

## **BRECKLAND COUNCIL**

### **Report of the Executive Member for Planning - Ann Steward** **COUNCIL – 12<sup>th</sup> MARCH 2009**

#### **BRECKLAND LOCAL DEVELOPMENT FRAMEWORK** **SUBMISSION CORE STRATEGY AND DEVELOPMENT CONTROL POLICIES** **DEVELOPMENT PLAN DOCUMENT**

##### **1. Purpose of Report**

- 1.1 This report seeks Member's consideration of the issues raised during the pre-submission publication period and approval to submit the Core Strategy and Development Control Policies Document for inspection, including all supporting evidence, Habitats Regulations Assessment and schedule of minor modifications. Following the Preferred Options consultation earlier in 2008, the submission version of the Core Strategy and Development Control Policies document has been considered by five meetings of Policy Development and Review Panel 1 and further meetings of Overview and Scrutiny Commission and Cabinet and by this Council on 20 November 2008. This level of scrutiny, together with the considerable public consultation and evidence base which underpins the document, means that the Council can publish and submit a sound document which will shape Breckland for the next 15-18 years.

##### **2. Recommendations**

- It is recommended that the Council:
- 2.1 **Agree Option A to submit the Core Strategy and Development Control Policies document, schedule of minor modifications as listed in the at Appendix E. for submission to the Planning Inspectorate. Members are also requested to agree all supporting information and the Habitats Regulations Assessment for submission alongside the Core Strategy and Development Control Policies document. Members are also requested to allow Officers, in consultation with Executive Member for Planning and The Leader, to make any further minor amendments as required during the examination process.**

**Note:** In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

##### **3. Information, Issues and Options**

###### **3.1 Background**

- 3.1.1 Members will recall that as the Local Planning Authority the Council has a statutory responsibility to prepare a Local Development Framework (LDF). This responsibility sits with the role for local authorities to become "place-shapers" through the Sustainable Community Strategy produced by the Local Strategic Partnership and the LDF produced by the Council. The LDF Core Strategy must be in harmony with the priorities in the Sustainable Community Strategy and it is important that local planning policy supports the delivery of the locally distinctive economic, social and environmental objectives contained within it.
- 3.1.2 The LDF is a series of local development documents which collectively will deliver the overall spatial strategy the area. Government advice contained in Planning Policy Statement 12 'Local Spatial Planning' (2008) states that the Core Strategy is the key plan within the Local Development Framework and is a mandatory document the Council must produce, preferably in advance of any other local development

documents. Members will recall that this Council recognised the need to prepare a joint Core Strategy and Development Control policies document in order to bring up to date the existing policies in the Local Plan which was adopted in 1999.

3.1.3 The purpose of Core Strategy is to provide the key themes and vision for the future development of an area. The Core Strategy should reflect the goals of the community strategy across the area and provide strategic objectives for the area focussing on the key issues to be addressed. The Development Control Policies take forward the framework set out in the Core Strategy and provide detailed guidance to be used in the determination of planning applications. Guidance is clear that the Development Control Policies should be a limited set of clear, concise and easily understood topic related policies. Local planning authorities should not produce a compendium of use-related policies, which can be repetitive and quickly become out of date. The number and scope of policies in the document have been endorsed through consultation.

3.1.4 Upon publication and submission, Members are reminded that the authority can start to give limited weight to the Core Strategy and Development Control policies commensurate with the level of representation received on the policy. As such the submitted Core Strategy and Development Control policies will be a material consideration in the determination of planning applications. The programme is to submit the document for Inspection in March 2009 and an Examination in Public will be held in summer 2009. Members should note that the 'Examination' process technically commences at the point of submission.

### 3.2 **Issues**

#### **Importance of the timely submission of a sound Core Strategy and Development Control Policies Document**

3.2.1 Planning Policy Statement 12: Local Spatial Planning advocates that authorities should produce Core Strategies in a timely and efficient manner. This is essential to ensure Breckland recognises the need to make progress in securing new housing supply, as well as to enable the Council to move forward with other documents within the LDF such as Area Action Plans for Thetford and Attleborough and Snetterton Heath. Furthermore, the Council does not have the benefit of a complete and up to date local policy framework by virtue of the limited number of saved policies from the adopted Local Plan (1999) that remain. It is considered that further delays in submitting the Core Strategy and Development Control Policies would:

- delay development needed for the benefit of current and future residents;
- create difficulties coordinating supporting infrastructure to aid the delivery of land for development;
- reduce confidence in the plan-making process; and
- Delay the allocation of new land for development through the Site-Specifics and Area Action Plan documents.

3.2.2 The Core Strategy is one of the most important policy documents that the Council produces, it is now necessary for the Council to consider the document in light of the contents of this report and agree that it goes forward for Examination and the Inspectors Binding Report.

#### **Summary of the pre-submission publication period (Regulations 27)**

3.2.3 In accordance with Regulation 27 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008, the Council published the proposed submission version of the document, supporting evidence and statement of representations procedure. These documents were made available at the authorities principal offices, contact centres, and main libraries for six weeks from 5<sup>th</sup> January 2009. The document and all supporting evidence were also made available to view and comment upon online during this period. Copies of the document were sent to relevant statutory consultees, and others general consultation bodies were

notified of the documents availability and how they could make representations. A notice was also placed in the Eastern Daily Press advising of the pre-submission publication period.

- 3.2.4 The pre-submission publication period presented an opportunity for stakeholders and the public to make comments in relation to the soundness of the document. This period was not intended to be a further opportunity to consider alternative issues, merely to consider issues of soundness.
- 3.2.5 The Council received a number of comments from a variety of different persons and organisations. These are summarised in subsequent sections of this report.

