



Report to Forest Heath District Council

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**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE FOREST HEATH CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

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ABBREVIATIONS

AMR	Annual Monitoring Report
AWS	Anglia Water Services
CCC	Cambridgeshire County Council
CS	Core Strategy
DPD	Development Plan Document
EA	Environment Agency
WSELR	West Suffolk Employment Land Review
GOEE	Government Office for the East of England
HA	Highways Agency
HRA	Habitat Regulations Assessment
LDF	Local Development Framework
LDS	Local Development Scheme
LP	Local Plan
LTP	Local Transport Plan
NCC	Norfolk County Council
NE	Natural England
pdl	Previously developed land
PINS	Planning Inspectorate
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RSPB	Royal Society for the Protection of Birds
RSS	Regional Spatial Strategy (East of England Plan)
SA	Sustainability Appraisal
SAC	EU designated Special Areas of (nature) Conservation (usually flora and fauna)
SCC	Suffolk County Council
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SHMA	Strategic Housing Market Assessment
SHLAA	Strategic Housing Land Availability Assessment
SPA	EU designated Special Protection Areas (usually of endangered birds)
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SUD	Sustainable Drainage System
WCS	Water Cycle Study
WFD	(EU) Water Framework Directive
WWTW	Waste Water Treatment Works

1. Introduction and Overall Conclusion

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a development plan document (DPD) is to determine:
- (a) whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document;
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the Forest Heath Core Strategy DPD (the Plan) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 Annex A to this Report sets out those changes which are necessary to make the Plan sound (referenced **IC/1** etc). Annex B is a schedule of minor changes suggested by the Council which do not relate to fundamental issues of soundness but would improve the accuracy and clarity of the Plan. Those made prior to the Examination Hearings are referenced C/1 etc and those arising during the hearings FC/1 etc. Where a change does not appear in the schedules then I have not endorsed it. References to core documents are shown thus [].
- 1.4 I am satisfied that the DPD meets the requirements of the Act and Regulations. My role is also to consider the soundness of the submitted Forest Heath Core Strategy as set out in PPS12 paragraphs 4.51- 4.52 that is whether it is justified, effective and consistent with national policy. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound Plan. The changes I have specified in this binding report are made only where there is a clear need to amend the document in the light of the legal requirements and/or the tests of soundness in PPS12. None of these changes should materially alter the substance of the overall Plan and its policies, or undermine the sustainability appraisal and participatory processes already undertaken.
- 1.5 My report firstly considers the legal requirements, and then deals with the relevant matters and issues considered during the examination in terms of testing justification, effectiveness and consistency with national policy. My overall conclusion is that the Forest Heath Core Strategy is sound, provided it is changed in the ways specified. The principal changes which are required are, in summary:
- a) To extend the timescale of the Core Strategy to 2026;
 - b) To identify Red Lodge as a key service centre in the settlement hierarchy;

- c) To modify the affordable housing policy in response to the outcome of a viability study.

1.6 The Report focuses on the strategic policy framework and references to particular locations are made only where it is necessary to understand the overall approach to the Plan as a whole. Individual representations are not addressed although they have been considered and were taken into account in identifying the matters and issues for examination. Some representations referred to specific parcels of land and these are more appropriately directed at the Site Allocations and Policies DPD.

2. Legal Requirements

- 2.1 The Forest Heath Core Strategy DPD is identified in the Council's Local Development Scheme [BD/FH/029], dated April 2009 where it is shown as having a submission date of August 2009, a target which was met. The LDS identifies the main areas of work required in the formulation of the Council's planning policies and I am satisfied that the CS has been prepared in accordance with it. A revision to the LDS was undertaken in December 2009 [BD/FH/043] containing revised dates for the production of the Council's Development Control Policies DPD and Site Allocations and Policies DPD.
- 2.2 The Council produced a draft Statement of Community Involvement (SCI) in 2006 [CD/FH/B]. This was never formally submitted because of staffing changes. A new forward planning team sought advice from the Government Office (GOEE) and the Planning Inspectorate (PINS) on how to proceed and it was agreed that DPD documents should be advanced in accordance with the draft SCI. It is apparent that the Council has undertaken the necessary consultation stages in accordance with the Regulations since beginning work on the Core Strategy in 2005. This includes efforts to reach 'young people' who were identified as a 'hard to reach group' in the SCI.
- 2.3 It was claimed that the Council was unwilling to engage in discussions during the consultation period for the Submission Document [CD/FH/A] but it was generally accepted that it had followed the appropriate procedures. From the documents submitted by the Council, including the Regulation 30(d) [CD/FH/G] and 30(e) [CD/FH/G1] Statements and its Self Assessment Paper [CD/FH/J], it is apparent that it has met the requirements as set out in the Regulations.
- 2.4 Alongside the preparation of its DPDs the Council has carried out a process of sustainability appraisal [CD/FH/C, C1 - C4]. These documents set out the purpose, methodology and baseline information used in assessing the Council's emerging policy base including its core strategy, development control and site specific policies and allocations. Separate sustainability appraisals were provided for the Proposed Submission and Final Policy Option versions of the CS [CD/FH/C & C1].

- 2.5 A significant part of Forest Heath District (the District) falls within the Breckland Special Protection Area (SPA) which has European nature conservation importance for three bird species. In considering the potential impact of proposals in the CS on areas supporting protected species an Appropriate Assessment, as part of a Habitat Regulations Assessment (HRA), was carried out by the Council as the competent authority [CD/FH/C5]. I am satisfied that subject to the changes I am recommending to Policy CS2 there would be no significant harm to the conservation of any European and nationally protected biodiversity sites as a result of the policies and proposals within this DPD.
- 2.6 Subject to the changes I am recommending I am also satisfied that the DPD has had due regard to national policy. The CS is also in general conformity with the approved Regional Spatial Strategy (RSS), the East of England Plan [BD/REG/001] as confirmed by the East of England Regional Assembly in its Statement of Conformity [CD/FH/H].
- 2.7 A Community Strategy was prepared by the Western Suffolk Local Strategic Partnership for the period 2006 – 2016 setting out the priorities of organisations and individuals in this part of the county [BD/FH/024]. The document identifies the issues and priorities for the area such as promoting safer, stronger and sustainable communities, improving health and developing a prosperous economy. The strategy is closely linked to local spatial plans enabling the views of the community to be fed into the planning process. The Council acknowledges that it has shaped its spatial objectives for the District and I am satisfied it has been taken into account in the preparation of the CS.
- 2.8 I am also satisfied that the DPD complies with the specific requirements of the 2004 Regulations (as amended) including those in relation to publication of the prescribed documents; availability of them for inspection and local advertisement; notification of DPD bodies and provision of a list of superseded saved policies.
- 2.9 Accordingly, I am satisfied that the legal requirements have all been satisfied.

3. Spatial Portrait, Vision and Objectives

- 3.1 The Planning and Compulsory Purchase Act 2004 Section 20(5)(b) requires that a development plan document is assessed to ascertain whether it is sound meaning that it should be justified, effective and consistent with national policy.
- 3.2 Section 2 of the CS sets out the physical, social and economic context for the District identifying the various issues facing the Plan area. This in turn informs the Council's vision for the District and

ultimately the spatial objectives which flow from it. Constraints are acknowledged together with the factors influencing change. I address below how this is translated into the overall spatial strategy.

- 3.3 A number of representors had objections to the visions for the District seeing them as part of the policy base. Questions were also raised over detailed elements of the spatial objectives. The Council has endeavoured to address these matters by suggesting minor changes are made to the CS. I have endorsed these changes where they would improve the clarity of Plan although they are not matters which would affect the soundness of the CS.
- 3.4 There is a comprehensive evidence base to support the CS. This is generally up-to-date although there is an inevitable reliance on 2001 Census data. Any weakness arising because of the age of this data has largely been addressed through more specific studies, often in collaboration with neighbouring authorities.
- 3.5 The Council has not found it easy to reconcile the need for future infrastructure provision with the planned level of growth. However, it has engaged with the relevant organisations and is taking the appropriate steps to ensure than known deficiencies will be addressed. In particular there are issues in relation to waste water treatment and uncertainty resulting from school reorganisation. It was apparent from the hearings that work is continuing in order to resolve these and other issues before the Council submits its Site Allocations and Policies DPD.
- 3.6 I find the Council's spatial portrait and visions accord with the requirements of PPS12 although the level of detail is excessive. This is an example of one area of the CS where it would have been possible to deliver a more concise document without any loss of focus although it does not undermine the soundness of the Plan. It is not my role to 'improve' the Plan and I make no recommendations in this regard although the Council may wish to address the level of detail provided in any future review of the CS or other DPDs.

