

## **BRECKLAND DISTRICT COUNCIL**

### **Report of the Executive Member for Assets and Strategic Development**

**To:** Cabinet 8<sup>th</sup> January 2013

**(Author:** Phil Mileham – Planning Policy Team Leader (Capita Symonds))

**Subject:** Attleborough and Snetterton Heath AAP and wider Local Plan review timetable

**Purpose:** The purpose of this report is to seek Members views on the implications of a revised timetable for the Attleborough and Snetterton Heath Area Action Plan, and consequential effects on the Government's requirements for the transition to a Local Plan.

#### **Recommendation(s):**

**It is recommended that Cabinet endorses Option 2 of this report, and considers the approach to steering the Local Plan such as that set out at paragraph 2.11.**

### **1. BACKGROUND**

- 1.1 Breckland Council and the Capita Symonds Partnership have made excellent progress in recent years in preparing and adopting the majority of Local Development Documents (LDDs) identified in its Local Development Scheme.
- 1.2 The Planning Policy annual Service Delivery Plan (SDP) was agreed by the Partnership in early April 2012.
- 1.3 A number of milestones were in place at the beginning of the year relating to consultation for the next iteration of the ASHAAP. These are as follows:
  - Informal consultation and duty to cooperate (Mar – Aug)
  - Prepare consultation document (Aug – Sept)
  - Public Consultation period (Oct – Nov)
  - Prepare Submission version of ASHAAP (Jan – March 2013)
- 1.4 In preparing and agreeing the SDP, a number of risks were identified that may affect the production of the document according to the agreed milestones. Since April, two key identified risks have now materialised.
- 1.5 These risks, along with other external factors, including a greater understanding of the Government's expectations for a Local Plan, and further requirements of the National Planning Policy Framework (NPPF) result in a need to reconsider these milestones and how this may affect future strategic Development Plan Document preparation in Breckland.
- 1.6 Reasons for re-examining the approach/ timetable
- 1.7 The first risk that has materialised is a significant delay in procuring the Attleborough Transport evidence studies. These studies were originally expected to be commissioned in April 2012 (with implementation from the beginning of May). The commissioning of the evidence took place four months later than planned in August. These studies are recognised as being crucial to the identification of preferred locations of housing, employment and the necessary link road between the B1077 and the A11.

- 1.8 Since the transport studies have been commissioned, a review of the existing traffic information from NCC Highways, Highways Agency and developers has revealed that this information will not be adequate to undertake the necessary analysis needed to inform the growth proposals in Attleborough. As a result, further traffic surveys will be required. This risk was recognised by the Council as part of the contingency for the transport studies. This factor will increase the timescale by approximately 1 month, but should be recognised as an 'in combination' factor along with others highlighted in this report.
- 1.9 There remains uncertainty over the commissioning/ availability of critical Gypsy and Traveller Accommodation Assessment (GTAA) evidence to support the proposed Traveller pitch provision in the plan. This is recognised as a sensitive area of work which requires robust evidence in order that the Council's approach will be found sound. The Council and Capita agree the need for further advice to support the quantum of traveller pitches that will be identified in the document. At the time of preparing this report work has not started on a new GTAA and the timetable for its commissioning is likely to be affected by the current review of Housing Services...
- 1.10 The ongoing process of revoking of the East of England Plan (from which the Council's current Gypsy and traveller pitch numbers in Policy CP2 were derived) and subsequent planning approvals for traveller pitches in the Attleborough area could result in challenge to any proposed pitch numbers without the benefit of updated evidence. Capita would advise the Council that there may be risks should the Council subtract all traveller pitch approvals from the balance proposed to be allocated, particularly where sites are physically distant from the A11 corridor which is where its adopted Core Strategy Policy CP2 indicates provision will be made. Further evidence is required from the Council's housing team to assess whether the planned level of need remains valid and the GTAA work outlined above will be critical.
- 1.11 In addition, the publication of the Governments' Planning Policy for Traveller sites alongside the NPPF includes the requirement to identify and update annually a five year supply of specific deliverable sites for travellers (or broad locations), and years 6-10 and where possible years 11-15. It is presently unclear how a sub-district DPD such as the ASHLP could effectively meet these requirements in isolation, all the more so if this is subject to consultation in advance of the commencement of a District wide 'Local Plan'. The Regional Spatial Strategy (RSS) single issue review relating to gypsy and traveller pitches equated a requirement of 22 pitches in Breckland by 2019. These figures may not be able to be soundly projected forward in terms of traveller pitch requirements for up to 15 years that current national policy requires.
- 1.12 The NPPF (at paragraphs 169) expects for Local Planning Authorities to have evidence that assesses the significance of heritage assets (known and unknown) and their contribution to the environment. Paragraph 170 considers that in areas where major expansion options are proposed (in this case, Attleborough would apply) an assessment of historic landscape character should be prepared. The Council has agreed with Capita that further evidence is needed to fulfil this requirement and advice has been sought from English Heritage and Norfolk Landscape Archaeology. This specialist work would take around 3 months complete. If such work is approved shortly, this would not significantly add to the delay but represents a further cumulative issue requiring consideration.
- 1.13 Future Strategic Housing choices
- 1.14 A number of issues have arisen from the Council's current adopted housing numbers that may affect the successful preparation of a sound Attleborough and Snetterton Heath Local Plan (ASHLP) in advance of the commencement of work on a wider Local Plan.
- 1.15 There remains a residual balance of 1,500 dwellings identified in the Core Strategy that were not able to be allocated in through the Thetford Area Action Plan (TAAP) process, principally due to environmental and urban design constraints. The Council committed at the Examination in Public of the TAAP that it would reconsider this remaining housing balance as part of an early review of its Core Strategy (Local Plan). This is set out in the