#### **Ongoing work to support the Local Development Framework**

- 3.2.5 The Core Strategy and Development Control Policies document is underpinned by a considerable evidence base that has been used to determine the direction and shape of the policies in the document have taken. However, there are still some areas of the LDF that will require additional information, particularly information that will be needed to inform the emerging Site-Specific Allocations document as it progresses, as well as other documents such as the proposed Attleborough and Snetterton Heath Area Action Plan.
- 3.2.6 In regards to the Habitats Regulations Assessment of the Core Strategy, continuing monitoring work is in progress by the University of East Anglia (UEA) in partnership with the British Trust for Ornithology (BTO). This work relates to the protected Woodlark and Nightjar to consider the effects upon these species that may be attributed to human recreational activity. This is the second season of monitoring as part of a two year study. The initial headline findings have been fed in to the Core Strategy Habitats Regulations Assessment and the remaining work will seek to validate the first year's data collection.
- 3.2.7 Whilst the importance of the completion of the remaining fieldwork is recognised, sufficient information has been available to undertake the Habitats Regulations Assessment of the Core Strategy and Development Control Policies document.

#### **Water Cycle Study – Stage 2 Detailed Study**

- 3.2.8 As Members will recall the Council has commissioned and received an outline (Stage 1) Water Cycle Study for the District in 2008 which complements a Stage 1 Water Cycle Study for Thetford completed in 2007. The broad findings of the Stage 1 Water Cycle Study were presented to Overview and Scrutiny Panel 1 on 28<sup>th</sup> October 2008. Part of the remit of the outline Stage 1 Water Cycle Study was to provide guidance on the content of a more detailed Stage 2 Water Cycle Study. The recommendations included addressing in detail the technical solutions to capacity issues at Waste Water Treatment Works, detailed analysis of water quality issues and preparedness to meet the forthcoming Water Framework Directive and an assessment of water resource management options. From these broader areas, the Stage 2 Water Cycle Study will also provide specific guidance in relation to key growth areas at Attleborough and Thetford. The Brief for the Stage 2 Water Cycle Study is attached at Appendix H.
- 3.2.9 As Members will see from the summary of Regulation 28 Representations a soundness representation has been received from the Environment Agency in relation to the capacity of waste water treatment and receiving watercourses in Attleborough. Government guidance requires local planning authorities to pay particular attention to such representations and question whether the document remains sound. However, it is important for Members to consider that the issues affecting waste water treatment capacity at Attleborough are not unique. Other towns such as Dereham and Swaffham have similar, if not more critical, waste water capacity issues. Therefore there is not a readily available alternative spatial option such as reducing growth in Attleborough and re-allocating it to other towns.
- 3.2.10 Initial discussions with Environment Agency, Government Office and the consultants who undertook the Stage 1 Water Cycle Study indicate that the issue should not

result in the Plan being withdrawn but that findings from the Stage 2 study need to be available for the Inspector at the Examination.

- 3.2.11 Your officers have already commissioned consultants to undertake the detailed Stage 2 Water Cycle Study and outputs relating to Attleborough Waste Water Treatment Works will be ready in time for the Pre-Examination Hearing Meeting pencilled for May 2009. They will also be available for parties to scrutinise at the Examination scheduled for July 2009. The Environment Agency will be heavily involved in the preparation of the detailed Stage 2 Water Cycle Study, together with Anglian Water, Natural England and Norfolk County Council. Your Officers advise that the Council works closely with Environment Agency and Anglian Water over the forthcoming months and works towards preparing a 'Statement of Common Ground' for the Examination, dependent upon further analysis of Attleborough.

**Breckland Core Strategy Infrastructure Study (2009)**

- 3.2.12 Throughout the preparation of the Core Strategy and Development Control Policies document the issue of infrastructure delivery to accompany growth has been foremost in the minds of Members and the public. The Council's Overview and Scrutiny Panel 1 took evidence from a number of key infrastructure agencies during 2005/06 including Anglian Water, Norfolk County Council Education and Transport departments, Environment Agency and the Primary Care Trust. Evidence from these sessions together with detailed meetings at Officer level throughout the preparation of the document has ensured that infrastructure requirements are understood and that infrastructure providers understand the spatial options for sustainable growth available in Breckland.
- 3.2.13 To further the ongoing dialogue between the Council and infrastructure providers a number of detailed studies since 2005 (Water Cycle Study, A11 Energy Study, transport studies for Attleborough and Thetford, green infrastructure studies for Thetford and Dereham) have enabled specific infrastructure items to be identified and their delivery assigned and costed.
- 3.2.14 In April 2008 the Government published a revised Planning Policy Statement 12 (PPS12) "Local Spatial Planning" of which paragraphs 4.8 to 4.12 relate to Infrastructure provision. Paragraph 4.8 states that the Core Strategy should be supported by evidence of what physical, social and green infrastructure is needed to facilitate the development proposed for the area together with an outline of who will provide the infrastructure and when it will be provided. Paragraph 4.10 provides further detail on what Local Planning Authorities are expected to do and emphasises that following dialogue with infrastructure providers the key test is whether there is a reasonable prospect of provision. In light of the latest government policy and comments received on the Preferred Options document (January-March 2008) it was determined to prepare a Breckland Core Strategy Infrastructure Study to meet the requirements of PPS12.
- 3.2.15 In June 2008, Breckland Council commissioned EDAW to assess the infrastructure requirements associated with the residential and economic growth commitments laid out in the Preferred Options of Breckland's Core Strategy and Development Control options. The Breckland Core Strategy Infrastructure Study has been produced in two distinct stages. The Stage 1 output was an Attleborough Infrastructure Study which was submitted to Breckland Council in October 2008 and was made available as part of the evidence base for the Proposed Submission publication of the Core Strategy and Development Control policies document in December 2008.
- 3.2.16 The Stage 2 Infrastructure Study is Breckland wide and has been informed by the findings of the both the Stage 1 Attleborough Report and the 2007 Review of infrastructure requirements in Thetford (also provided by EDAW). Building on the recommendations from the Attleborough and Thetford studies, the District wide report has been able to use latest demographic projections and more up-to-date assessments of economic viability.