4. Spatial Strategy

Issue 1 – Whether the spatial strategy is soundly based and in accordance with national and regional planning policies.

- 4.1 The Council's spatial strategy focuses growth on the larger settlements according to the settlement hierarchy identified in Policy CS1. This approach is consistent with the Council's vision, the objectives of national guidance and the RSS, in particular, Policies SS1, SS2, SS4 and E2.

- 4.2 The settlement hierarchy comprises seven levels¹ which reflect the relative importance and perceived roles of the existing settlements. This has generally been supported subject to reservations about the levels of growth at different settlements. In devising its approach the Council has had regard to a variety of evidence including a Parish Profile and Settlement Hierarchy [BD/FH/001], Sustainability Appraisal [CD/FH/C] and an Infrastructure and Environmental Capacity Appraisal (IECA) [BD/FH/002]. The latter identifies the potential capacity and constraints in the different parts of the District and this has had a considerable bearing on the final form of the strategy.
- 4.3 The amount and distribution of growth is set out in Policy CS1 but needs to be read in conjunction with Policies CS7, CS6 and CS11 covering housing, employment and retail respectively. These policies are examined later in the Report. In order to demonstrate sufficient housing and employment land will be provided the Council has suggested that the timescale of the Plan should be changed. This would extend the Plan period to 2026 with indicative targets for housing purposes to 2031. This would not involve any substantive changes to the overall strategy but a failure to cover a full 15-year period would make the Plan unsound in terms of guidance on timescales in PPS12 (paragraph 4.13). I consider this alteration is essential in order to make the CS sound and will require consequential changes throughout the Plan. I recommend accordingly **(IC/1, 2, 3, 5, 8, 10, 12, 13 and 23)**.
- 4.4 The majority of development would be directed to the three market towns, Newmarket, Mildenhall and Brandon. There are obvious sustainability benefits in doing so but the presence of protected bird species in the vicinity of Brandon creates doubts about the level of development that would be possible. There is also considerable concern that housing allocations at Newmarket would adversely affect the horse racing industry. I consider both matters in more detail later in the Report.
- 4.5 As the largest settlement in the District, it has been suggested that Newmarket should be identified as a principal town and given more prominence in the hierarchy. I see no justification for this because its role in the sub-region is modest and not comparable, for instance, with that identified for nearby centres such as Bury St Edmunds, Cambridge or Thetford in Policy SS3 of the RSS.
- 4.6 Together with the market towns the smaller settlements at Lakenheath and Red Lodge are seen as locations capable of taking further development. Lakenheath has a reasonable range of facilities and with some additional commercial uses the evidence suggests it is capable of supporting a larger population.

¹ Towns, Key Service Centres, Primary Villages, Secondary Villages, Sustainable Military Settlements, Small Settlements and the Countryside

- 4.7 The 1995 Forest Heath Local Plan promoted Red Lodge as an expanded settlement to reduce residential and employment pressures elsewhere, particularly at Brandon and Newmarket and to address environmental dereliction [BD/FH/031, paragraph 3.8]. A Masterplan was devised to guide development and provide the basis for an integrated community. This has taken longer to implement than anticipated and local organisations were highly critical of the failure to provide key facilities, such as a school and village centre. As a result Red Lodge cannot support its resident population and functions more as a commuter settlement.
- 4.8 There is no support in the RSS for a new settlement in Forest Heath and it was not an option favoured by local residents or organisations when consulted on alternatives during the formative stages of the CS [CD/FH/A3]. Instead the Council's strategy continues to rely on Red Lodge absorbing some of the development pressures during the Plan period, which would otherwise have to go elsewhere.
- 4.9 I do not consider this emphasis is misplaced because Red Lodge provides some flexibility in the CS to cope with unforeseen events. The Council is working with the relevant parties to re-negotiate a Section 106 Agreement to deliver missing facilities which would provide the basis for a more sustainable community. Further service provision can be linked to additional growth as part of the work on the Site Allocation DPD.
- 4.10 However, the Council's intention to categorise it as a Primary Village until service provision satisfies RSS criteria² is, in my view, misguided. The CS is a long term plan and its strategy and direction should be clear from the outset. Red Lodge is crucial to the Council meeting its housing target and its role as a Key Service Centre should be clearly signalled. This will provide clarity and reinforce the Council's commitment to delivering a more sustainable settlement (Vision 6). I recommend accordingly **(IC/14)**.
- 4.11 Primary Villages are expected to take some development but the spatial strategy aims to minimise development in the smaller settlements and the countryside. I generally endorse the Council's change (FC/02) but consider that the limitation on the number of dwellings considered acceptable should be deleted to increase flexibility **(IC/16)**.
- 4.12 The two military settlements at RAF Mildenhall and RAF Lakenheath are included as part of the hierarchy, a decision questioned by the Five Villages Preservation Trust because it feels their role and function is not clear. Further development would be limited to that required for operational purposes but both bases are important to the economic prosperity of the District. I consider their specialist identity should be recognised in the hierarchy and depicted on the Key Diagram **(IC/17)**.

² RSS paragraph 3.17 [BD/REG/001]

- 4.13 The segregation of the more rural parts of the District into primary and secondary villages is made according to the services available. This is not a distinction which can be found in the RSS but it is consistent with its objective of improving rural sustainability (RSS paragraph 3.20). Consequently I endorse the Council's recommendation (C/17) to include Elveden as a secondary settlement village in response to representations. Smaller villages and hamlets are deemed to fall within the countryside. Here development is seen as an exception to support the rural economy or meet affordable housing needs.
- 4.14 The settlement hierarchy broadly reflects the level of service provision in different settlements linking this to their ability to absorb further development. Further assessment of potential sites will need to be resolved through the Site Allocations and Policies DPD which could result in some modest readjustment in the level and distribution of development. Were this to prove necessary I do not consider it would compromise the Council's overall approach.
- 4.15 The Council has considered other options but there is no evidence to show an alternative approach would be superior³. There are no obvious defects in the information base and the Council has had regard to the views of consultees during the formulation of its strategy. The Council has a clear vision for its settlements and the spatial objectives for the District during the Plan period.
- 4.16 The form of Policy CS1 however, causes me some concern because it encapsulates other policy detail. This makes it excessively long and also introduces the possibility of subtle differences in wording between policies. It would be better if the policy focused on the essential elements of the strategy leaving detail to be dealt with in subsequent sections. I appreciate the Council were encouraged to follow this course by GOEE because of concerns that it did not accord with the requirements in PPS12. This is not a view I share because PPS12 is not so prescriptive. However, providing the Council modify Policy CS1 as set out in Annex A to this Report this would not affect the soundness of the Plan.
- 4.17 Subject to the recommendations below I am satisfied that the spatial strategy accords with national and regional policy objectives on sustainable development and is appropriately and adequately supported by the evidence base.