TAAP document itself but also at paragraph 18 of the TAAP Inspector's Report. Therefore, it is a legitimate expectation that this residual requirement would be addressed in a wider Local Plan rather than the ASHLP.

- 1.16 The Government's expectations for 'objectively assessed' and 'positively prepared' local housing figures that underpin a Local Plan may be brought into question through consultation on the ASHLP. This is due to the fact that the Council's Core Strategy which sets out the overall housing numbers for Attleborough was based on the housing figures from the East of England Plan (the RSS) (adopted in 2008, but developed from 2004) that the current Government does not endorse. The revocation of the East of England Plan is currently under way. This brings into question the relevance of proceeding with the current adopted Core Strategy housing figures over the time frame to 2026. The Council has previously accepted the evidence prepared to support Regional Planning as a source of information to underpin proposed housing growth going forward. Further information from the East of England Forecasting Model (an economic forecasting model) which examines jobs and housing growth at district scale was published in June. Of relevance to this report was that the housing element of the model indicated that Breckland had a higher level of housing growth planned for in its Core Strategy (based on adopted RSS rate of 760 dwellings per annum) than it predicted had demand for new dwellings (600 per annum). The model utilises past trends, including pre-recession conditions but also takes into account both demographic and economic factors. It is important that the Local Plan achieves a balancing act of managing improved housing delivery in the short term whilst allowing for coordinated strategic growth in key locations over the medium to long term.
- 1.17 The Council's housing figures contained within the Core Strategy were acknowledged at the time of production to be high. It is clear that the high annual housing delivery target has adversely affected the Council's ability to maintain a 5 year supply of deliverable housing land in the District. The Council is currently experiencing a 5 year supply deficit whereby the continuing under-delivery of homes against the ambitious targets in the Core Strategy results in the need to approve more housing in the short term. The recessionary conditions since 2007 have compounded this problem (although this is not a Breckland-specific issue), albeit that there are no immediate signs that housing delivery rates will improve markedly in the next 2-3 years. Therefore, there appears to be a case for a review of the Council's overall housing numbers. This would enable a deliverable annual housing delivery target to be embedded in a Local Plan(s). Furthermore, the loss of any significant early applications (to which the Council has openly admitted will be subtracted from the balance of housing to be allocated in the town) may adversely impact the deliverability of key Council priorities such as an urban extension to Attleborough and crucially, a link road servicing the new growth between the B1077 and the A11.
- 1.18 Therefore, in light of the demise of the RSS and the issues highlighted above, should the Council wish to promote alternative housing numbers through a single Local Plan, further justification will be required in the form of updated evidence base to support the position. The freedom afforded to Local Authorities in setting local housing targets through the NPPF is a positive opportunity for the Council to consider how the district grows in the next plan period. However, the Council should be mindful that it will need to take ownership of, and be accountable for, any updated housing numbers that are developed. This is in order to ensure that any figures are robust and fit-for-purpose for plan-making.
- 1.19 In addition to the above, there may also be a need for the authority to reconcile any alternative housing need scenarios in the ASHLP that may emanate from the updated Strategic Housing Market Assessment (SHMA) currently under preparation by the Council's Housing Team. It is anticipated that draft findings of the SHMA will be available in December, and it is understood that this could be reported to Members in late January/ early February in order to consider and agree the SHMA as evidence for DPD preparation.