3.2.17 Preparation of the Breckland Core Strategy Infrastructure Study has only been possible with key inputs from Norfolk County Council, the Primary Care Trust, the Police Authority, departments across Breckland Council and utility providers such as Anglian Water and EDF energy.

3.2.18 Findings:

- The critical infrastructure to deliver the Core Strategy has been identified as A11 junction improvements at Thetford and the Attleborough Relief Road. Additional critical infrastructure includes waste water treatment at Thetford and Attleborough, electrical network reinforcement at Thetford and Attleborough and strategic sewer upgrades at Dereham, Swaffham and Watton.
- A wide number of essential infrastructure items have been identified (see Appendix G for full details), the headline items include:  
2 new Primary Schools at Thetford, 2 new Primary Schools at Attleborough  
Expanded high school provision at Thetford and Attleborough  
New doctor surgery at both Attleborough and Thetford  
Improved bus services linking surrounding villages to the market towns
- The total cost of all critical, essential and desirable infrastructure to support growth is estimated to be £237million. Mainstream funding, including contributions from Utility company Asset Management Plans comes to some £127million.
- Developer contributions from tariffs has been examined. Depending on land values and sales rates, the average tariff in Breckland could range between £4,000 and £7,000 per property. However, in some scenarios (lower land values, higher sales rates) locations such as Attleborough have the best potential to realise significantly higher tariffs (possibly as high as £25,000 per property) dependent on contributions from the Homes Communities Agency towards affordable housing.
- If landowner agreements were able to be negotiated at fixed land values this would increase potential receipts from tariffs and the Infrastructure Study estimates that this approach could yield £167.6million. Under this scenario the funding gap between total infrastructure costs and public funding is closed. Alternatively in the absence of landowner agreements and reliance on tariffs across a longer period with variable market conditions, an infrastructure funding gap of £83million across Breckland is identified.
- This level of funding gap is a challenge and will require innovative solutions. These include exploration of the Regional Infrastructure Fund, contributions from the new Homes & Communities Agency and the concerted efforts of partners across the Local Strategic Partnership. The potential level of funding gap in Breckland whilst significant is not excessive and can be closed, particularly if elements of the desirable infrastructure are not taken forward.

3.2.19 A further summary of the findings is attached at Appendix G and the full report is available to view on the Council's website on the LDF pages.

3.2.20 A number of representations have been received from the Attleborough area, including comments made by Attleborough Town Council, Taking Attleborough Forward and Besthorpe and Burgh Common Action group querying the delivery of infrastructure provision to support the planned growth of the town and estimated funding shortfalls. The Stage 2 Infrastructure Study provides further information in response to these points and the Report can be scrutinised over the next 4 months prior to the Examination in Public programmed for July 2009.

3.2.21 Regulation 30(g) requires that the authority upon submission to the Secretary of State submits such supporting documents as in the opinion of the authority are relevant to the preparation of the document. The Core Strategy Infrastructure Study will assist the Government Inspector in determining whether the document is sound and those parties attending the Examination in Public will be able to make reference to the document.

3.2.22 The authority may face criticism that this information was not available before

submission and that it may have erred procedurally in terms of opportunity to scrutinise its contents. It is your Officers advice that a procedural check has been undertaken by the Planning Inspectorate and the authority may proceed to submission. Additionally, the evidence base has been prepared to inform and support the preferred development strategy as agreed by this authority, including strategic growth at Attleborough. If the Study was concluding that the Core Strategy was undeliverable, this would be reflected in the recommendation of this Report. Members may also wish to note that Infrastructure delivery is likely to form a key part of the Examination in Public.

- 3.2.23 Members agreed at Overview & Scrutiny Panel 1 on 6<sup>th</sup> May 2008 to commission this work in response to comments received on the Core Strategy. The Stage 1 Attleborough Study and the Stage 2 District Wide Study have been produced as expediently as possible. Breckland is the first authority in Norfolk to have reached this stage of the LDF process with a comprehensive Infrastructure Study in place. Further delays at this stage are unlikely to yield different answers to the complex issue of infrastructure delivery.
- 3.2.24 The abovementioned studies will be useful in taking forward the Core Strategy and Development Control Policies; however it is considered that the current completed evidence base is sufficient to enable the Council to submit the document for inspection and fulfil local, regional and national policy requirements. The evidence base is considered to be proportionate to the scope and nature of the Core Strategy and Development Control Policies document. It has been significantly enhanced in 2008 to address comments arising from the Preferred Options consultation held in 2008, and a programme of additional evidence base was agreed by Overview and Scrutiny Panel 1 on 6<sup>th</sup> May 2008 and by Cabinet on 22<sup>nd</sup> July 2008. A full list of submission documents is provided at Appendix F.
- 3.2.25 The Council, if minded, could delay the Core Strategy and Development Control Policies and work up further more detailed evidence base prior to submission. This approach is unlikely to be supported by the Government Office who encourage the timely production of LDFs. Additionally further delays to the Core Strategy will expose the authority to speculative applications in advance of the LDF process.

### **Summary of Regulation 28 Representations**

- 3.2.26 During the pre-submission publication period, the Council received approximately 583 comments from 94 different persons or organisations. The following section summarises in broad terms the comments accepted during the representations period.
- 3.2.27 Representations were received on nearly all parts of the document; however the majority of the substantive issues arising can be broadly categorised under the following six key topic areas. These are:
- Spatial Strategy
  - Housing numbers and distribution
  - Employment growth
  - Infrastructure
  - The protection of the Environment (including the Habitats Regulations Assessment)
  - Affordable housing
- 3.2.28 A number of the representations made on the Spatial Strategy object to the reliance on the A11 corridor to delivering the levels of growth proposed in the Core Strategy. Concern has been raised that the Council's strategy for growth in the District is over-reliant on Thetford to deliver the housing numbers proposed. Concern has also been raised regarding the isolation of existing schools due to limited growth options

proposed.

