

BRECKLAND DISTRICT COUNCIL

Report of Executive Member for Assets and Strategic Development

To: Full Council – 19 January 2012

(Author: Phil Mileham – Senior Planning Policy Officer (Capita Symonds))

Subject: Adoption of the Site Specifics Policies and Proposals Development Plan Document (DPD) and Updated Proposals Maps

Purpose: This report proposes that the Council adopts the Site Specific Policies and Proposals DPD. This follows the recent conclusion of the Examination process that has culminated in an Independent Inspectors' Report determining that the preparation and content of the document, subject to some minor changes, is Sound. Upon adoption the document will form part of the up-to-date Development Plan for Breckland in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. As a result a number of saved policies from the Adopted Breckland Local Plan will be superseded.

Recommendation(s):

It is recommended that the Council:

Endorse Option 1 to adopt the Breckland Site Specific Policies and Proposals DPD, including all of the amendments recommended in the Inspectors Report.

1. INTRODUCTION

1.1 Background

- 1.1.1 Breckland Council began the process of preparing the Site Specific Policies and Proposals document in 2008. The process intensified following the Examination of the Core Strategy in Summer 2009). The Council, through the LDF Task and Finish Group, conducted a rigorous consideration of sites and proposals. This included eight separate Task and Finish group meetings, two key rounds of initial consultation (Issues and Options Summer 2008, Additional Sites consultation Spring 2009, and Preferred Options in Summer 2010). Members will recall that at the meeting of Council on 11th January 2011 it was agreed, following the consideration of any comments made in the pre-submission publication period (in February-March 2011), to publish and submit the Site Specific Policies and Proposals document for Examination in Public.
- 1.1.2 The document was submitted for Examination on 21st April 2011 and Breckland was appointed an independent Government Inspector, Mr David Hogger, to conduct the Examination process. As Members will recall, a number of respondents to the document expressed their right to be heard via formal Hearings held in public. The Hearings in public started on 5th July 2011 and concluded on 7th July 2011 and were held at Elizabeth House in Dereham.
- 1.1.3 Immediately preceding and during the Hearings a number of minor changes to the document were put forward. Members should be reassured that significant changes would not have been considered or accepted by the Inspector. These minor changes were either suggested by Officers to clarify the document (in agreement with Deputy Chief Executive and Executive Member for Asset and Strategic Development as agreed by Council on 11th January 2011) or were

suggested by participants or the Inspector. A list of the minor changes endorsed by the Inspector can be found in Appendices A and B of the Inspectors Report which is provided in the supporting information to this report. As the Inspector notes, these changes do not call into question the overall soundness of the document but are more in the way of necessary fine-tuning.

- 1.1.4 Following the close of the public Hearing sessions, an additional six week consultation was carried out to enable any comments to be made on the proposed minor modifications and Policy SB.1. This was a further policy added to the document, to provide a factual list of those places where settlement boundaries are drawn within Breckland. A total of three representations were received in regards to this policy. More significantly the Inspector requested that an additional six week consultation be carried out on the allocation in Shipdham responding to the Inspector's proposed changes to the village's allocation. A total of 299 representations were received against this policy. Members will note that the Council also submitted comments during this period, as agreed by Cabinet on 29th November 2011. Further details of the Shipdham allocation are provided at Section 1.2.10 of this report.
- 1.1.5 The Inspector's Report into the Examination of the Breckland Site Specific Policies and Proposals document was received on 13th December 2011 which concluded that the document is **Sound** subject to some minor changes.
- 1.1.6 Members are reminded that the Inspectors Report in its entirety is binding on the Local Planning Authority. Unlike the previous Local Plan system, the Council cannot be selective on which parts of the Report it chooses to accept and nor is there scope for further modifications to the document. The option now available to the Council is to either accept or not, the Inspectors Report. Should the Council decide not to accept the Sound Report then the Council will, in effect, be directing the Authority to start the process again. This is highly likely to result in both legal action against the authority and speculative applications in the ensuing uncertainty.