³ PPS12 paragraph. 4.38 [BD/NAT/011] and PINS guidance note 'Learning from Experience' [BD/NAT/033]

RECOMMENDATIONS⁴

The following changes to Policy CS1 are necessary to make the document sound:

1. The end date of the Plan period should be modified to 2026 and references to the housing targets should be extended to 2031 where appropriate (IC/1, 2, 3, 5, 8, 10, 12, 13 and 23)⁵.
2. Identify Red Lodge as a Key Service Centre (IC/14).
3. Insert 'a minimum' in references to the number of dwellings anticipated on brownfield sites at Newmarket, Brandon, Mildenhall and Red Lodge (IC/6)⁶.
4. In the section headed 'Primary Villages' delete point 1 and insert the wording in FC/02 subject to the second reference to 'size' being altered to 'capacity' (IC/16).
5. The Sustainable Military Settlements should be depicted as an element of the settlement hierarchy in the Key Diagram (IC/17).
6. Correct employment targets for Newmarket, Brandon and Mildenhall to reflect modified Plan period (IC/7, 9 & 11)⁷.
7. Modify allocations and phasing arrangements at Red Lodge to reflect SHLAA and waste water issues⁸.

5. Housing

Issue 2 – Whether the amount and distribution of housing is justified and appropriate.

Overall level of provision

- 5.1 Policy H1 of the RSS sets a minimum requirement of 6,400 dwellings for Forest Heath District for the period 2001 – 2021. To meet the need for a 15 year continuous housing supply from the date of Plan adoption⁹, the Council has projected the annual average rate required to 2031 to give a total of 10,100 dwellings.
- 5.2 Progress towards this target has been slow with only 1,935 dwellings completed in the first eight years of the Plan period which is well below the number required. Existing commitments for 1,642 dwellings (allowing for a 5% lapse rate) demonstrate there are

⁴ Recommended changes made to other policies in the CS may need to be cross-referenced to policy CS1 because of the overlap of policy detail.

⁵ These changes also relate to Policies CS6 & CS7

⁶ For reasoning see Issue 2, paragraph 5.26

⁷ For reasoning see Issue 6, paragraph 9.4

⁸ For reasoning see paragraph 15.4

⁹ PPS3, paragraph 34 [BD/NAT/003]

insufficient sites to provide a 5 year land supply while the estimated supply to 2031 of 9,877 dwellings, results in a shortfall of 233 units.

- 5.3 The Council has carried out an analysis of potential sites by undertaking a Strategic Housing Land Availability Assessment (SHLAA) [BD/FH/013] to estimate housing availability over the course of the Plan period. This suggests there are sufficient sites available and capable of being developed by 2015 to rectify the modest deficit in the current supply. However, the latter means that the Council may find it difficult to reject proposals in the short term for unallocated sites which make effective and efficient use of land in accordance with PPS3 (paragraphs 69 & 71).
- 5.4 The Council's view is that the longer-term deficit is likely to be addressed by the contribution made through windfall schemes. It provides no estimate of likely numbers from this source but over the period to 2031 it would equate to less than 11 per annum. This is a modest figure particularly when windfall development since 2001 has averaged over 300 dwellings annually¹⁰.
- 5.5 The Council's strategy includes provision for further housing at Brandon if a relief road can be delivered. During the Examination the Council suggested that this amounted to an additional 1,000 units giving a total allocation of 1,500 dwellings on greenfield sites. This would increase the overall housing supply to 10,877 dwellings easily meeting the regional target. However, when reading Policy CS7 in conjunction with Policy CS1, I am not convinced that this was the Council's original intention. This lack of clarity, which the Council acknowledges¹¹, undermines the consultation process because the number of dwellings the Council is now suggesting may well have generated representations if it was clear that this was its original intention. For this reason I do not consider the Council's suggested change would be sound without further consultation taking place.
- 5.6 It is also possible that environmental constraints may hinder the Council's ability to meet its more modest housing targets at Brandon but my concerns on this matter must be tempered in the absence of more detailed work which will be necessary for the Site Allocation DPD. Despite some degree of uncertainty with housing delivery at Brandon, I do not consider this undermines the CS because the Council is able to demonstrate in excess of a 15 year housing supply from the anticipated adoption date of the CS in 2010.
- 5.7 I endorse the revisions the Council has made to the CS to update figures to April 2009 (FC/20, 21 and 22). In doing so it needs to ensure the correct base date is used in the table in paragraph 3.6.7 **(IC/29)**. It should also provide a total for the greenfield and

¹⁰ Forest Heath District Council: Statement of five year supply of Housing Land, paragraph 3.7. August 2009

¹¹ See Housing Topic Paper 1, paragraph 4.6 [BD/FH/035]

brownfield breakdown given in the table in paragraph 3.6.8 **(IC/30)**.

Distribution of housing

5.8 The basis for housing allocations in the CS came principally from an assessment of housing needs (SHMA)¹², land supply (SHLAA) and the potential capacities and constraints at locations across the District (IECA). I examine the consequences of this approach for the District and the different tiers of the hierarchy in more detail below.

Market towns

5.9 Policy CS7 proposes that the three market towns will take approximately 59% of future allocations to 2031. Collectively, this is below the level they could be expected to accommodate if growth was proportional to their populations (70%). This difference is most evident at Newmarket and to a lesser extent at Brandon and appears in part to reflect the constraints affecting each town.

5.10 Newmarket is by far the largest town in the District but the number of dwellings to be provided by 2031 illustrates the difficulties the Council has had in finding sufficient land for housing purposes. Administrative boundaries are tightly drawn around the town and there is relatively little open land which is not used for horseracing purposes. Nevertheless, objections have been received from local organisations, particularly those representing the horse racing industry, who consider the level of housing would compromise the future of racing in the town. I consider this matter in greater detail in Issue 4.

5.11 There was general agreement at the hearings that the housing market at Brandon is depressed and that a 'step change' was needed to nurture and improve its fortunes. The railway line serving the town means there is an opportunity for sustainable growth with the Council willing to contemplate a more expansive strategy to assist regeneration and contribute towards the construction of a relief road.

5.12 Further work needs to be carried out before this could be realised having regard for the effect on traffic flows if dualling of the remaining single carriageway section of the A11 proceeds. A further factor, as mentioned previously, is the potential limit to growth because of environmental constraints. I examine this matter in more detail in Issue 7.

¹² *Strategic Housing Land Availability Assessment [BD/FH/013]*

Key Service Centres

- 5.13 The Council's strategy relies heavily on Red Lodge compensating for lower levels of development in other locations. Consequently, its allocation of 19% of future growth far exceeds its comparative population base (4%). It is not surprising, therefore, that local organisations and parishes in the area consider this to be unacceptable. Their concerns, as previously mentioned, are heightened by the lack of progress in providing services and facilities commensurate with the level of development.
- 5.14 Nevertheless the original purpose of Red Lodge to deflect pressure off other settlements remains valid and would build upon the investment that has already taken place. In order to do so it is imperative that infrastructure and facilities are delivered to match the expanding population and provide the basis for supporting more sustainable lifestyles. I am satisfied that the key stakeholders are aware of need to address current deficiencies and provide further facilities to match future growth.
- 5.15 Constraints at Red Lodge may place limits on future directions of growth and the possibility of disrupting development programmes was of concern to one of the main housebuilders. I agree that it would be better to avoid interrupting the recent pace of development because it is highly desirable to provide continuity in locations where the market is reasonably robust. Maintaining build rates where this is practicable will help the Council to improve its annual build rate and to meet its overall housing target.
- 5.16 Noise from the military airbase and environmental issues as a result of SPA 'constraint zones' could limit the amount of development which would be possible at Lakenheath. I do not consider these factors would undermine the proposals in the CS although they could influence further growth which respondents have suggested is feasible. This is because Lakenheath has the facilities to accommodate more housing than that proposed in Policy CS7. I agree that this is a possibility which should not be ignored. For instance, there may be scope for some development if it becomes necessary to relocate the existing school following reorganisation of the education system.

Primary Villages

- 5.17 Collectively, the four settlements in this category have the fourth highest population in the settlement hierarchy. Under the Council's strategy they would take levels of growth similar to those proposed for Brandon and Lakenheath although the Council has not indicated how numbers would be distributed between the villages.
- 5.18 The supporting text to Policy CS1 explains that these villages are capable of absorbing only small scale allocations because they possess limited services. Nevertheless, they are places which could

relieve development pressures on the more constrained towns. This is most notably the case at Exning which the Infrastructure and Environmental Capacity Appraisal indicates has most potential for further growth. This should not be ignored because it provides additional flexibility for the CS which I consider should be incorporated into the spatial strategy **(IC/16)**.