- 1.20 Finally, in terms of the Government's expectations, it should be noted that the Local Planning Regulations 2012 no longer refer to Core Strategies or Area Action Plans and that any document produced going forward will technically be known as a 'Local Plan'. Paragraph 153 of the NPPF infers that a Local Plan should be a single document and additional DPDs should only be used where clearly justified. Whilst there is some justification for a separate ASHLP, a counter position remains that the general identification of new housing land, employment and infrastructure could still be undertaken through a single Local Plan as this would be a general requirement of strategic planning rather than a specific or more discreet policy area. It is also important to note that beyond March 2013 'due weight' should be afforded to policies in existing plans rather than 'full weight' under the transitional arrangements. This signals the Government's view that Local Authorities should begin moving towards a single Local Plan. However, Members are reminded that a number of recent appeal decisions have been clear that the Council's LDF policies are consistent with NPPF.
- 1.21 Other issues/ risks that may affect strategic planning
- 1.22 Members will be aware that a Statutory Challenge has been made against the Council's recent decision to adopt the Thetford Area Action Plan. As such, should this challenge succeed and the document quashed, or partly remitted, the Council's continuing housing supply shortfall will once again be significantly increased, putting the district at risk from speculative applications. This would have the effect of reducing control of the identification of housing sites through the Development Plan process.
- 1.23 The Judicial Review process may also impact upon the Council's previously accepted environmental evidence, to the extent that it affects strategic planning across the district (i.e. locations of growth and the effects of development on the stone curlew interest feature of the Breckland SPA). While the Council has put together a very robust defence of its approach; however the outcome of this process will not be known for several months. Whilst this represents a 'worst-case' scenario, it needs to be taken into account as a potential risk factor.
- 1.24 There has been an expectation that, even before the publication of the NPPF, the Core Strategy would have been reviewed after approximately three years post-adoption (the Core Strategy was adopted in December 2009). The publication of the slimmed-down suite of national policy contained within the NPPF (March 2012) has resulted in the Core Strategy having a small number of policy 'gaps' that were previously filled through policies in PPGs/ PPSs. Such gaps will need to be addressed as part of a District -Wide Local Plan and cannot be remedied with a separate Local Plan for Attleborough. This gives further weight to the need to increase activity on the preparation of a wider Local Plan. There is also likely to be a need for some elements of the Council's evidence base (which could include water and energy) to be refreshed or updated to reflect changing circumstances since the Core Strategy was prepared, albeit that some elements remain relevant and evidence currently under preparation would be able to be developed with sufficient flexibility to be used for a new document.
- 1.25 The Government's expectations under the 'Duty to Cooperate' give rise to further issues in terms of strategic planning that will affect a District wide Local Plan. The particular natural environmental circumstances in Breckland (principally relating to impact of development on European Sites – i.e. the Breckland Special Protection Area (SPA)) also impact on other adjoining Local Planning Authorities as the SPA covers multiple administrative areas. The Council has previously sought a joint approach to developing SPA-wide evidence through its Local Development Framework (LDF). As part of the Duty to Cooperate as part of a Local Plan preparation, there is an opportunity for the Council to re-examine the potential for joint-working with those authorities. However, there may also be alternatives to joint-working such as the development of memorandums of understanding that can assist the Local Plan process as the Council moves forward building upon experiences from the LDF.