1.2 Main issues arising from the Inspectors Report

- 1.2.1 This section of the Report highlights a number of specific issues that were considered by Council when agreeing to submit the Document for Examination and appraises Members of the Inspectors conclusions.
- 1.2.2 The Site Specifics document allocates development meet the Core Strategy requirements (see Table 1 below:

	Net additional Homes (as of 1st April 2009)	Net Additional Employment Land (hectares)	Retail (sqm)
Dereham	600	5-10	5,000
Swaffham	250	5	
Watton	250		
Harling	40		
Narborough	50		
Shipdham	100		
Swanton Morley	50		

Table 1: Adopted Core Strategy growth requirements

1.2.3 **Dereham**

1.2.4 The Council's approach to housing allocations in Dereham centred upon the identification of three sites to deliver housing, one of which at Norwich Road (adjoining the football club) has been resolved to grant planning permission subject to the section 106 being agreed. Land in the same ownership will also be used to provide additional cemetery provision for the town. The approach to delivering housing in the town has been approved by the Inspector. The Inspector recognised that there was no requirement for the identification of additional sites in Dereham and maintained the proposed allocations as submitted. The Council's submitted approach to additional retail and employment development has also been endorsed with the Inspector finding no evidence that alternative proposals were deliverable.

1.2.5 **Swaffham**

1.2.6 The proposed housing allocation in Swaffham has been identified on land to the east of Brandon Road, north of the former Redlands tiles site. Representations had been received expressing concern about the concentration of all the towns' growth in a single location, in particular, the potential impact on housing delivery. Representations had also been received regarding the sustainability of the site due to its distance from the town centre. The Inspectors report (Appendix B - paragraphs 35-37) considers that other sites put forward for residential development were not without their own issues including both peripheral location and potential impact on landscape. As such, he considered that the Councils submitted housing allocation remains appropriate.

1.2.7 The document also contains employment allocations for the town, which will see the expansion of the general employment area at the EcoTech Business Park. Representations made during the proposed submission consultation referenced landscape impact of the area, the report considered that these could be resolved at the planning application stage. Other recommended changes to Swaffham include the designation of land at the Antinghams and the old Hammonds playing field as open space. These are areas which have previously been used as open space, however the designation formalises this use.

1.2.8 **Watton**

1.2.9 Due to the significant growth which has already occurred within the built up extent of Watton (which includes land in Carbrooke and Griston Parishes) the Site Specifics proposes to allocate land for 214 dwellings on four sites within the town. Whilst this is slightly lower than proposed within the Core Strategy due to recent planning permissions, the Inspector considered this to be a sound way forward. He also considered that there was no justification for any additional sites to be included through this document. As such he has endorsed the approach proposed by the Council to the town's allocations.

1.2.10 **Shipdham**

1.2.11 The adopted Core Strategy identifies Shipdham for a positive housing allocation of 100 dwellings. Following recent planning permissions granted within the village, the Site Specific Policies document allocated land for 85 dwellings on a single site to the north of Chapel Street. The Shipdham allocation was discussed in detail at the examination hearing session on 6th July, and as noted in paragraph 1.1.4 has been subsequently subject to a further six week public consultation. During this consultation the Inspector proposed that the allocation should be split with 50 dwellings remaining at the site to the north of Chapel

Street (SH1), however it was proposed to place the remaining 30 dwellings on a site to the west of Old Post Office Street (SH2). The Inspector stated that the proposed changes were based around the potential impact of site SH1 on the landscape, particularly in relation to the relatively undeveloped northern edge of the settlement boundary. Following this additional consultation, the Inspector has concluded that given that the majority of respondents from Shipdham support the original allocation and the weight placed on the sustainability advantages that it represents due to its central location, site SH1 as originally submitted is sound.