Other settlements

- 5.19 Housing will generally be restricted in other locations. Limited development may be permitted in secondary villages but only specific types of scheme permitted elsewhere. The Council has proposed a change to Policy CS1 to reinforce this point (FC/40) which I endorse. Development at the two military settlements will be restricted to that needed for operational purposes. There was some debate whether housing outside the bases occupied by military personnel should contribute to housing targets. This housing would not be available to meet the needs of the general population although it contributes to overall housing needs and would become available were the bases to contract or close.

Phasing of development

- 5.20 The Council says that its original phasing regime should be adjusted to take account of recent information including problems delivering essential infrastructure [SCG/FH/008]. This would postpone some development to later in the Plan period. The effect of this is shown in the Council's revised housing trajectory (FC/14).
- 5.21 It is sensible that the Council adopts a more cautious approach in the circumstances but I have already commented on the danger of losing momentum on building sites and the expectation that substantial falls in completions can be easily remedied in later years. The difficulty of predicting how factors will influence Plan delivery is illustrated by discussions on waste water issues which took place outside the Examination. This led to agreement by the parties involved that measures to overcome waste water capacity problems at Red Lodge and Lakenheath may be available sooner than originally thought [SS/M9/6215].
- 5.22 This explains why some respondents expressed doubts about phasing projections and the degree of emphasis which is placed on them. Nevertheless, it should be borne in mind that Policies CS1 and CS7 focus only on the broad distribution and timing of development. This needs to be more clearly expressed in Policy CS7 **(IC/32)** where revisions to phasing programmes are also necessary to make the Plan sound **(IC/33 & 34)**.
- 5.23 The RSS says that authorities will need to plan for increasing house completions in later years to make good shortfalls in the early part of the Plan period (Policy H1, paragraph 5.4). I do not consider the CS is deficient in this respect although the Council would be wise to

address the fluctuation in housebuilding rates shown in its revised trajectory (FC/14) by identifying specific sites which could be brought forward earlier in the Plan period.

Brownfield/greenfield split and density

- 5.24 Policy CS7 acknowledges the need to make use of previously developed land (pdl) but the Council was heavily criticised by some respondents for failing to match RSS targets¹³. This is not particularly surprising because the limited availability of brownfield land is a common problem for rural authorities. The Council estimates that a minimum of 12 -13% of dwellings are likely to be built on pdl in the five main centres with some additional brownfield land expected to come forward in smaller settlements. However, the broad allocations identified in Policy CS7 suggest that the Council is capable of achieving its target of at least 30% of housing development taking place on pdl.
- 5.25 Nevertheless, there is a risk that the Council may not meet its target. While this would be disappointing I do not consider it would make the CS unsound. Some respondents believe the Council has failed to properly target brownfield sites and raise development densities, an approach which would undermine its ability to make better use of brownfield land. However, Policy CS7 is clear that average densities of at least 30 dwellings per hectare will be required in future developments with higher density schemes sought in towns where this is feasible. To reinforce this point the Council has suggested a change to the policy (FC/25) which I endorse. This refers to its intention to monitor brownfield sites with a view to achieve its stated aim of securing 30% of its housing provision on such sites.
- 5.26 It is possible that additional brownfield sites could become available during the Plan period e.g. redundant middle school sites, although this is not certain. The identification of specific sites and the scale of development on each is a matter of detail more appropriately addressed through the Site Allocation DPD. Nevertheless, I consider the possibility of finding further brownfield sites should not be ignored and this should be reflected in Policy CS1 **(IC/6)**¹⁴.
- 5.27 The RSS accepts that brownfield development will vary across the region and I consider it is sensible the Council adopts a realistic target to ensure that the potential contribution from individual sites is not exaggerated. I am satisfied that it fully appreciates the need to make the best use of brownfield land.

¹³ RSS Policy SS2 sets a target of 60% of development to be on previously developed land

¹⁴ See recommendations under Issue 1 – Spatial Strategy

Overall conclusions on housing provision and distribution

- 5.28 I consider the housing proposals are consistent with the spatial strategy and that the Council's approach is appropriate in light of the constraints affecting settlements. I do not consider a possible shortfall in the number of houses required to meet an extended RSS target to 2031 to be significant because it is likely to be met by a modest contribution from windfall developments by the end of the Plan period.
- 5.29 If the Council's more expansive plans for Brandon are feasible then the housing target to 2031 would be exceeded. However, there is also sufficient flexibility in the Plan to allow for modest revisions to the numbers directed to different settlements. In any event the Council is looking beyond the minimum requirements set in national guidance. From this perspective I am satisfied its strategy is capable of delivering the required number of houses by 2026¹⁵.
- 5.30 The Council is anticipating that brownfield sites will, wherever possible, be developed in the early part of the Plan period. However, mindful of my earlier comments (see paragraph 5.21), I consider the Council should endeavour to bring greenfield allocations forward, if necessary, to minimise the anticipated 'dip' in completion rates after 2015. This change of emphasis can be signalled by adjusting paragraph 3.6.9 of the supporting text to Policy CS7 and I recommend accordingly (**IC/31**). I also consider it would be useful for the housing trajectory to be included within the body of the housing section rather than following Table 4.3 (p.146) of the Monitoring and Implementation Framework although this is not a matter which affects the soundness of the CS.
- 5.31 Subject to my recommendations to Policies CS1 and CS7, I am satisfied that the broad allocation and distribution of housing accords with the overall strategic objectives of the CS and is appropriate to the circumstances of Forest Heath District.

RECOMMENDATIONS

The following changes to Policy CS7 are necessary to make the document sound:

- 1. Modify paragraphs 3.6.7 and 3.6.8 of the supporting text to update the policy base (IC/29 & 30).**
- 2. Amend paragraph 2 of Policy CS7 to acknowledge flexibility in phasing arrangements and revisions to phasing programmes (IC/32, 33 & 34).**

¹⁵ The equivalent target for 2001 - 2026 is 8,250 dwellings

3. Amend supporting text in paragraph 3.6.9 to prioritise consistent supply of housing land (IC/31).

6. Affordable Housing

Issue 3 – Whether the provision of affordable housing is well founded and based on sound evidence.

- 6.1 The Council's estimate of housing need comes from a study carried out in 2005 which found that 239 affordable dwellings were required each year [BD/FH/016]. This is equivalent to 75% of the original annual housing requirement for the District. The information is dated but the Council monitors housing needs on a daily basis and there is no evidence to suggest the level of need has substantially declined.
- 6.2 It is unrealistic to expect that this level of affordable housing provision can be delivered. Instead, Policy CS9 seeks a minimum of 35% affordable dwellings on sites of 10 or more units reflecting the target in Policy H2 of the RSS. Respondents, however, were not convinced by the Council's justification for this level of provision because it failed to have regard to the economic viability of land used for this purpose. This is contrary to the advice in PPS3, paragraph 29.
- 6.3 To address this deficiency Forest Heath commissioned a viability study in conjunction with neighbouring authorities, the results of which were made available prior to the opening of the hearing sessions [BD/FH/018]. The Study concluded that land values were relatively modest and that a blanket target in excess of 30% would be very ambitious in normal market conditions. It found no reason to exclude smaller sites from the policy although lower development values on small sites meant that targets should be reduced to take this and the 'rounding' effects of percentage policies into account.
- 6.4 The Council has suggested modifications to Policy CS9 to reflect these findings reducing affordable housing provision to 30% on larger sites and 20% on small ones. Where the policy would apply to smaller sites in Primary and Secondary Villages it is intended that the threshold would be reduced from 5 to 3 dwellings. The lower figure broadly corresponds to the site size requirements in the original policy i.e. 0.1 ha, but this change could potentially affect sites which were previously exempt. Without further consultation I consider the original threshold should not be altered for the smallest sites. Larger sites (10 or more) in these locations should be subject to the higher percentage requirement, which at 30% is lower than the previous figure of 35% and is supported by the viability evidence. The original requirement for financial contributions in lieu of affordable provision on sites of 3 or fewer dwellings could not be met because the policy made no provision for sites of this size. The Council's suggested modification would remove this provision.