- 3.2.29 Concern has been raised from individuals and groups within Attleborough as to the deliverability of employment growth in the town, and the approach of identifying such a significant portion of the District's proposed development in a small number of locations. It has been suggested that the scale of growth in Attleborough is too high and should be reduced and distributed elsewhere across Breckland. Other representations consider the Council's approach towards development in Attleborough is sound and deliverable, citing the lack of environmental constraints and wider sustainability of Attleborough as key justifications to support the strategy the Council has adopted. A representation also considered that the proposed housing allocation for Attleborough should be increased up to 6,000 dwellings.
- 3.2.30 Other representations suggest Dereham should play a greater role in the development hierarchy and is better placed to accommodate an increased scale of housing growth than currently proposed.
- 3.2.31 Further representations were received suggesting that other villages including North Elmham, Weeting, Bawdeswell and Banham should be identified as Local Service Centre villages for growth. Representations were received from Swanton Morley Parish Council requesting that they no longer be identified as a Local Service Centre for growth of 50 homes.
- 3.2.32 In considering employment issues, objections have been raised by Attleborough Town Council, Taking Attleborough Forward and Besthorpe and Burgh Common Action group regarding the balance between jobs and new homes proposed. Further objections considered that employment growth proposed at Snetterton Heath will result in unsustainable commuting patterns and not deliver the job numbers expected.
- 3.2.33 A number of representations were received regarding employment growth in Thetford. Some representations consider employment land should be identified within the boundary of the A11 trunk road, whilst others suggest that land beyond the A11 should be considered in preference.
- 3.2.34 Other representations consider additional land for employment should be identified in Swaffham, Larling and north of Brandon (within Weeting Parish).
- 3.2.35 A number of representations have been made in relation to infrastructure delivery to support planned growth in the District. The broad view of responses considers that in delivering the development strategy for Breckland, the plan should not place undue reliance on the development industry to address existing infrastructure deficiencies.
- 3.2.36 In terms of infrastructure delivery in Attleborough, objections have been raised suggesting that the funding shortfall identified within the Council's evidence base demonstrates that growth is undeliverable.
- 3.2.37 Further objections have been received from the Highways Agency in relation to the absence of detailed transport evidence base, and the Environment Agency have raised concerns regarding waste water treatment and suggest improvements will be required to deliver the balance of growth in the town.
- 3.2.38 A number of objections have been received in relation to the effects of development on the stone curlew interest feature of the Breckland SPA. The objections considered that the supporting information used to underpin the Habitats Regulations Assessment (HRA) was unsound, that the Habitats regulations Assessment itself was unsound and that the Council's approach towards development and stone curlews was overly precautionary. The objections also consider that inadequate consultation was undertaken on the outcomes from the HRA prior to the pre-submission publication and has resulted in soundness concerns. Further objections consider that the cross-border implications of the stone curlew buffer have not been adequately considered.
- 3.2.39 The RSPB and Natural England both find the approach to the natural environment policy sound, and endorse the findings and application of the HRA. Natural

England's representation is provided in Appendix D.

- 3.2.40 The proposed affordable housing policy received a number of objections from the development industry relating to the percentage and threshold at which affordable housing will be sought on sites. The objections considered that the percentage proposed was too high and would potentially make development unviable.
- 3.2.41 A number of objections have been received from developers, landowners and private individuals suggesting that the approach to new housing allocations in the rural area should be more flexible. This include suggestions that more Local Service Centres should be identified for growth, and that the forthcoming review of settlement boundaries should be more flexible and allow for more greenfield land to be included.
- 3.2.42 The Council's summary of representations to be submitted to the Planning Inspectorate can be seen in full at Appendix A. The specific response to the Government Office is provided at Appendix C.

#### **Summary of Regulation 29 Representation (Conformity with the Regional Strategy)**

- 3.2.43 At the point of commencing publication under Regulation 27, the Authority was also required, by separate Regulation, to make a request to EERA for their opinion as to the general conformity of the Breckland Core Strategy and Development Control Policies document with the adopted East of England Plan (the RSS).
- 3.2.44 EERA submitted its opinion on 26th January confirming that the Core Strategy is in general conformity with the Regional Plan. EERA also consider that the Core Strategy responds well to the Regional Plan, recognising the need to deliver new growth whilst recognising the unique landscape and biological heritage of the area.
- 3.2.45 A copy of EERA's response made under Regulation 29 can be seen at Appendix B.

#### **Assessment of Representations**

- 3.2.46 A full summary of the representations on the Proposed Submission Core Strategy and Development Control Polices can be found at Appendix A of the report. In considering the representations received the Council must assess whether particular representations raise issues which fundamentally go to the heart of the soundness of the document. This may cause the Council to question whether its document is sound and whether it should proceed in submitting the document. Clearly a number of representations will be received stating that the document is unsound (i.e. those objecting to the document). The view of the Council is critical in determining whether those representations are raising fundamental issues on the soundness of document or not. It does not automatically follow that because a number of soundness representations (objections) have been received that the document is unsound.
- 3.2.47 To aid the assessment, your Officers have prepared a soundness self-assessment using a template provided by the Planning Inspectorate. The assessment is provided at Appendix I. Additionally a further assessment of main representations and their implications on the soundness of the document is provided in the following paragraphs.

#### **Core Strategy**

- 3.2.48 As Members will recall the Spatial Strategy for the District to 2026 is to direct the majority of growth along the A11 to Thetford, Snetterton and Attleborough. The remaining balance of growth will be directed to Dereham, Swaffham and Watton with 4 Local Service Centre villages for growth (Harling, Narborough, Shipdham and Swanton Morley) and elsewhere across the District some 3,000 homes will come forward on windfall sites in addition to the strategic housing numbers contained in the Regional Spatial Strategy (RSS).
- 3.2.49 In response to this strategy the main areas for representations can be headlined as follows:
- 3.2.50 Levels of growth for Thetford and the option of a strategic sustainable urban extension to the north of the town are sound but removal of the option to develop to the south-east of the town due to the Stone Curlew Protection Zone is unsound.

