

BRECKLAND DISTRICT COUNCIL

Report of Mark Kiddle-Morris, Portfolio Holder for Assets and Strategic Development

To: Cabinet – 1st July 2014

(Author: Phil Mileham – Deputy Planning Manager)

Subject: Croxton Neighbourhood Plan – Plan area designation & Croxton, Kilverstone and Brettenham Neighbourhood Plan – Plan area designation

Purpose:

The purpose of this report is for Members to consider any strategic issues or consultation responses and to formally designate the Croxton, Kilverstone and Brettenham Neighbourhood Plan area.

Recommendation(s):

It is recommended that Members consider the contents of this report endorse Option 1 and confirm the amended Croxton, Kilverstone and Brettenham Neighbourhood Plan area as shown at Appendix B and reject the single Croxton Neighbourhood Plan area.

1. BACKGROUND

- 1.1 The Localism Act 2011 introduced the ability for Town and Parish Council's, along with designated Neighbourhood Forums to prepare Neighbourhood Plans to help promote growth and shape the development of their areas.
- 1.2 Neighbourhood Plans have Development Plan status, and their preparation is subject to the provisions of the Localism Act along with the Neighbourhood Planning (General) Regulations 2012.
- 1.3 One of the first key stages in the process is for the extent of the plan area put forward by the community to be designated by the Local Planning Authority. This normally occurs before the plan can begin to be developed, and will set the area within which the policies in the Neighbourhood Plan will apply.
- 1.4 Members will be aware that Croxton Parish Council submitted a proposal for the designation of a Neighbourhood Plan area to the Council on 20th August 2013.
- 1.5 A further separate submission was made on 20th March 2014 by Croxton, Kilverstone and Brettenham Parish Councils for the designation of a joint Neighbourhood area covering all three Parishes.
- 1.6 These are the second and third formal applications for the designation of a Neighbourhood Plan area that by the Council has received under the provisions of the Localism Act.
- 1.7 This report deals with both proposals.

2. ASSESSMENT OF PROPOSED JOINT CROXTON, KILVERSTONE AND BRETTEHAM NEIGHBOURHOOD PLAN AREA

- 2.1 As indicated in paragraphs 1.4 and 1.5 above, both of the Neighbourhood plan area applications have been put forward by Parish Councils. Members are reminded that Town and Parish Councils are relevant bodies for the purposes of section 61G of the 1990 Act, and as such, their formation does not require any separate designation by the Local Planning Authority.