- 6.5 In my view the changes suggested by the Council would make the policy more robust and realistic requiring that affordable targets were subject to site by site assessment while having regard to other factors such as the availability of public subsidy. This would increase flexibility in the way in which the policy was implemented to allow for different site and locational circumstances to be taken into account. At the very least it would enable provision at a reduced level rather than none at all. I therefore endorse these changes **(IC/37, 38 & 39)** subject to the retention of the original thresholds for Primary and Secondary Villages in the original policy¹⁶. To ensure consistency it is also necessary to reflect this revised target in the Spatial Portrait **(IC/4)**.
- 6.6 It has been claimed that the CS conflicts with the Council's Corporate Plan [BD/FH/025] because it fails to make specific provision by identifying sites. This is a corporate priority but the identification of specific sites, as put forward by the representor, is a matter of detail which is not appropriate in this CS.
- 6.7 I am satisfied that the changes to the policy and corresponding alterations to the explanatory text provide a more realistic basis for the provision of affordable housing in Forest Heath District. They allow for the policy to be applied flexibly and help to address concerns that affordable housing requirements would hinder housing delivery. This is a particular problem in the current economic climate although advice issued by PINS makes it clear that economic cycles should not deflect policy ambitions over the lifetime of a DPD¹⁷.

RECOMMENDATIONS

The following changes to Policy CS9 are necessary to make the document sound:

- 1. Modify the policy and the supporting text in accordance with the changes set out in IC/37, 38 & 39.**
- 2. Revise paragraph 2.1.9 of the Spatial Portrait to accord with the revision to the policy (IC/4).**

7. Newmarket

Issue 4 - Whether the strategy for Newmarket is soundly based and deliverable.

- 7.1 Newmarket is expected to accommodate the largest number of new dwellings in the District during the Plan period. This has generated

¹⁶ The revised policy is set out in full in Annex A: Appendix 1

¹⁷ PINS Examining Development Plan Documents: Learning from Experience, Sept 2009 [BD/NAT/033]

considerable anxiety from those involved in horse racing whose activities are woven into the fabric of the town. These undoubtedly contribute to Newmarket's unique character as well as its unrivalled position in the national and international racing scene.

- 7.2 The Council advocates the use of an urban extension to the north east of the town to secure the required level of employment and housing land. Together with existing commitments and other sites the land would help to meet overall targets and provide capacity through to 2031. In doing so it would safeguard stables, paddocks and stud land used for racing purposes elsewhere in the area.
- 7.3 The racing community believes that the scale of development would be highly damaging and could jeopardise the industry and even lead to its demise. A feature of racing activity is the daily movement of horses between stables and training grounds. This brings racehorses into contact with traffic, notably at the 20 major road crossings, although accidents are rare and trainers acknowledge that most road users are considerate. Nevertheless, they also point to the public's limited knowledge of equine behaviour and believe that more traffic will exacerbate existing difficulties and threaten future investment in the town.
- 7.4 The Council's strategy is seen by some as undermining its long standing position to safeguard the racing industry established in previous planning regimes. I find there is nothing to support this stance because the Council's commitment is re-affirmed in Policy CS1 and it is a theme which permeates the CS. Appendix A of the CS lists nine policies relating to horse racing which are retained as 'saved' policies from its Local Plan [BD/FH/031]. The intention is that these will be reviewed as part of the work on the forthcoming Development Control DPD.
- 7.5 The main focus for criticism is the amount of housing and the use of a single greenfield site to the north east of the town. All parties accept there is only one site available for this purpose because of the tight administrative boundaries and the protection afforded to other land in 'racing' use. Provision for employment, retail and leisure uses are less contentious because these are seen as necessary to support both the racing industry and the town even though they will generate additional traffic and attract more people into Newmarket.
- 7.6 At the hearings some respondents argued that the number of houses rather than the direction of growth was the main issue. By increasing allocations in other locations and taking advantage of existing development opportunities in the town it was suggested that the need for a significant amount of greenfield land could be avoided. There is evidence of capacity in some locations, such as Exning, to indicate a more dispersed pattern of development would be possible.

- 7.7 I have a number of objections to this approach. As the main town, Newmarket should expect to take a reasonable proportion of housing growth principally because this would be the most sustainable option, a cornerstone of national and regional policies. Constraints affecting other settlements would restrict the amount of development possible while there is limited evidence to show there are enough brownfield sites in Newmarket to accommodate more than a modest number of new homes.
- 7.8 I have already concluded that the amount of growth apportioned to the town is below the level commensurate with a settlement of its size. Over the 20 year horizon of the Plan the allocations in Policy CS7 would average 82 dwellings per annum, a level of growth which I do not regard as being excessive for the size of the town especially as some housing provision is necessary to meet local needs. For instance, the Smith Gore Report found that those engaged in racing felt there was a need for more affordable accommodation¹⁸.
- 7.9 I am not convinced that redistributing housing to other settlements would be beneficial to the town or the racing industry. In my view it would have little effect on reducing traffic because Newmarket would remain the main centre for employment, education and social facilities and continue to attract residents from outlying areas. This would be more likely to be car borne. In comparison using a greenfield site close to the town increases the opportunity to secure a wider range of sustainability measures to encourage people to use their cars less often.
- 7.10 I have referred previously to respondents critical of the Council's failure to exploit sites within Newmarket and the opportunity to achieve high density development. This is an objective of national planning guidance but Newmarket Town Council cautioned against such an approach because it felt there was a danger it could detract from the character of the town, a part of which is a designated conservation area¹⁹.
- 7.11 The District Council has assessed potential sites and densities through its SHLAA and accepts its estimate of site capacity may be pessimistic. I see no reason to fault the Council's cautious approach to brownfield land until more detailed assessments are carried out for the Site Allocations DPD. The scope for making better use of pdl should not be ignored and I have recommended adjusting Policy CS1 accordingly **(IC/6)**.
- 7.12 The Council's stance has the merit of not placing unrealistic expectations on brownfield sites because this would put the CS at risk of being undeliverable. With the exception of two potentially redundant school sites, it seems unlikely that substantial new

¹⁸ Smith Gore: 2009 register of horseracing establishments at Newmarket, November 2009

¹⁹ Newmarket Conservation Area

sources of brownfield land will come forward in Newmarket meaning that additional land will be needed to meet housing targets.

- 7.13 An alternative to Policy CS7 was put forward that would not be dissimilar to that advocated by the Council. However, I am not convinced it would be effective because it relies on too optimistic an assessment of the current housing position and on the availability and potential of brownfield sites. Its main difference is to remove reference to an urban extension to the north east of Newmarket yet it encourages the use of sustainable greenfield sites in towns. In relation to Newmarket I consider it fails to make the difficult choices that are necessary to ensure the CS can be delivered.
- 7.14 Instead the Council has given a firm indication of where development could go. A location north east of the town offers the opportunity to secure sustainable improvements via links to other parts of the town for bus users, cyclists and pedestrians. The area is also close to other facilities including a supermarket and employment areas while its proximity to the A14 would mean that access to other centres, albeit by car, would be possible without having to negotiate Newmarket town centre.
- 7.15 A number of respondents argued that endorsing Policy CS7 would prejudice the Site Allocation DPD because the principal location would have been chosen. I do not agree. No specific reference is made to a site in the CS and land could not come forward until there is sufficient evidence to support its use either through the Site Allocation DPD or a planning application. The role of a CS is to focus on the overall strategy and to make the critical decisions to enable that strategy to be pursued²⁰. I consider the CS does this in relation to Newmarket.
- 7.16 From the discussions at the Examination I do not doubt that the Council is well aware of the uneasy relationship between vehicles and horses. Concerns were raised about the adequacy of the evidence base in this respect but I am not convinced that the level of detail sought by some parties is appropriate for a CS²¹. However, I accept that further development, whether in or around Newmarket, coupled with the capacity for the number of horses in training to grow may create difficulties.
- 7.17 Ultimately, it is not in the interests of the Council to undermine the structure and operational regime of the racing community or weaken the town's position as the headquarters of the industry. Contrary to the views of many respondents, I consider that the Council's strategy provides a reasonable balance between protecting the interests of the racing industry and providing for growth. My overall conclusions in relation to Newmarket are that the proposals contained in the CS are sound.