## 2. OPTIONS

2.1 In light of the issues raised in this report, there are a range of potential options available to the Council in taking local planning policy forward for both Attleborough and Snetterton Heath and the wider district. These are as follows:

1. Continue preparing an ASHLP for consultation in Spring 2013, and carry out a separate consultation on 'Issues for a Local Plan review' in late 2013 that contains options on housing growth scenarios, but acknowledging risks in relation to the justification of housing numbers and traveller pitch provision. A key risk to proceeding with a separate ASHLP in advance of undertaking the wider Local Plan review is that sections of the document become out of date once the revised Local Plan has been prepared and, for example, if new housing figures are identified for district.
2. Continue the preparation of a further more detailed consultation on growth in Attleborough, but that this is delayed to form part of a more detailed section of a consultation on the preparation of a new District-wide 'Local Plan' in late 2013/ early 2014 (e.g. an 'Issues and Options' paper which could include housing numbers for rest of district and more detailed proposals for Attleborough in a separate chapter). A revised Local Development Scheme would be prepared which will set out the remaining timetable for the 'Local Plan' with subsequent milestones to be agreed.
3. Prepare a separate ASHLP consultation to 'Preferred Options' stage, but delay the commencement of work on a Local Plan to 2014 avoid confusion over revised strategic housing choices and allow further 'objectively assessed' evidence to support future housing growth scenarios in the district to be prepared. Pursuing this option would result in the ASHLP being capable of having some limited weight in decision-taking, but existing LDDs being afforded less weight over time as they become increasingly dated and there is an absence of emerging policy covering the wider district to replace them.

### 2.2 Implications for ASHLP timescale

2.3 Subject to the Council's views on this issues contained in this report, should either Option 1 or 3 be endorsed, it is considered that a revised timetable for consultation on the ASHLP will need to be agreed.

2.4 Under these scenarios, the Council recognises the professional advice that further consultation cannot run in advance of receipt of findings on remaining key elements of the evidence base. It is recognised that in some instances evidence could be at draft findings stage, although this will be dependant on the particular circumstances in each case. An updated timetable could be as follows:

- Draft document for consideration by Attleborough Task Force in the New Year (date to be arranged - Feb) and then by Executive Board (28<sup>th</sup> Feb) and Cabinet (26<sup>th</sup> March).
- Public Consultation period (minimum six weeks) commencing at the end of March 2013, and ending in May 2013.
- Pre-Submission publication stage (exact timing to be discussed as part of 2013-14 Service Delivery Plan) but from experience could be September/ October 2013, subject to consultation responses not raising significant new issues or soundness concerns.

2.5 The timings set out in paragraph 2.4 above represent a best case scenario at the time of this report. However, this is based on the assumption that necessary evidence base is produced/ delivered in accordance with current timetables. Should any outstanding evidence base experience further delays, then the above timetable would need to be revisited.

### 2.6 Implications for a Local Plan timescale

2.7 Paragraphs 1.6 to 1.25 of this report set out the key issues and risks that affect the production of the ASHLP. As the implications of the NPPF in relation to a wider Local

Plan have become better understood, it is considered that the drive towards a single document has increased in importance.