Additional representations have been received that undue weight has been given to the Stone Curlew Protection Zone to the detriment of service provision and transport infrastructure.

- 3.2.51 A number of representations have objected to the levels of development proposed in Attleborough and in particular the balance between jobs and homes, including comments from "Taking Attleborough Forward" and the "Besthorpe and Burgh Common Action Group". Further representations suggest the plan is unsound because infrastructure delivery will be inadequate, land to the north of the A11 has not been considered and that it is uncertain that the waste water treatment works can accommodate demand arising from the 4,000 new homes. Additional representations have also suggested that the plan is unsound because Attleborough can accommodate more than 4,000 homes, possibly as many as 6,500 new homes. Representations from the Environment Agency on waste water treatment capacity are important and merit particular attention. The Agency is not saying that the issue can not be resolved but that it wants to see the outcomes of further Stage 2 Water Cycle Study work before consenting to further growth in the town.
- 3.2.52 A number of representations have been received suggesting that Attleborough's growth be reduced and reallocated to provide for further growth at Dereham.
- 3.2.53 Very few representations have been received in respect of Swaffham, Watton and the proposed Local Service Centre villages. It has been proposed that Swaffham could accommodate additional development above the levels set out in the Strategy. In respect of the Local Service Centres, representations have been received stating that the document is unsound for removing Weeting as a Local Service Centre for growth due to the Stone Curlew Protection Zone. Additional representations have stated that the document is unsound because all local service centre villages should be allocated growth, in particular North Elmham, Litcham, Old Buckenham and Banham. Swanton Morley has made strong representations that it no longer wishes to be considered as a Local Service Centre for growth. Representation received that Bawdeswell be added to the Local Service Centre for growth tier in the hierarchy.
- 3.2.54 Representations have also been received which argue that the document is unsound because it has not given sufficient attention to Brandon and possible options surrounding the growth of the town and the provision of a bypass, given its proximity to Breckland.

#### **Assessment**

- 3.2.55 Breckland Council has reached the proposed Submission stage following four rounds of consultation, together with additional focused meetings with key stakeholders and the development of a significant evidence base (see Appendix F). It is on this basis that your Officers recommended to Council on 20<sup>th</sup> November 2008 that the proposed Submission document as drafted is sound.
- 3.2.56 Representations on Thetford are linked with the Stone Curlew Protection Zone and this is addressed below. In terms of Attleborough, the issue is related to the scale and location of growth proposed in the town. Both issues have been informed by previous consultation exercises, together with evidence developed as part of the LDF process. At the Preferred Options consultation stage (January-March 2008) there were a few comments on Attleborough from the Town Council, Norfolk County Council and Highways Agency. In light of these comments further detailed work has been undertaken to improve the number of net new jobs (an increase from 200 to 2,000), to better understand the delivery of a relief road from the B1077 to the A11 and a thorough assessment of infrastructure provision. Additionally, Water Cycle Study work has included significant elements on Attleborough. Following the publication of possible sites in June/July 2008 two community groups have emerged in Attleborough and have responded to the publication of the Proposed Submission document to revisit principal issues, including whether new development should be concentrated north of the A11 or re-distributed (in part) to Dereham. Additionally, the Town Council has moved from a position in 2007 of supporting further growth of 4,000-6,000 new homes to a less supportive position, particularly with concerns around infrastructure provision.

- 3.2.57 The waste water treatment issues for Attleborough are significant. As explained in paragraphs 3.2.12 – 3.2.25, the Council has commissioned a Stage 2 Water Cycle Study which will look into the issue in detail. The Environment Agency have not recommended that the Plan be amended or withdrawn but that the findings of the Stage 2 Study be available for the Examination. As previously stated this can be done and in a timeframe which will enable all interested parties to scrutinise and consider the findings. On this basis it is recommended that the Plan does not need to be changed.
- 3.2.58 A number of representations have proposed that land north of A11 in Attleborough should be considered as part of the options for accommodating growth in the town. Land has been formally submitted to the north of the A11. In respect of housing growth, the Plan, as drafted, clearly indicates that the preferred option is a strategic urban extension to the south of the town, which will take place following the construction of a relief road which will remove traffic from the town centre. Releasing land to the north of the A11 does not provide a clear solution to infrastructure issues in the town. Traffic congestion could be exacerbated, particularly as the reasonableness of developer contributions or mainstream funding for a relief road is less tangible if not directly related to growth. Additionally, areas of land to the north of the A11 are in flood zones, within 400metres of the sewage works and physically segregated from the town by the A11. The potential of some areas of land north of the A11 for employment, infrastructure and community development could be explored as part of the Attleborough & Snetterton Heath Area Action Plan. On this basis it is recommended that the Plan does not need to be changed.
- 3.2.59 Infrastructure is a key issue for Attleborough and final amendments by this Council at its meeting on 20 November 2008 included strengthening the requirement to deliver elements of infrastructure in advance of the development taking place. As detailed in paragraphs 3.2.12 – 3.2.25 further work on infrastructure delivery has been taking place over the past 3 months and the final Breckland Core Strategy Infrastructure Study will be made available before the Examination for all interested parties, including the Inspector, to scrutinise. Initial infrastructure findings for Attleborough published in December 2008 indicated a funding shortfall of some £39million. Further work has identified potential options to reduce the shortfall and increase the ability of developer contributions via a tariff mechanism to plug the gap. However, notwithstanding the full potential of developer contributions it is recognised that infrastructure funding will be needed for the town. This is not a unique scenario and the Inspector examining the Plan will look for confidence that the infrastructure requirements are understood and that reasonable steps have been taken to identify funding sources and timings in line with policy in PPS12. The Breckland Core Strategy Infrastructure Study and other evidence base such as the Breckland Water Cycle Study, the Attleborough Link Road Study and the A11 Energy Study provide this. On this basis it is recommended that the Plan does not need to be changed.
- 3.2.60 A number of representations propose a redistribution of growth from Attleborough to Dereham. As previously reported to Overview and Scrutiny Panel 1, Dereham experiences a significant number of infrastructure constraints (water, electricity, high school capacity, transport) which limit the amount of growth which can be directed to the town. Notwithstanding these constraints, consultation on the LDF and examination of the options has resulted in a consistent level of growth being proposed which is endorsed by a number of key stakeholders other than those landowners/developers who are seeking additional growth. Redirecting significant growth to Dereham would result in an undeliverable strategy and a less sustainable option. This is an issue which the Examination process should consider and it is not considered necessary to make any changes at this point.
- 3.2.61 The issue of Local Service Centres has been thoroughly explored during the preparation of the LDF and a Local Service Centre analysis paper has been prepared for both the Preferred Options and Proposed Submission documents. Members have previously agreed that Local Service Centres for growth should meet all of the criteria set out in the RSS. On this basis Harling, Narborough, Shipdham and