²⁰ PPS12, paragraph 4.5

²¹ PPS12, paragraph 4.37

8. Transport

Issue 5 – Whether the transport needs of the area are properly addressed in the spatial strategy.

- 8.1 National, regional and county transport policies, such as the Local Transport Plan [BD/SUF/001], place considerable emphasis on promoting sustainable transport and reducing reliance on the private car. The CS follows these principles by locating development in larger centres where there is more potential to develop alternative forms of travel. Even so, the Council concedes that the car will remain the preferred mode of transport, particularly for those living in rural areas.
- 8.2 The A11 and A14 are strategic routes which are important to the future success and economic prosperity of the region and Policy CS12 identifies local improvements to the strategic highway network. Other measures involve enhancements to rail infrastructure and cycle and rights of way networks and schemes to improve the safety and environment of the market towns.
- 8.3 Initially the Highways Agency (HA) was of the opinion that there was insufficient evidence to demonstrate that provisions in the Plan were deliverable and not dependent on matters outside the Council's control. To address this the Council, in conjunction with Suffolk County Council, commissioned a study (AECOM) to provide more detail of the transport impacts of the emerging CS [BD/SUF/008].
- 8.4 The Study concluded that housing and employment allocations were unlikely to put unacceptable pressure on the highway network. At the same time, it identified issues and opportunities in each of the main settlements where further work was required in order to manage future traffic flows, deliver better public transport and increase the scope for cycling and walking.
- 8.5 Suffolk and Cambridgeshire County Councils (SCC & CCC) welcomed the Study and with the HA agreed it demonstrated that the CS was likely to be deliverable. This was not a view shared by those representing the horse racing industry who argued that old data and inadequate traffic modelling undermined its value. Furthermore, it failed to examine the local effects of a growth in traffic, such as the impact of development on the racing industry.
- 8.6 Criticisms can be made of the Study, including its late submission. The latter was disappointing especially when the Highways Agency advised the Council of its concerns at previous consultation stages. However, the parameters of the Study were clearly defined. These were limited to an examination of the transport implications of the spatial strategy and the implications and potential measures for

meeting transport requirements. In this respect, I consider the evidence presented is proportional to the strategic aspects of a CS²².

- 8.7 The Study recognises current difficulties with traffic flows at the A11/A142 junction (junction 37) where traffic on the local road network is compromising trunk road safety (queuing on slip roads). The HA confirmed this was its biggest concern in Forest Heath. The County Councils pointed out it was one of a number of locations where regional growth would impact on the strategic road network. Cuts being made to funding would reinforce the need for more sustainable measures to reduce traffic levels and an emphasis on balancing travel delays rather than increasing road capacity.
- 8.8 The HA accepts junction 37 will remain congested and that local and cross-border growth to the north of Newmarket will increase traffic connecting to the A14 at this point. Neither the HA nor SCC raise an objection in principle to development in this location subject to suitable mitigation measures being undertaken and a detailed assessment carried out to model traffic flows at the junction²³.
- 8.9 The proximity of Newmarket to the county border will also have implications for Cambridgeshire although the HA believes that sustainability measures identified in the East Cambridgeshire Core Strategy will help to moderate traffic flows. In recognition of these issues I endorse a change proposed by the Council to cooperate with CCC and others to identify further mitigation measures which may be required arising from development proposals at Newmarket (C/47).
- 8.10 There was considerable debate during the hearings about the potential impact of development north east of Newmarket on the local road network because of its proximity to junction 37. Problems are already evident because existing congestion on the A142 is leading to 'rat running' on other roads and increasing the risk of conflict between motorists and racehorses. Potential measures are available to address these issues although these go beyond the remit of the CS.
- 8.11 The idea of a relief road to reduce traffic congestion in Brandon has been mooted for many years. Problems are most acute during peak periods in the holiday season but it is thought that plans to upgrade the A11 may help to reduce traffic flows should current proposals go ahead. While a relief road is a high priority for SCC for both transport and economic regeneration reasons, SCC considers a relief road is only feasible if supported by other development such as the Council's more ambitious housing targets for the town.
- 8.12 The Council does not believe that further growth at Brandon (beyond its base allocation) should be totally dependent on bypassing the

²² PPS12, paragraph 4.37

²³ See Statement of Common Ground included in Representation 5830/19462 on behalf of The Earl of Derby

settlement. I agree because it would be possible to provide walking and cycling links to the town centre and encourage more use of the railway. Whether it will prove possible to pursue some options which are physically possible at Brandon will be determined by the environmental constraints affecting the town. I consider this further in Issue 7.

- 8.13 Table 4.1 of the CS lists key issues by location and organisations likely to be involved in securing transport improvements. The AECOM Study provides indicative costs which are helpful. These suggest that developer costs would be relatively low although it is hesitant in giving undue weight to its assessment. The IECA points to potential funding sources including the LTP and a Community Infrastructure Fund and it is clear that developer contributions will continue to be an important funding source.
- 8.14 I am satisfied that the framework for strategic and sustainable transport in Policy CS12 is sound. The evidence base indicates what measures will be necessary to support growth in the larger centres and while there remain areas of uncertainty these are matters of detail which will require further investigation and assessment either through the Site Allocation DPD and/or in individual planning applications.

9. The Economy

Issue 6 – Whether the amount and distribution of land for economic and tourism development is appropriate and supported by a sound evidence base?

- 9.1 The context for the Council's strategy for employment growth is set out in the Regional Economic Strategy²⁴ and the RSS, particularly Policies E1, E2, E3 and E6. The main source of evidence to justify its approach to economic planning is derived from the Western Suffolk Employment Land Review (WSELR) [BD/FH/023]. This study was jointly commissioned by the County Council and the three central/western district councils in Suffolk in light of the proposal in Policy E1 of the RSS²⁵.
- 9.2 The WSELR was undertaken in accordance with guidance produced by the East of England Development Agency. It provides a comprehensive analysis of existing employment sites and commitments, a review of supply and demand through to 2026 and sets out broad policy options and advice for developing an employment strategy. It is also the basis for determining the number of jobs to be provided in the District to 2026.

²⁴ [BD/REG/004]

²⁵ RSS Policy E1 proposes that the 'Rest of Suffolk' comprising the three authorities of Mid-Suffolk, St Edmundsbury and Forest Heath provide 18,000 jobs between 2001 and 2021

- 9.3 Policy CS6 focuses job growth on the three market towns and two key service centres in order to balance housing development and promote more sustainable lifestyles. This would build upon the strategy of the previous local plan although the Council has chosen to maintain a modest reserve of unallocated employment land. This provides some additional flexibility in the CS and would permit the Council to respond to changing employment land requirements.
- 9.4 The Council undertook an extended period of consultation on employment allocations following publication of the Core Strategy Proposed Submission Document [CD/FH/A5]. This was carried out in order to correct an error in the allocations which had arisen in interpreting WSELR figures. The outcome has a limited impact on the amount of land and overall employment numbers with a minimum target of 7,300 jobs by 2026. The adjusted figures in Policy CS6 (**IC/24, 25, 26 & 27**) are also referred to in Policy CS1 and these need to be updated (**IC/7, 9 & 11**).
- 9.5 There has been general support for the Council's choice of locations but some respondents are worried about the balance of jobs between centres and the low employment land allocations in the towns. The 'floating' element of employment land, however, would allow the Council to adjust its strategy as appropriate in order to achieve a sensible balance between competing economic interests. These include support for the job market at Brandon, capitalising on economic links with the military airbases at Mildenhall and Lakenheath and maximising the potential for economic growth in the southern parts of the District. The latter is of particular importance because the WSELR assessment concluded that one of the major economic drivers in Forest Heath District would be growth in the Greater Cambridge sub-region.
- 9.6 Some respondents were also concerned that the policy focuses on traditional uses (B class development) to the exclusion of other provision such as retail and leisure uses. I do not regard the CS as being that restrictive. The WSELR found that 50% of all jobs in the District do not fall within B class categories and the Council accepts it needs to focus on job growth generally. This is reinforced by the findings of the Council's Retail and Town Centre Study [BD/FH/011] which pointed out the changes taking place in retail and leisure and the increasing convergence of these sectors.
- 9.7 The Council suggests a change should be made to the supporting text to address this point (C/30) even though it is not necessary in order to make the Plan sound. The latest government guidance²⁶ helps in this respect because it recognises that B Use Classes, public and community uses and a range of town centre uses all contribute to job growth.