- 2.8 As can be seen elsewhere in this report, the development of a District-wide Local Plan would give the Council the opportunity to reflect on the identified strategic issues. However, it should be noted that this will result in a delay to the identification of growth at Attleborough, but would give the opportunity to make progress in delivering a fully NPPF compliant planning framework for the district.
- 2.9 Notwithstanding the above, there will also be benefits to Council to the production of a single District-wide document. Members are advised that a new District-wide Local Plan would incorporate both strategic policies and detailed site allocations/ refresh of rural settlement boundaries. A new District-wide Local Plan would also allow for the detailed consideration of overall growth rates for the district (and addressing 5 year supply of housing land), opportunities for development in new locations (e.g. a wider range of Local Service Centres for growth) and alternative growth scenarios for Attleborough. It would also provide an opportunity for consultation with rural Parishes as to their aspirations for future planning.
- 2.10 Notwithstanding the above, the existing LDF is still capable of having weight in the Planning Process whilst a new district-wide Local Plan is being prepared. A number of appeal decisions since March 2012 have confirmed that LDF policies are compliant with the NPPF, and as such, it is reminded that there will not be a vacuum of local planning policy during this time.
- 2.11 At the time of writing this report, based on the experience of producing the current suite of Local Development Documents, it is likely that it could take around 3 years to produce a single Local Plan. Members should be aware that in effect, moving to the preparation of a single Local Plan will signal the end of the ASHAAP as a separate entity. Subject to Member views on the contents of this report, a revised Local Development Scheme (LDS) will need to be prepared and agreed by the Council.
- 2.12 Finally, in order to support the timely delivery of a single Local Plan, the Council may need to consider whether alternative reporting processes are needed for scrutinising the document going forward. This could include a separate working group of Cabinet to steer the preparation process.

### **3. REASONS FOR RECOMMENDATION**

- 3.1 It is recommended that the Council endorse Option 2. Option 2 is considered to represent the most sound and deliverable approach in moving towards a new strategic planning framework for the district post-NPPF, whilst continuing to making progress on providing certainty of the direction of committed growth in Attleborough. Taking such an approach will allow for the remaining evidence base to be fully completed and understood. It will also allow the Council, the public and other professional stakeholders to have a clearer understanding of the options for strategic growth and change across Breckland.
- 3.2 Should members endorse either option 2 or 3 above and commit to either a migration towards a single 'Local Plan', or a further amended timetable for a 'Local Plan', then this should be prepared utilising a new Member decision-making process, such as a working group of Cabinet.

### **4. EXPECTED BENEFITS**

- 4.1 The expected benefits of this report have been set out in the text above. However, these can be broadly summarised as increasing the robustness of the forward plan making strategy, reducing public confusion as to spatial choices for the growth and change of their communities and limiting time-based risks to the authority.

## **5. IMPLICATIONS**

### **5.1 Legal**

5.2 There are no direct legal risks resulting from the contents of this report; however, Local Planning documents need to be prepared in accordance with relevant Local Planning Regulations and Acts of Parliament, having regard to relevant considerations and case-law.

### **5.3 Risks**

5.4 This report sets out a number of direct and indirect risks to the timescales of preparing Local Development Documents.

### **5.5 Financial**

5.6 There are not considered to be any direct financial implications as a result of this report.

### **5.7 Timescales**

5.8 The main body of this report covers timing issues over the preparation of strategic planning documents.

### **5.9 Equality and Diversity**

5.10 There are no direct equality and diversity issues raised by this report.

### **5.11 Stakeholders / Consultation**

5.12 The process of preparing Local Development Documents (ASHAAP or a wider Local Plan) involves significant stakeholder consultation which is set out in the relevant Local Planning Regulations and the Council's current Statement of Community Involvement.

### **5.13 Contracts**

### **5.14 Section 17, Crime & Disorder Act 1998**

5.15 **Other** [insert statement as appropriate or delete]

## **6. WARDS/COMMUNITIES AFFECTED**

6.1 This report principally affects Wards in the Attleborough area (Queens, Burgh and Haverscroft and Besthorpe), as well as Snetterton and Quidenham. Depending on the views of the Council in regards to the implications for a District-wide Local Plan, it has the potential to affect all Wards in the District.

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### **Lead Contact Officer**

Name/Post: Phil Mileham (Senior Planning Policy Officer – Capita Symonds)

Telephone Number: (01362) 656303

Email: Philip.mileham@capita.co.uk

### **Director/Officer who will be attending the Meeting**

Name/Post:

Martin Pendlebury (Director of Planning and Business Manager – Capita Symonds)

Phil Mileham (Senior Planning Policy Officer – Capita Symonds)

David Spencer (Deputy Planning Manager – Breckland and South Holland Councils)

### **Key Decision – Yes**

**Appendices attached to this report:** None