1.2.12 Swanton Morley, Narborough and Harling

1.2.13 As noted in Table 1 above, both Swanton Morley and Narborough are proposed for positive housing allocations for 50 dwellings. These were recommended to be allocated on single sites in each of the villages. Despite representations being received regarding the suitability of these sites through the proposed submission consultation, the Inspector concluded that the Council's submitted sites in these locations were sound.

1.2.14 The Core Strategy allocated housing growth for 50 dwellings to the village of Harling. The Council will be aware that since adoption of the Core Strategy, planning permissions have been granted totalling 65 additional dwellings. As such the Council did not allocate any further land for development as the proposed allocation numbers have been exceeded, an approach which the Inspector has endorsed.

1.2.15 Rural settlement boundaries

1.2.16 Members will be aware that the Site Specific Policies and Proposals process has also undertaken a review of rural settlement boundaries in the District (except where these will be covered by the Attleborough and Snetterton Heath Area Action Plan). The Council's approach to defining settlement boundaries was carried out in accordance with the principles set out within Policy CP14 of the adopted Core Strategy and Development Control Policies DPD. The Inspector heard considerable evidence in relation to the rural settlement boundaries across the district, and his report endorses the Council's submitted approach subject to a minor required change in relation to Shropham. The settlement boundary at Shropham had been proposed to be extended to include land around the playing field. This approach has been endorsed, and the further change relates to clarifying the access to the site within the same landowners control. The Shropham map (including Inspector's Change) is included at Appendix B of this report.

1.2.17 The adoption of the Site Specific Policies and Proposals DPD triggers the updating of the Proposals Map and will give full weight to the new boundaries in determining Planning Applications across the District. A new set of Proposals Maps will be available to be viewed at the Full Council meeting for information.

1.2.18 European Sites and Protected Species

1.2.19 The issue of introducing 'buffer zones' extending 1,500 metres beyond the boundary of those parts of the Breckland SPA capable of accommodating Stone Curlews (the orange zone) and beyond significant clusters of breeding Stone Curlew on habitat outside of the SPA (the blue zone) was examined as part of the Core Strategy and Development Control Policies DPD. As Members are aware the 1,500 metre buffer zone does not prevent the Council from delivering its preferred Spatial Strategy; however, in relation to the Site Specific Policies

and Proposals document has implications on direction of growth in Watton and it will limit the amount of windfall development that can take place in the rural south-west of the District. Furthermore, the 1,500 metre buffer is also a contributory factor for the de-selection of Weeting as a Local Service Centre for housing allocation through the Core Strategy.

1.2.20 Representations were received from landowners in Weeting in respect of the lack of allocation for the village. The Inspector heard expert evidence from Professor Rhys Green of Cambridge University (national expert on Stone Curlews), the RSPB, and representatives from Natural England. He also heard evidence from Norfolk Wildlife Services representing development interests in Weeting. The Inspector has raised concerns that the evidence put forward by the objectors in relation to biodiversity offsetting did not provide him with certainty that this can be successfully achieved. The Inspector concluded that the evidence provided by Norfolk Wildlife Services did not provide certainty to overcome the precautionary principle, and that an allocation in Weeting could have an uncertain effect on the Special Protection Area or its interest features. Furthermore, he stated at paragraph 61 of his report (Appendix B), that there is enough deliverable land elsewhere in the District to achieve the strategy set out within the Core Strategy, without development in Weeting.

1.3 **NEXT STEPS**

1.3.1 Subject to the decision of this Council the adoption date of this document will be 19th January 2012. At this point the document will have the fullest weight in the planning process and will formally become part of the Development Plan for Breckland for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. To meet the regulatory requirements a notice of adoption will be made in the Eastern Daily Press and on-line. The notice of adoption will also include reference to the opportunity for legal challenge to the Council's decision. In the case of the LDF, parties will have 6 weeks from the date of adoption to register their intent for a judicial review of the Council's decision to adopt.