²⁶ PPS4, *Planning for Sustainable Economic Growth*, 2009

- 9.8 A number of more specific issues have been raised by respondents in relation to individual settlements although none of the points compromise the soundness of the Plan. The policy sets out broad criteria against which employment sites will be considered in the Site Allocations DPD. I consider there is a need to add a further criterion to have regard to biodiversity issues when identifying employment sites, in particular the presence of the Breckland SPA **(IC/28)**.
- 9.9 Subject to these changes, I consider that the CS provides a sound basis for furthering national and regional economic objectives.

RECOMMENDATIONS

The following changes to Policy CS 6 are necessary to make the document sound:

- 1. Update employment land and jobs targets to reflect revised Plan period to 2026 (IC/24, 25, 26 & 27).**
- 2. Introduce criterion to require employment sites are assessed against 'Biodiversity constraints' (IC/28).**

10. The Environment

Issue 7 – Whether the Core Strategy makes adequate provision for the protection of the natural environment and other environmental assets.

- 10.1 The objectives of Policy CS2 are wide-ranging. These include safeguarding the natural assets of the area and restoring and improving features of interest. The policy builds upon the objectives established in the RSS including those for green infrastructure (ENV1), the landscape (ENV2), biodiversity and geodiversity (ENV3). A feature of the policy is the protection it establishes for sites of European importance. The policy also reflects the advice in PPS9²⁷ although it has implications for the distribution of growth and the deliverability of the spatial strategy.
- 10.2 A significant proportion of land in the north-east of Forest Heath District is affected by nature conservation designations which include Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These areas of woodland, farmland and heathland support ground-nesting bird species - stone curlews, nightjar and woodlarks. These species are vulnerable if development takes place too close to nesting sites.

²⁷ PPS9 *Biodiversity and Geological Conservation*

- 10.3 Each of these species is protected by European Directives which have been transposed into UK law through the 'Habitats Regulations'²⁸. This requires that councils, for plan-making purposes, determine whether a plan is likely to have an adverse effect on the integrity of any European site (Regulation 85B). The Regulations require a number of stages to be followed from initial screening to an 'appropriate assessment' to ascertain whether it is likely there would be any adverse effects. Later stages of the process introduce the possibility of mitigation measures.
- 10.4 PPS9 clarifies that important sites for biodiversity should be identified on proposals maps but specific policies are not necessary in DPDs because sites enjoy statutory protection. Similar guidance is contained in Circular 06/2005²⁹.
- 10.5 Statutory protection does not extend beyond these areas although it is known that ground-nesting birds are susceptible to disturbance at considerable distances. Human impact on Nightjars and Woodlarks is reasonably well understood and development is not normally permitted within 400m of areas where these birds are found. The Royal Society for the Protection of Birds (RSPB) regards this distance as insufficient but has accepted it in other parts of the country. The behaviour of stone curlews is less well known but research suggests that a 1500m constraint zone is necessary to offset the effects of human activity³⁰. This would be needed adjacent to SPAs and in locations where these birds have made significant attempts to nest³¹.
- 10.6 In developing its policy the Council has carried out a Habitat Regulations Assessment (HRA) of the proposals in the CS [CD/FH/C5]. This confirmed there was potential for adverse effects requiring that a project level HRA is carried out where proposals fall within the 400/1500m ranges mentioned above. This measure is set out in Policy CS2 with an accompanying diagram showing the extent of the 'constraint zones'. If development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable. It will be necessary for the Council to show the 'constraint zones' in detail in its Proposals Map which it is intended will accompany the Site Allocations DPD.
- 10.7 Evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be

²⁸ The Conservation (Natural Habitats &c.) Regulations 1994 as amended by The Conservation (Natural Habitats &c.) (Amendment) Regulations (2007)

²⁹ *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System.*

³⁰ For example see Liley, D., Hoskin, R., Underhill-Day, J and Tyldesley, D (2008) *Habitat Regulations Assessment: Breckland Council Core Submission Strategy and Development Control Policies Document*. Footprint Ecology, Wareham, Dorset. Report for Breckland District Council. HRA Bibliography p.82 [CD/FH/C5]

³¹ Five nesting attempts within a 1km grid square since 1995

taken to help maintain or even increase bird populations³². This may not be scientifically robust but it reinforces the point made by some representors that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species.

- 10.8 Most parties at the Examination accepted this approach although the RSPB took a different view. It regards some sites in the SHLAA to be unacceptable and has no confidence that mitigation would work. Lakenheath, Red Lodge and Kentford are locations where constraint zones could influence the choice of sites but both the RSPB and Natural England (NE) believe the Regulations would have most impact at Brandon.
- 10.9 This raises the question of whether the CS can meet its growth targets and still protect vulnerable bird populations. In endeavouring to demonstrate the deliverability of the Plan the Council undertook a hypothetical assessment of known sites. This only served to reinforce the RSPB's view that certain sites are not feasible although it accepts that further investigation would be required on others. I recognise that it may prove difficult or impossible to use some sites but the RSPB is suggesting that development in parts of the District should not be contemplated. I regard this as premature and unacceptable before sites have been identified or subject to a project level HRA.
- 10.10 The RSPB also believes that Policy CS2 could be misinterpreted because the possibility of mitigation might give false hope to both the Council and those pursuing development proposals. Nevertheless, mitigation is a component of the regulatory process and any measures will have to satisfy NE. At the hearings NE confirmed it had agreed mitigation measures for the dualling of the A11 involving the designation and management in perpetuity of a considerable area of land for stone curlews. Similar schemes may not be practicable on smaller sites but it does not mean mitigation should be discounted. It is also possible that over the course of the Plan period measures are found which do work. However, if it is unclear that satisfactory methods of mitigation can be adopted the Habitats Regulations require that a precautionary approach be taken.
- 10.11 The accuracy of constraint mapping to the south of Brandon was raised late in the Examination process. Both NE and RSPB accept the original stone curlew constraint zone to the south of the town is correct, based on evidence from other sources³³. The Council has suggested a more pragmatic drawing of constraint zone boundaries would be sensible. In view of the precautionary principle I cannot

³² Evidence on behalf of Elveden Farms Ltd by Mr J Rudderham

³³ Liley, D., Hoskin, R., Underhill-Day, J and Tyldesley, D. (2008) *Habitat Regulations Assessment: Breckland Council Core Submission Strategy and Development Control Policies Document*. Footprint Ecology, Wareham, Dorset. Report for Breckland District Council. HRA Bibliography p.82 [CD/FH/C5]

agree. Nevertheless, the mapping of this constraint area serves to illustrate the difficulties faced by the Council which has been unable to obtain any definitive evidence to show stone curlews are present in the area a large part of which, it contends, is unsuitable stone curlew habitat.