- 2.2 The first plan area put forward includes the whole of Croxton Parish Council's administrative area (see map at Appendix A). The second plan area covers the whole of Croxton and Kilverstone and Brettenham Parishes (see map at Appendix B). The joint Croxton and Kilverstone and Brettenham proposed plan area extent would include the whole of the land that forms part of the Thetford Strategic Urban Extension as identified in the Council's adopted Core Strategy Development Plan Document and Thetford Area Action Plan.
- 2.3 The submitted plan statement that accompanied the area application has been considered. The community has expressed a desire to develop local policies for Croxton, Kilverstone and Brettenham Parishes village but also the strategic growth identified in the Council's adopted Core Strategy and Thetford Area Action Plan in their Parish. This approach raises a number of issues in relation to the proper planning of the Strategic Urban Extension.
- 2.4 The 1990 Act requires the Council to consider the desirability of confirming the whole or part of a Parish as a Neighbourhood Plan area. Section 61G(10) of the 1990 Act states that Neighbourhood areas must not overlap. Therefore, the Council needs to consider this fact in light of the fact that Croxton, and Kilverstone and Brettenham Parish Councils have subsequently chosen to prepare a joint Neighbourhood Plan. Therefore, for the purposes of defining this area, the potential for an overlapping plan area is dealt with through this report.
- 2.5 The proposed joint Croxton, Kilverstone and Brettenham Neighbourhood Plan area covers a potentially mixed type of development, which will include a predominance of residential development as well as additional employment land. However, as the area is not wholly or principally an employment area, as such, there is no indication that the area should be designated as a Business area (as set out in section 61H of the 1990 Act).
- 2.6 There are three Parishes that include the land that makes up the Thetford Strategic Urban Extension, those being Croxton and Kilverstone and Brettenham. As indicated in paragraph 2.2 above, the Council has prepared and adopted two development Plan Documents that provide detailed policy coverage for the Urban Extension. In addition, Members are reminded that the Council has recently resolved to grant Outline Planning Permission for the mixed use development of 5,000 homes plus associate employment and community facilities covers the whole of the SUE. This application was considered at a special Planning Committee meeting on 4th April 2014, but the impacts of additional Neighbourhood Plan policies on the scheme would not be realised until later detailed reserved matters applications are submitted. However, if the single Croxton Neighbourhood Plan area be designated, there is significant potential for a confused planning framework across the single SUE site with the Kilverstone and Brettenham parts being covered by the adopted Core Strategy and Thetford Area Action Plan policies, and the Croxton part being covered by both of these **plus** the Neighbourhood Plan. Such an approach may harm the delivery of later phases of this strategic growth location. Therefore, the combined Croxton and Kilverstone and Brettenham application would provide the potential for greater consistency of Neighbourhood Plan policies across the Urban Extension area.
- 2.7 The Council is currently preparing a new single Local Plan document which will, once adopted, replace the current suite of Local Development Framework documents. The Council has a duty to support the Neighbourhood Plan process, but will also need to work alongside Croxton, Kilverstone and Brettenham Parish Councils as it moves forward with the new Local Plan to ensure that both documents are developed in a sound manner. This is due to the fact that the Neighbourhood Plan is required to be in broad conformity with the strategic policies of the Local Plan, which itself will need to provide the strategic direction for growth and change in the district.

3. PUBLICATION OF THE PROPOSED PLAN AREA

- 3.1 As required by Regulation 6 of the Neighbourhood Planning (General) Regulations 2012, the Council publicised the single Croxton area application designation for a six week period which closed on 19th February 2014. The joint Croxton, Kilverstone and Brettenham area application was also published for a minimum of six weeks which closed on 21st May 2014. On both occasions formal notices were placed in the local press (the Thetford and Brandon), as well as on the Council's website advising of the publication period and how to make responses. Copies of the material were placed in the Thetford Library, Thetford Town Council Offices and at the Council's principal office in Dereham. In addition, adjoining Parish Councils were advised of the publication by letter. However, members are reminded that the wider publication and consultation on the Neighbourhood Plan will be the responsibility of the Town or Parish Council as it moves forward.
- 3.2 The Croxton NP area application elicited two comments. The first was from Thetford Town Council stating that they consider the adopted Thetford Area Action Plan to be the defining document to guide. The second comments were from Pigeon Investments (the promoters of the Thetford Urban Extension proposals) indicating their desire to engage with the Parish Council as they progress the Neighbourhood Plan.
- 3.3 The Croxton, Kilverstone and Brettenham application elicited two comments; the first was from Thetford Town Council who reiterated that their comments in respect of the single Croxton NP applied equally to the joint application in that the Thetford Area Action Plan should be the defining planning document for the area. The second comment was from Pigeon Investments (the promoters of the Thetford Urban Extension proposals) indicating their desire to engage with the Parish Council as they progress the Neighbourhood Plan.
- 3.4 In light of the comments received from Thetford Town Council, Breckland Council could choose to designate an amended boundary and exclude land within the Thetford Sustainable Urban Extension, and effectively draw the southern boundary of the Croxton, Kilverstone and Brettenham Neighbourhood Plan area along the line of the A11 Trunk Road and exclude the land subject to the Sustainable Urban Extension as identified in the adopted Thetford Area Action Plan. Such an approach was taken by Wycombe District Council (case of Wycombe DC Vs Dawes Hill Neighbourhood Forum) excluding a strategic site. Wycombe Council's approach was subsequently upheld in the Courts, and in doing so the Judge in that case confirmed that the Council had acted reasonably in doing so, but also established that part of the Neighbourhood Area applied for must be designated.
- 3.5 It is considered that if an approach such as that identified in paragraph 3.4 above was taken, this would still represent a boundary that would allow for additional local policies to be developed for the village of Croxton, Kilverstone and Brettenham but also to provide a consistent framework across the SUE. However, it is considered that through working closely and positively with the Parish Councils and the developer, the potential for the content of the Neighbourhood Plan to affect this strategic site can be mitigated and at this stage such concerns may relate to matters of NP content which is not the subject of this report.
- 3.6 After designation of the plan area, the Council is required by Regulation 7 of the Neighbourhood Planning Regulations to publicise this fact and this will be carried out in the same manner as per the previous consultation.

