

Appendix C

Former Forest Heath area Core Strategy 2010 and Single Issue Review of Core Strategy Policy CS7

Assessment of policy compliance with NPPF 2019 and use of policies

Core Strategy Policy	NPPF 2019	High/Medium/Low consistency with 2019 NPPF and weight to be attached to policy	Review Required	Comments
Policy CS1 – Spatial Strategy	Section 3 – para 20 Section 5 Delivering a sufficient supply of homes Section 6 Building a strong, competitive economy Section 9 Promoting sustainable transport Section 15 Conserving and enhancing the natural environment.	CS1/SIR – High	N	Broad locations for greenfield urban extensions to Newmarket, Mildenhall and Brandon were removed from the 2010 CS through the JR. As it stands it is broadly consistent with the NPPF. The SIR has updated the housing provision element of CS1. The policy is not positively worded in respect of secondary villages and small settlements. However, the policy is used in conjunction with DM5 which is positively worded and consistent with the Framework. The requirement for strategic policies to be informed by a local housing need assessment using the standard methodology (NPPF 2018) does not apply as the SIR updates CS1 and para 214 makes clear that policies in the previous Framework will apply to

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				plans being examined before 24 January 2019.
Policy CS2 – Natural Environment	Section 15 Conserving and enhancing the natural environment	High	No	The policy promotes landscape enhancement and GI and is not inconsistent with the requirements of the NPPF.
Policy CS3 – Landscape Character and the Historic Environment	Section 15 Conserving and enhancing the natural environment	High	No	The policy promotes protection and enhancement of the landscape. The policy is not inconsistent with the requirements of the NPPF.
Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change	Section 14 Meeting the challenge of climate change, flooding and coastal change	Medium	No	Policy is out of date as it makes reference to Code for Sustainable Homes and relies upon Policy ENG1 of the former Regional Spatial Strategy but is not inconsistent with the requirements of the NPPF.
Policy CS5 – Design Quality and Local Distinctiveness	Section 12 Achieving well-designed places	High	No	Supporting text at 3.4.2 and 3.4.3 uses outdated references. This policy works alongside DM2 and is not inconsistent with the requirements of the NPPF.
Policy CS6 – Sustainable Economic and Tourism Development	Section 6 Building a strong, competitive economy	High	No	The employment land requirements were reviewed as part of the SALP (adopted 2019) which allocates sites to meet the need. The policy is not inconsistent with the requirements of the NPPF.

Core Strategy Policy	NPPF 2019	High/Medium/Low consistency with 2019 NPPF and weight to be attached to policy	Review Required	Comments
Policy CS7 – Overall Housing Provision	Section 5 Delivering a sufficient supply of homes Section 9 Promoting sustainable transport Section 15 Conserving and enhancing the natural environment	High	No	The Broad distribution proportions of the overall housing provision figure was removed from the 2010 CS through the JR. As it stands it is broadly consistent with the NPPF. Policy CS7 has been significantly revised and updated through the SIR. The requirement for strategic policies to be informed by a local housing need assessment using the standard methodology (NPPF 2018) does not apply as the SIR updates CS7 and para 214 makes clear that policies in the previous Framework will apply to plans being examined before 24 January 2019.
Policy CS8 – Provision for Gypsy and Travellers	Section 5 Delivering a sufficient supply of homes	High	No	The policy states that the number of pitches should relate to evidence in the Gypsy and Traveller Accommodation Assessment. The need was reviewed in the 2019 SALP.
Policy CS9 – Affordable Housing Provision	Section 5 Delivering a sufficient supply of homes	Providing the definition of AH in the NPPF Annex 2 is included as a material consideration this policy is mainly consistent with the	No	The definition of Affordable Homes has changed (see Annex 2). Counsel advice is that the NPPF definitions of “affordable housing” would be material considerations to be weighed against any non-compliance with the policy.

Core Strategy Policy	NPPF 2019	High/Medium/Low consistency with 2019 NPPF and weight to be attached to policy	Review Required	Comments
		NPPF and High/Medium weight can be given		<p>Even if the AH proposed does not comply with the tenure mix required, if it is clear that what is being proposed would provide housing <i>“for those whose needs are not met by the market”</i>, this would be a powerful material consideration. Whilst giving weight to policies on the one hand and to material considerations on the other is a matter for planning judgment (rather than a matter of law), in these circumstances the Council would find it difficult to insist on absolute policy compliance in the face of a competing material consideration which showed that NPPF-compliant affordable housing would be delivered. Certainly, such a decision would be hard to justify in the event of an appeal.</p> <p>Policy CS9 makes provision for sites of 5 to 9 units, which is contrary to paragraph 63, as a lower rural threshold has not been designated.</p>
Policy CS10 – Sustainable Rural Communities	Section 5 Delivering a sufficient supply of homes	High	No	The opening paragraph is positively worded, but the reference to ‘only be permitted’ in respect housing is

Core Strategy Policy	NPPF 2019	High/Medium/Low consistency with 2019 NPPF and weight to be attached to policy	Review Required	Comments
	Section 6 Building a strong, competitive economy Section 8 Promoting healthy and safe communities Section 9 Promoting sustainable transport Section 11 Making effective use of land			negative. Similarly, the policy is not positively worded in respect of small settlements. However, the policy is used in conjunction with DM5 which is positively worded and consistent with the Framework
Policy CS11 – Retail and Town Centre Strategy	Section 7 Ensuring the vitality of town centres	High	No	Broadly reflects the NPPF and the local assessment of retail need was reviewed in the 2019 SALP, with allocations to meet that need.
Policy CS12 – Strategic Transport Improvement and Sustainable Transport	Section 9 Promoting Sustainable Transport, paras 102-111	High	No	Broadly reflects the NPPF e.g. the hierarchy for travel, the need to locate development in sustainable locations. Local policy list of infrastructure improvements. NPPF encourages identification of routes where there is robust evidence
Policy CS13 – Infrastructure and Developer Contributions	Section 3 Plan Making Paragraph 34	High	No	The policy sets out an approach to infrastructure. It is not inconsistent with the requirements of the NPPF.