan and outcome by, for example, reducing the opportunity to undertake linked trips to visit the wider range of community, retail and other facilities that exist and are proposed within the

⁵¹ EIP Library Reference CS.4 – Retail. paragraph 4.3.2

⁵² NPPF, paragraph 24

⁵³ THET.2-TAAP, paragraph 4.7

⁵⁴ Class B of the Use Classes Order 1987 (SI 1987/764) as amended

TC.

57. The employment policies contained within the TAAP are sound.

Issue 6 – Environment, Landscape, Water, Waste, Energy & New Urban Extension

Environment & Landscape

58. Considerations relating to the impact of the SUE on the environment and landscape were undertaken through the TAAP Habitats Regulation Assessment⁵⁵, the Council's Landscape Character Assessment (LCA)⁵⁶ and the LCA of the Settlement Fringe⁵⁷. These studies and the monitoring and management of key biodiversity sites have been pivotal in selecting the location, extent and disposition of the SUE and the uses proposed within it. Policy TH8 (Monitoring & Management of Key Biodiversity Sites) will ensure that the impact of development on key biodiversity sites will not undermine the integrity of the SPA and SACs.
59. Policy TH20 (Locally, Distinctive Features of the Landscape) provides adequate protection for the town's distinctive landscape features including pine belts, woodland blocks and field boundaries. The policy will ensure that these features are safeguarded for the conserving and managing of town's biodiversity and as a focus for new green infrastructure.

Sustainability Appraisal

60. The proposed development has been subject to a Sustainability Appraisal⁵⁸ (see also my comments under Issue 1 above) and, where necessary, recommendations to improve sustainable development objectives have been incorporated in the TAAP. The most significant negative impact of the plan's proposals on the sustainability appraisal baseline is the loss of undeveloped land due to pressures of growth and the lack of previously developed land in the town. This is an inevitable consequence of the RS's and the CS's proposals to concentrate the lion's share of Breckland's growth at Thetford. The effect will be mitigated through the identification of previously developed land in the town and protecting higher grades of agricultural land from development⁵⁹.

Heritage Assets in the SUE

61. There are no designated heritage assets in the proposed SUE, although key heritage assets such as Gallows Hill Scheduled Monument and Kilverstone Hall are near by. Undesignated assets of local interest are identified and will be protected through Policy TH22 (Existing Buildings in the Thetford Urban

⁵⁵ THET.17-2011

⁵⁶ ENV.1-2007

⁵⁷ ENV.2-2007

⁵⁸ THET.6-TAAP Draft Final Sustainability Appraisal-2011

⁵⁹ THET.7-TAAP Draft Final Sustainability Appraisal-Non-Technical Summary 2011, paragraph 1.16

Extension). The policy is sound.

Water & Waste Water

62. The water policies in the TAAP (TH15-Water & Drainage, TH16-Development in Flood Zones & TH23-Surface Water Management) stem from a detailed Water Cycle Study⁶⁰ and a Strategic Flood Risk Assessment Level 2⁶¹. Under Policy TH15, all new dwellings will be designed to have a water demand equivalent to at least levels 3 & 4 in the Code for Sustainable Homes which seeks to limit water consumption to 105 litres/day per person. This is lower than current national water consumption levels⁶². New development of greater than 1,000 sqm or 10 dwellings will need the agreement of the waste water provider that there is sufficient capacity. There is sufficient water resource available to supply all growth to 2026 under the lower use scenario⁶³. If the lower figure were not to be adopted, additional abstraction could adversely affect 7 nationally and internationally important sites that are linked to the underlying chalk aquifer within 10km of Thetford⁶⁴. Given this and the fact that Breckland lies within an area of serious water stress, it is sufficient justification for the plan to seek to achieve the reduced water consumption figure.
63. While the town's waste water treatment works has sufficient capacity to deal with the anticipated growth up to the end of the plan period, the existing waste water network has only spare capacity for about 1,000 new dwellings before its capacity will need to be increased.

Energy

64. The TAAP's energy policies (TH13-Energy & Carbon, TH14-Energy Multi-Services Company Development & TH31-Connecting to a Decentralised Energy Supply) are based on 2 Energy Studies⁶⁵. A new substation will be required to the north of the town to service the SUE. In line with national requirements, post 2016 development will be expected to achieve zero carbon levels. In order to assist in securing that target, development proposed for the SUE will be expected to be designed to allow potential connection to a decentralised energy supply.
65. Policy TH31 promotes the provision of a decentralised energy supply, such as a Biomass community heating system, as a means of substantially reducing carbon dioxide emissions from individual dwellings. The policy is supported by the A11 Energy Study (INF.10), which advocates it as a way of delivering zero carbon emissions, in the SUE, in a cost effective way⁶⁶. The policy will aid the provision of sustainable development in line with national targets.
66. The policies dealing with this issue are sound.

⁶⁰ WAT.4-2010

⁶¹ WAT.8-2009

⁶² THET.2-TAAP, paragraph 14.5

⁶³ WAT.3-2008

⁶⁴ CS.6-Environment, Landscape, Water, Waste & Energy, paragraph 6.3.2

⁶⁵ INF.9 -Stage 1 A11 Energy Study 2008 and INF 8- Stage 2 Thetford A11 Energy Study 2008

⁶⁶ THET.2-TAAP, paragraph 24.9

The New Sustainable Urban Extension (SUE)

67. The TAAP contains a draft Masterplan⁶⁷ for the SUE which sets out the broad land use allocations for the scheme together with the phasing of the development⁶⁸. The indicative plan provides an acceptable level of information and detail to guide a development of this scale. I have discussed concerns relating to the proposed local centres under Issue 1 above.
68. The Council has received an outline application (3PL/2011/0805/O) to develop the entire land allocated for the SUE identified in the TAAP. At the time of writing the Council was still considering the application. At this stage, it would not be appropriate for the plan to indicate parts of the SUE for self-build dwellings. Provision for that type of housing would be something for the Council and/or interested parties to promote when details of the layout and development of individual neighbourhoods are being prepared and consulted on. Nevertheless, making provision for an element of self-build housing would add to the mixture of housing and would be in accordance with NPPF guidance⁶⁹
69. I find the policies and their evidence base, dealt with under Issue 6, to be sound.