4. OPTIONS

There are essentially two options open to Members, which are as follows:

- Option 1 – Cabinet considers the content of this report confirms the joint Neighbourhood Plan area as submitted by Croxton, Kilverstone and Brettenham Parish Councils as set out at Appendix A and rejects the single Croxton Neighbourhood Plan area.
- Option 2 – Cabinet considers the content of this report confirms an amended joint Neighbourhood Plan area of Croxton, Kilverstone and Brettenham **excluding** land identified as part of the Thetford Sustainable Urban Extension and reject single Croxton

Neighbourhood Plan area.

5. REASONS FOR RECOMMENDATION

- 5.1 It is recommended that Cabinet endorses Option 1 above. This is due to the fact that the proposed boundary is considered appropriate to be designated without modification.
- 5.2 An amended boundary could be designated that reflects the joint Croxton, Kilverstone and Brettenham submission with the exception of land falling within the Thetford Urban Extension. However, this is not recommended as it is considered that the potential for any strategic concerns to be mitigated through positive engagement with the Council and the promoters of the Sustainable Urban Extension.
- 5.3 Endorsing a single Croxton Neighbourhood area would result in a disjointed approach to future policy affecting the Urban Extension and inhibit the ability of a joint Neighbourhood Plan covering the three parishes to be identified.

6. EXPECTED BENEFITS

- 6.1 The expected benefits of confirming the plan area is to enable the community to move forward with the preparation of the joint Neighbourhood Plan.

7. IMPLICATIONS

7.1 Legal

- 7.1.1 The designation of Neighbourhood Plans is in accordance with the Neighbourhood Planning (General) Regulations 2012, as well as the provisions of the Localism Act 2011.

7.2 Risks

- 7.2.1 Risks are covered within the body of the report, which include potential for a disjointed approach to the development of policy affecting a strategic site (namely the Thetford Urban Extension).

7.3 Financial

- 7.3.1 There will be a small cost to the Council for the placing of the required press notices upon confirmation of the Plan area boundary.

7.4 Timescales

- 7.4.1 The timescale for the preparation of the Neighbourhood Plan itself will be set by the community.

7.5 Equality and Diversity

- 7.5.1 There are not considered to be any equality and diversity implications arising from this report.

7.6 Stakeholders / Consultation

- 7.6.1 The Neighbourhood Plan area boundary was publicised in accordance with Regulation 6 of the Neighbourhood Planning (General) Regulations 2012, which included a notice in the local press, copies placed in presence offices, Thetford Library, Breckland Council's principal office as well as being placed on the Council's website. The Council also wrote to adjoining Parish Councils advising of the publication period.

7.7 Contracts

- 7.7.1 There are no contractual implications arising from this report.

7.8 Section 17, Crime & Disorder Act 1998

- 7.8.1 None.

8. WARDS/COMMUNITIES AFFECTED

8.1 This report could affect Wards in Thetford (Abbey, Castle, Guildhall and Saxon), as well as the Wards that comprise Croxton, Kilverstone and Brettenham (Weeting and Harling and Heathlands Wards).

9.0 Acronyms

None.

Background papers:- *None*

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Director/Officer who will be attending the Meeting

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Key Decision – Yes

Appendices attached to this report:

Appendix A – Submitted Croxton, Kilverstone and Brettenham Neighbourhood Plan area boundary

Appendix B – Croxton Neighbourhood Plan area boundary