Swanton Morley have been identified for housing allocations. Weeting was identified for growth but as part of the mitigation measures under the Habitats Regulation Assessment it has been reclassified as a Local Service Centre for service provision and enhancement. As set out below there is no material new evidence which indicates that there is merit at this stage to consider an alternative approach. Swanton Morley Parish Council are strongly opposed to further growth in light of a recent planning consent in the village. Deleting Swanton Morley would result in the need to do a focussed change and additional consultation. The Examination process will consider Swanton Morley and there is flexibility as part of that process to reconsider the housing numbers for the village. The additional requests to include further settlements as Local Service Centres for growth is best dealt with at the Examination process rather than changes at this stage.

- 3.2.62 The Parish of Weeting shares a border with the town of Brandon in Forest Heath District. Forest Heath District have never notified the Council that cross boundary issues need to be explored in this area as part of the growth of Brandon. The representations from a consortium of Landowners and Suffolk County Council are best dealt with at the Examination process rather than changes at this stage. Members should note that there are no over-arching mechanisms such as sub-regional housing areas or sub-regional planning policy which would justify a need for the cross-boundary planning of growth to 2026 and to make changes at this stage.

#### **Stone Curlew Protection Zone**

- 3.2.63 The issue of the stone curlew buffer zone has elicited a number of soundness objections from landowners and their agents. The principle objections consider that the supporting evidence underpinning the Habitats Regulations Assessment (HRA) is unsound and the approach taken by the Council is overly precautionary and therefore inappropriate. Specifically, the report entitled 'the effects of housing development and roads on the distribution of stone curlews in the Brecks' has been scrutinised. It is considered that many of the comments have misinterpreted the results of the study and have failed to raise any significant shortcomings in the work that fundamentally undermine its credibility. Members may wish to note that Natural England endorse the work done to date and the findings of the HRA and this gives the Council considerable surety that approach taken to date is sound.
- 3.2.64 Objections have been received that suggest Members have been misled as to the proportionality of the effects on the stone curlew and the level of mitigation brought about by the buffer in relation the acceptability of development. The Council commenced the HRA early on in the plan making process which highlighted further issues to be addressed before an assessment could be concluded. This concluded there was a lack of information to consider the effects of the strategy on protected bird species. This work was commissioned specifically to inform the final HRA of the Core Strategy and a summary of the findings of the emerging HRA were presented to Overview and Scrutiny Panel 1 on the 28<sup>th</sup> October 2008. The issue of the impact on Breckland SPAs has been publicised in the initial HRA alongside the Preferred Options paper and actively informed the preparation of the Core Strategy and emerging Area Action Plan for Thetford.
- 3.2.65 Representations have suggested that the lack of further consultation in light of the insertion of the stone curlew buffer is an unsound approach. The stone curlew buffer is a mitigation measure necessary to ensure the strategy as endorsed by the Council can proceed. The buffer itself does not introduce any new locations for growth, and only includes the necessary provisions to allow the preferred strategy to proceed. Previous strategies for growth have previously been consulted upon (in both Development Choices consultation March 2007 and the Preferred Options Consultation January 2008) and have not been progressed. It is considered that the growth strategy that the Council has presented is a sound option to deliver the levels of growth set out in the District up to 2026 and remains deliverable with the mitigation measures resulting from the HRA in place.
- 3.2.66 A number of objections consider that cross border issues (particularly in relation to possible development in Brandon) have not been taken into account resulting in soundness concerns. Members should note that Forest Heath District Council (the

administrative authority for Brandon) are not as advanced with their Core Strategy as Breckland. Forest Heath by virtue of being statutory consultees have been consulted at each stage of the LDF process and have not made any representations to the Council advising that land north of Brandon (Weeting Parish) should be considered as a development option based on their evidence. There have also been concerns raised regarding the possible development of a Brandon bypass. The Brandon bypass has not been formally committed to by Suffolk County Council as Highway Authority, and is not included in their Local Transport Plan. Whilst the Brandon bypass is supported by Forest Heath District Council, their latest preferred policy CS10 from July 2008 supported measures to relieve adverse impacts of traffic in Brandon, but also considered further work would be needed to assess the impact of the dualling of the A11 on the need for any such enhancements. Therefore, as adjacent authorities' Core Strategies are not adopted, very limited weight can be given to the proposals within them that are not committed to in other policies (Regional Plan, or Local Transport Plan). As a result, the scope of the Breckland HRA is considered appropriate and has given due consideration to the effects of proposals in adjoining strategies where they are sufficiently advanced.