Issue 7 – Delivery, Implementation, Monitoring & Review

Delivery

70. The infrastructure priorities for the TAAP are identified in Chapter 28 of the plan. These are derived from a robust evidence base which includes the Breckland Integrated Delivery Document (BIDD)⁷⁰ and an Infrastructure Study⁷¹. The priorities are set out in Table 28.1 together with potential funding sources and the time frame for delivery. Delivery and management of the SUE will be the subject of a project management structure similar to a Planning Performance Agreement between the developer, the landowner and the Council.
71. Funding mechanisms for the delivery of infrastructure projects will include S106 Agreements and the Community Infrastructure Levy when adopted. The TAAP acknowledges that there will be a significant funding gap of some £64.3m not all of which will be capable of being met through developer contributions⁷². The elements contributing to the shortfall relate to transport (about a third), education (about a third) and utilities reinforcement (about a

⁶⁷ THET.2-TAAP-Section 19 & Map 19.1-Draft Master Plan for the Thetford Urban Extension

⁶⁸ THET.2-TAAP-Map 19.2 – Draft Thetford Urban Extension Phasing Plan

⁶⁹ NPPF-Paragraph 50

⁷⁰ INF.11- Breckland Integrated Delivery Document 2010

⁷¹ INF.1 – Infrastructure Study 2009

⁷² THET.2-TAAP-paragraph 28.22

sixth)⁷³.

72. The BIDD document sets out a range of initiatives that the Council should consider in order to bridge the funding gap⁷⁴. In a period of recession and constrained private and public sourced funding the Council will not be alone in having to admit to a funding shortfall in the early years of one of its plans. However, that acknowledgment does not render the plan unsound since it must be anticipated that the local and wider economy will improve in the medium to longer term and, hopefully, allow any shortfall in funding of priority items of infrastructure to be met. Another informal delivery vehicle that will be used by the Council is that provided by a local body "Moving Thetford Forward" which consists of representatives from all tiers of the Council and other stakeholders with an interest in Thetford⁷⁵.
73. One vital element of infrastructure that will act as a constraint on the phasing and delivery of all types of development, particularly in the SUE, is the need to reinforce the town's power supply. This will require a new sub-station and cabling at an estimated cost of some £8m. The need is acknowledged in both the TAAP⁷⁶ and the Council's Integrated Delivery Document⁷⁷. The Council will have to work assiduously to get this crucial item of infrastructure in place. This part of the infrastructure programme is probably the most urgent as it is likely to require about 3 years for it to be commissioned and implemented and will determine the rate at which the main elements of the plan for the provision of housing and employment can be delivered.

Monitoring and Implementation & Review

74. Key Infrastructure Dependencies for the main development proposals are found in Section 29 at Table 29.1 of the TAAP. That table identifies the development including infrastructure, the anticipated timescales for delivery, the known risks to delivery and the contingencies for delivery should the preferred delivery option be delayed or fail. This provides a reasonable and satisfactory degree of flexibility to the plan.
75. Monitoring provisions are set out in Section 30 and Table 30.1 in which all of the policies are provided with indicators for monitoring and the targets against which they will be assessed. As part of the monitoring process if areas are identified where a policy is not working, or key targets are not being met, the Council will consider whether a review of all, or part, of the TAAP is necessary⁷⁸. The Council proposes a number of minor modifications to the details of the Indicators and Targets of a number of policies included in Table 29.2 (Policy Monitoring Framework) as well as the structure of sections 29 and 30⁷⁹ to improve clarity of targets and baselines. The additional detail will improve the monitoring process.

⁷³ THET.2-TAAP, paragraph 28.23

⁷⁴ INF.11, Section 10

⁷⁵ THET.2-paragraph 2.12

⁷⁶ THET.2-TAAP, Table 29.1 - Key Infrastructure Dependencies

⁷⁷ INF.11, Table 9.1

⁷⁸ THET.2-TAAP-Paragraph 30.1

⁷⁹ Minor Modification 3 of THET.24

76. I find that, notwithstanding, the funding difficulties that will exist in the early years of the plan, the delivery, implementation and monitoring provisions contained within it are sound.

Assessment of Legal Compliance

77. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Area Action Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Thetford Area Action Plan is identified within the approved LDS December 2009 which sets out an expected adoption date of September 2012. The Thetford Area Action Plan's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in May 2006 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Report (November 2011) has been carried out and where necessary mitigation measures will be agreed with Natural England and implemented.
National Policy	The Thetford Area Action Plan complies with national policy except where indicated and modification is recommended.
Regional Strategy (RS)	The Thetford Area Action Plan is generally consistent with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Thetford Area Action Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

78. **The Council has requested that I recommend one main modification to make the Plan sound and capable of adoption. I conclude that with the recommended main modification set out in Appendix A the Thetford Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework and should be adopted.**

Ian Broyd

Inspector

Appendix A – Main Modification

The modification below is required as a result of the need for DPDs to include a condition confirming the presumption in favour of sustainable development. This new policy will become the new TH1.

Ref	Page	Policy/ Paragraph	Main Modification
Main Modification 1			Include in the TAAP the condition set out in document ED29 relating to the presumption in favour of sustainable development