1.3.2 Following adoption, Capita Symonds will be arranging for a high quality final paper document to be prepared with the style and format to be agreed with the Local Planning Authority. An on-line version of the document will be made available almost immediately on the Breckland website and also uploaded onto the Planning Portal website. All statutory consultees and those who have registered an interest in the LDF will be notified of the adoption. The printed paper copies will be available in the new year and complimentary copies will be sent to all Councillors, Parish Councils via the Clerk and local libraries. It is intended to keep the print run limited in the interest of resources and the need to promote the Council's e-government and green agendas. A small quantity of paper copies of the document will be made available for sale to interested parties at a price to be agreed by the Local Planning Authority

1.3.3 **Legislation**

1.3.4 The Council has now reached the final stages of preparing a Development Plan Document and following a decision to adopt, Capita Symonds will discharge the final legislative requirements associated with adoption of an LDF document. These are set out at Regulation 36 of the 2004 Local Development Document Regulations and include:

- Prepare an Adoption Statement

- Place the Document, the Adoption Statement and the Inspectors Report in Council Offices and local libraries and Customer Contact Centres and on the Council's website
- Publish a notice in the local press that the document has been adopted;
- Notify those persons who has asked to be notified of the adoption of the document; and
- Send a copy of the DPD and adoption statement to the Secretary of State.

1.3.5 The preparation to date has been in accordance with the Planning & Compulsory Purchase Act 2004 and the Planning Act 2008. Adherence has been given to the associated 2004 and 2008 Local Development Document Regulations. The Council has also adhered to the requirements of the Natural Environment and Rural Communities Act 2006 and Section 17 of the Crime and Disorder Act 1998. Observance has also given to European Habitats Directive, the Strategic Environmental Assessment Directive and the Water Framework Directive.

1.4 Options

There are two options available:

1. Adopt the Breckland Site Specific Policies and Proposals DPD as submitted, including all of the amendments recommended in the Inspectors Report.
2. Do not adopt the Breckland Site Specific Policies and Proposals DPD, including all of the amendments recommended in the Inspectors Report and; agree to prepare a new or revised Site Specific Policies and Proposals document for consultation and further examination to a timetable to be agreed by the Council in partnership with Capita Symonds.

1.5 Reasons for recommendations

1.5.1 The Council has reached the latter stages of preparing a Site Specific Policies and Proposals document. Following Examination it has been found sound subject to a number of necessary fine-tuning amendments. As stated in this Report, the Inspectors Report is binding and the decision for the Council is to adopt the document or not. The Council is recommended to adopt the document in order to introduce an up-to-date planning framework for Breckland and to enable the remaining LDF documents to be finalised. Adopting the document will also allow the balance of housing identified in the document to be recognised in the Council's housing land supply calculations.

1.5.2 There are considerable risks and costs to the Council in not adopting the document. There are no procedural or technical justifications for not adopting a sound document. In this context the Council exposes itself to a judicial review of a decision not to adopt a sound document.

2. IMPLICATIONS

2.1 Risk

2.2 Financial

2.3 Legal

2.4 Equality and Diversity

2.4.1 There are no equality and diversity implications as a result of this report.

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

3. Alignment to Council Priorities

3.1 The Site Specific Policies and Proposals Document will contribute to the following Council Priorities:

- Building Safer and Stronger Communities
- Environment
- Prosperous Communities

4. Wards/Communities Affected

4.1 All wards and parishes within Breckland, with the exception of those areas covered by the Attleborough and Snetterton Heath Area Action Plan and the Thetford Area Action Plan are affected by this document

Background papers:-

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Key Decision

This is a key decision as indicated on the forward plan

Appendices attached to this report:

Appendix A – Site Specific Policies and Proposals Development Plan Document

Appendix B – Inspectors Report

Appendix C - Sustainability Appraisal Report (Final) (See web link)

Appendix D – Habitats Regulations Assessment (See web link)

Appendix E – Updated Proposals Map (See web link)

Appendix F – Sustainability Appraisal of Inspector's Report