3.2.67 Some objections consider that the Core Strategy is unsound as the Council did not widely consult on the Habitats Regulations Assessment prior to the pre-submission publication period. Regulation 48(4) of the Habitats Regulations 1994 does not prescribe any mandatory requirement for consultation on a Habitats Regulations Assessment but advises that other organisations with relevant information could be consulted. Therefore, Members should note that Natural England and the RSPB were consulted on the HRA as well as maintaining input through the process to ensure the robustness and integrity of the process. Both organisations have made representations finding the Council's approach sound.

3.2.68 In summary, whilst it is recognised that a number of objections have been received in respect of the HRA and supporting information, it is considered that these are most appropriately addressed through the Examination in Public (EiP). The summary of representations included at Appendix A will give the Planning Inspectorate a clear indication that this is a significant issue worthy of detailed exploration at the EiP. Therefore, your Officers do not recommend delaying the submission of the Core Strategy on this issue.

#### **Development Control Policies**

3.2.69 On the whole, the proposed submission Development Control Policies have attracted few representations with the exception of Policy DC4 on Affordable Housing Principles.

3.2.70 The principal issue is concern over the viability of the 40% requirement in the policy and a number of suggestions have been made to lower the percentage or adopt a different approach dependent on location. A number of representations have also suggested that the policy as drafted is not sufficiently flexible to respond to site conditions and economics.

3.2.71 The thresholds within the policy have not been challenged (i.e. sites of 5 homes or 0.17 hectares or more) and importantly no evidence has been provided as to why the 40% requirement is unviable and why an alternative lower percentage is a more sustainable option for Breckland.

#### **Assessment**

3.2.72 The Sustainability Appraisal Report accompanying the document has looked at options for different percentages of affordable housing contribution including lowering it to 35% or increasing it to 45%. Members will recall that Breckland Council has prepared significant evidence which reflects local conditions in Breckland. This evidence includes the Strategic Housing Market Assessment (SHMA), a Housing Needs Study and an Affordable Housing Viability Study. This evidence points to such a level of need that indicates that a 45% contribution is appropriate and, in most circumstances viable. A pragmatic approach of 40% on sites of 5 units across the District has been subject to considerable scrutiny and input by Members.

- 3.2.73 Lowering the Affordable Housing percentage at this stage will result in the need to make a focussed change which will not be as sustainable as the proposed submission document. The issue that the policy is not sufficiently flexible is unreasonable. The proposed submission policy includes a reference that 40% contribution can be reduced subject to evidence being provided to the satisfaction of the Local Planning Authority that there are extraordinary costs associated with the site which make the 40% contribution unreasonable to bear.
- 3.2.74 As Members can see from the attached Summary of Representations (Appendix A) there have been very few representations on the Development Control policies, none of which raise fundamental issues with the soundness of the document. It is your officers advice that these representations are best dealt with during the Examination process and that Breckland has the evidence to rebut the representations. Furthermore there is no justification to make any changes to the document at this stage in light of these representations.

#### **Procedure**

- 3.2.75 On matters of process, representations have been received from Thetford and Attleborough that the Local Development Framework process to date has not been subject to adequate consultation. Members are aware that the authority has prepared a Statement of Community Involvement setting out the consultation which the Authority will undertake. Additionally, there are Regulations governing the minimum consultation requirements. Breckland Council when it published its Proposed Submission Document sent copies to the Planning Inspectorate. The Inspectorate have undertaken a procedural check and have confirmed that the Council has to date followed the necessary requirements, including consultation. It is also important to note that the recent publication of the Proposed Submission document is not an additional round of public consultation but a legal requirement to publish the document and invite focussed representations on the soundness of the content.
- 3.2.76 It is considered notwithstanding the significance of some of the representations made, there are no issues raised which cannot be adequately addressed through the examination process.

#### **Consideration of the need for focussed changes, extensive changes or no changes to the document**

- 3.2.77 Under the new Regulations governing the preparations of LDFs an authority can consider whether further changes are needed to the document in order to make it sound. The Regulations advise that an authority can make either extensive changes or focused changes to the document. Extensive changes mean an effective re-write of the document and a need to start the process again because fundamental, new spatial options have been presented. Focused changes are those which are limited to one part of the document such as a particular policy or chapter. A focused change would require further sustainability appraisal and additional consultation with consequent issues for the timetable for the document.
- 3.2.78 In assessing the representations received, it is not considered that the Council should make any focussed or extensive changes to the Core Strategy and Development Control Policies prior to submission. However, if Members consider based on the contents of this report and supporting information that either focussed changes or extensive changes are necessary, then further consultation would be required prior to submission. It should be noted that this course of action will result in a delay to the examination process. This would also have implications for the timing of other documents such as the emerging Thetford Area Action Plan.
- 3.2.79 Therefore, although it is recognised that some representations question the Council's approach and the soundness of the document, these would be most suitably considered by the Inspector through the examination process. The Inspector has the option to make changes to the document and can opt to select alternative options presented within the accompanying Sustainability Appraisal Report.
- 3.2.80 Despite recommending that no substantive changes are made to the document your

officers would advise, however, that there is a risk that some of the representations could result in the Examination process becoming protracted. In order to consider emerging evidence in relation to waste water treatment and the comments surrounding the Habitats Regulation Assessment there may be a need for further specialist inputs and assessment which would lengthen the Examination period.

#### **Minor Modifications to the document**

- 3.2.81 Notwithstanding the issues raised above, Guidance from the Planning Advisory Service (PAS) and the Government Office consider that the plan should be sound at the commencement of the pre-submission publication process. However, where minor changes are recommended, these should be limited in number, minor in nature and should not materially change the plan. The Council will then submit these changes as a supporting schedule to the Inspectorate and ask that these be recommended in the Binding Report.
- 3.2.82 A number of the representations received during the pre-submission publication period have suggested technical or other factual amendments to the Plan that your Officers consider could be satisfactorily addressed through minor modifications to the proposed submission document.
- 3.2.83 A schedule of proposed minor modifications has been included at Appendix E and Members are asked to consider these as part of the recommendation of Option A.

#### **Submission process and timetable**

- 3.2.84 Members may wish to note that at the point of submitting the Core Strategy and Development Control Policies document, the Examination process will technically commence. In accordance with the Town and Country Planning (Local Development) (England) (Amendment) Regulations, the Council will submit the document and supporting evidence to the Planning Inspectorate, as well as publish these on the Council's website. Copies of the document will also be sent to Statutory consultees, and other general consultees will be notified of the submission. The Inspector will then consider the representations received and formulate key issues to be explored at the pre-examination meeting.
- 3.2.85 The following timetable gives an initial indication of the process and the key stages in the documents Examination:
- 30<sup>th</sup> March 2009 – Breckland Council submit the Core Strategy and Development Control Policies document and supporting information to the Planning Inspectorate;
  - May 2009 – Appointed Inspector to hold a pre-examination meeting to consider the issues to be discussed during the Examination in Public;
  - July 2009 - Examination in Public;
  - November/ December 2009 – Council expected to receive the Inspectors Binding Report.

#### **Conclusions**

- 3.2.86 The Core Strategy and Development Control Policies document as presented is a sound document that is both justified and effective. It is aligned with the wider corporate objectives of both the Council and Local Strategic Partnership and collaboratively with the Sustainable Community Strategy the Core Strategy will assist in delivering local priorities. The Core Strategy is grounded in an extensive evidence base which identifies what makes Breckland the place that it is and the local distinctiveness of the environment, society and economy of the District is embraced in the Strategy. The document also addresses the issues, opportunities and challenges which the District is likely to face during the lifetime of the Core Strategy to 2026. The Breckland Core Strategy is accompanied by a comprehensive Sustainability Appraisal Report which assesses all the reasonable strategic and local policy options applicable to Breckland. The Strategy is also underpinned by a Habitats Regulation Assessment.
- 3.2.87 Your Officers advise that the Government Inspector who will examine the document

will have considerable scope to explore the evidence and test alternative options which have been presented. Members are reminded that the Inspectors Report will be binding on the authority and that there will be no further consultation after receipt of the Report.

### **3.3 Options**

#### 3.3.1 Option A

Members agree the Core Strategy and Development Control Policies document, schedule of minor modifications, and accept and agree all supporting evidence for submission to the Secretary of State for Inspection.

#### 3.3.2 Option B

Members do not agree that the Council submit the Core Strategy and Development Control Policies document, schedule of minor modifications, and all supporting evidence for Inspection.

#### 3.3.3 Option C

Members consider that focussed or extensive changes to the Core Strategy and Development Control Policies are necessary, and an additional period of consultation prior to submission should be undertaken.

### **3.4 Reasons for Recommendation(s)**

3.4.1 Members are asked to approve Option A to enable the Council to submit the Core Strategy and supporting documentation. This will enable the examination process to commence and for the Council to progress in a timely manner the strategic planning framework for the District.

## **4. Risk and Financial Implications**

### **4.1 Risk**

4.1.1 I have completed the Risk Management questionnaire and can confirm that risk has been given careful consideration, and that there are no significant risks identified associated with the information in this report.

### **4.2 Financial**

4.2.1 This report has no direct financial implications. However, it needs to be recognised that the Public Examination in summer 2009 will have costs associated with it, in terms of the Inspector and support at the inquiry.

## **5. Legal Implications**

5.1 This report has no direct legal implications. The Regulations which accompany the preparation of a Development Plan Document are to be adhered to. Failure to consider the Regulations and proceed in accordance with them could result in either the document being found unsound or Judicial Review.

## **6. Other Implications**

a) Equalities: - The LDF addresses the needs of a number of vulnerable groups in the District including specifically Gypsies and Travellers, the young, the elderly and the low income / long-term unemployed. An Equalities Impact Assessment has been completed to accompany this report.

b) Section 17, Crime & Disorder Act 1998: The LDF recognises that new development needs to take account of crime and the fear of crime and this is addressed in the appendix to the Report.

- c) Section 40, Natural Environment & Rural Communities Act 2006: The LDF has to deliver significant growth within an environmentally sensitive context. The implications for the Breckland environment are addressed in Section 3 of the Report itself.
- d) Human Resources: None
- e) Human Rights: None

## **7. Alignment to Council Priorities**

7.1 The Breckland Local Development Framework Core Strategy and Development Control Policies and their aims and objectives directly contribute the following Council Priorities:

### **Building Safer and Stronger Communities**

- o Tackle anti-social behaviour
- o Reduce the Fear of Crime
- o Promote a sense of community belonging and pride
- o Ensure all our services are provided in a fair and equitable manner
- o Contribute to improving the health of people who live in Breckland
- o Reduce Poverty

### **Environment**

- o Contribute to reducing the cause of climate change
- o Protect and improve Breckland's natural environment and resources

### **Prosperous Communities**

- o Encourage inward investment and the diversification of the local economy
- o Promote the start-up, growth and retention of local businesses and the strengthening of Breckland's entrepreneurial culture
- o Promote the development of a more skilled workforce
- o Protect and enhance our town centres
- o Develop flourishing rural communities
- o Secure a decent standard of housing across the district

## **8. Ward/Community Affected**

8.1 All wards in Breckland.

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### Key Decision Status (Executive Decisions only):

Key Decision

### Appendices attached to this report:

Appendix A – Regulation 30(e) summary of representations received under Regulation 28

Appendix B – Copy of opinion of the Regional Planning Body of conformity with the Regional Strategy

Appendix C - Copy of response to pre-submission publication from GO-East

Appendix D – Copy of response from Natural England

Appendix E – Schedule of proposed minor modifications for recommendation to Inspector

Appendix F – List of documents to be submitted for Inspection

Appendix G - Summary of Infrastructure Study Stage 2

Appendix H – Brief for Water Cycle Study Stage 2

Appendix I – Soundness Self-Assessment