- 10.12 While I appreciate the need for constraint zones they are a crude device for ensuring the protection of specific bird species. The evidence suggests that different birds favour different habitats and that there are areas within constraint zones which are unsuitable for any of the identified species. This means that it may be possible to demonstrate that development is feasible at Brandon although the overall scale of development can only be determined following detailed site assessment.
- 10.13 In these circumstances, I consider that Policy CS2 establishes a satisfactory framework for the Council's approach to nature conservation and habitat protection at CS level. The Council has suggested changes to address matters raised by respondents and to clarify that the burden of proof rests with the developer (**IC/18, 19, & 20**). It is reluctant to consider including more detailed criteria in a strategic policy as has been suggested by some. I do not consider it is necessary to do so because further criteria could be included in its Development Control DPD.
- 10.14 The uncertainty about development prospects at Brandon could be seen to undermine the ability of the CS to meet its targets. In the absence of more detailed assessment of individual sites I am not convinced that this is the case although I accept it casts severe doubts on the ability to pursue the option of higher levels of growth. I have previously identified there is scope for further development in other locations and sufficient provision is made to meet housing targets to at least 2026. In these circumstances, a failure to meet the lower targets set by the Council for Brandon would not undermine the CS.
- 10.15 As amended the policy adequately identifies the constraints which need to be taken into account in order to respond to the requirements of the Habitat Regulations. Development may be possible in some circumstances although the burden of proof for applicants remains onerous. However, I am satisfied that the broad thrust of the policy is consistent with relevant legislation and national guidance and reflects the current state of knowledge.

RECOMMENDATIONS

The following changes to Policy CS2 are necessary to make the document sound:

- 1. Amend policy and supporting text to clarify protection of designated European Sites (IC/18, 19, & 20).**

11. Climate Change

- 11.1 Policy CS4 promotes high standards of construction to ensure that new houses make better use of natural resources and meet a proportion of their energy needs by way of renewable energy technology. Such measures are consistent with the principles of sustainability, a theme which is central to the CS and will contribute to national and regional objectives on climate change.
- 11.2 Policy CS4 requires new dwellings to achieve a minimum three star rating under the Code for Sustainable Homes and to achieve higher levels in future years. The Code levels are broadly aligned with the improvements in energy/carbon performance standards that are due to be incorporated into the Building Regulations. The supplement to PPS1³⁴ allows local planning authorities to require specific Code levels where local circumstances justify this. No justification is provided in this instance although the Council wishes to adopt higher standards. I therefore consider this part of the policy is unsound. This can be addressed by indicating that compliance with the code will be encouraged rather than required **(IC/21)**.
- 11.3 Community groups are supportive of these measures and feel they should go further, such as encouraging initiatives to produce renewable energy locally. The Council's requirement that a proportion of total energy needs from renewable energy is provided on small sites is very similar to Policy ENG2 of the RSS although it fails to refer to decentralised energy sources. This adds nothing to the RSS policy and should be deleted. Provision on larger sites goes beyond that in the RSS but is not supported by local evidence meaning that the policy is unsound. This element of Policy CS4 should be deleted and replaced by a general statement encouraging renewable energy and carbon reduction schemes in new development **(IC/22)**.

RECOMMENDATIONS

The following changes to Policy CS4 are necessary to make the document sound:

- 1. The policy should be modified to encourage rather than require sustainable construction methods in all new dwellings (IC/21).**
- 2. References to the renewable energy should be deleted and replaced as set out in Annex A to this Report (IC/22).**

³⁴ PPS: Planning and Climate Change – Supplement to PPS1

12. Gypsies and Travellers

- 12.1 Policy changes to the RSS covering Gypsies and Travellers and Travelling Showpeople Provision were published by the Secretary of State in July 2009 [BD/REG/003]. Provision for Gypsies and Travellers in individual local authority areas is now set out in a revised policy (H3) while policy (H4) deals with Travelling Showpeople. The Council had been unable to take these changes into account in Policy CS8 and has suggested alterations to correct this (FC/26, C/36 & C/37) which I endorse.
- 12.2 The changes would involve deleting reference to the maximum number of pitches on Gypsy and Traveller sites because it conflicts with Circular 01/2006³⁵. This advises against setting maximum site sizes but says the number of pitches should be related to local circumstances and controlled by planning conditions. A second change would modify a criterion covering Travelling Showpeople and commit the Council to work with other authorities in the county to identify suitable sites.
- 12.3 Both these changes are necessary in order to make the CS sound and the supporting text should also be amended to clarify the current position. I recommend accordingly **(IC/35 & 36)**.
- 12.4 Policy CS8 has been criticised because it includes superfluous criteria. These are mostly aimed at securing good design and well-laid out sites. I agree that they are not strictly necessary but I do not consider they undermine the soundness of the Plan.

RECOMMENDATIONS

The following changes to Policy CS8 are necessary to make the document sound:

- 1. Modify the policy and supporting text in order to accord with national guidance and revisions to the RSS (IC/35 & 36).**

13. Sustainable Rural Communities

- 13.1 The spatial strategy directs most development to larger centres but the Council recognises that limited development in villages and smaller settlements is needed to meet local needs and support existing services. This is the intention behind Policy CS10 which sets out criteria to control housing development and rationalise settlement boundaries while accepting that employment uses may help to support rural communities.
- 13.2 The Council appreciates that local services and facilities are vitally important for small settlements but that they often struggle to survive. This undermines sustainability principles and makes it

³⁵ Circular 01/2009: *Planning for Gypsy and Traveller Caravan Sites: Annex C*

difficult for some people to gain access to basic facilities. The Council is therefore keen to support local services in accordance with national guidance in PPS4 paragraph EC13.1. To this end it provides a list of services and facilities which should be protected. Whilst laudable the list is not exhaustive and led to complaints from representors who sought to expand the services identified. I consider this element of the policy is too detailed and would be more appropriately incorporated in the Council's Development Control DPD. I recommend accordingly **(IC/40)**.

- 13.3 Local organisations expressed the view that some rural communities were in danger of losing their identity because of coalescence with larger settlements. I do not see this as a realistic threat because the Council is not seeking to impose substantial levels of growth in any one location.
- 13.4 There was considerable debate at the hearings about the feasibility of establishing closer links between the market towns and surrounding villages, the concept being to support initiatives of benefit to the wider area while sustaining rural communities. There are examples of this being pursued elsewhere in the country. While the idea has some merit it does not have a bearing on the soundness of this CS.
- 13.5 My overall view is that Policy CS10 provides an appropriate balance between safeguarding small settlements while allowing for necessary, albeit limited, change. Subject to the changes I recommend I am satisfied that the policy is sound.

RECOMMENDATIONS

The following changes to Policy CS10 are necessary to make the document sound:

- 1. Modify the policy in the manner set out in Annex A to this Report to remove list of local services. (IC/40).**

14. Retail and Town Centre Strategy

- 14.1 The emphasis on the higher order settlements in the spatial strategy is reflected in Policy CS11 which aims to increase retail floorspace in the three market towns, maintain and improve the retail and service function of the Key Service Centres and protect existing facilities and services in smaller settlements. Such an approach reflects the findings of the Council's Retail and Town Centre Study [BD/FH/011] which identified the likely level of additional floorspace required in each town. The Council's stance accords with Policy E5 of the RSS and is also supported by the findings of the WSELR [BD/FH/021].
- 14.2 The Council was criticised for underplaying the role of Newmarket although it is not identified as a major centre in the RSS. As the

largest town in the District, it is expected to take the bulk of new retail provision. This would help to offset the leakage identified in the Retail Study of comparison goods trade to other centres as would the more modest additions at Mildenhall and Brandon.

- 14.3 At the hearing the Council accepted that retail predictions over long periods were unreliable and felt that the targets in Policy CS11 to 2021 should be retained. For the same reason it agreed that floorspace figures should be expressed as rounded numbers, a point endorsed by other participants. In its suggested change (FC/41) the Council only amended the total figure for Newmarket although it has since provided ones for the remainder of the table. These accord with the discussions which took place during the hearings and do not affect the soundness of the Plan. I have therefore included these figures within FC/41.
- 14.4 I have already acknowledged the extent of service provision at Lakenheath and the Council agreed that further retail provision may be appropriate (C/44). This, together with other minor changes to the policy and supporting text would address some of the points made by representors, including clearer identification of the need for town centre strategies. I endorse these changes (C42, 43, 44 and 46).

15. Infrastructure and Developer Contributions

- 15.1 Policy CS13 sets out a number of key requirements for the delivery of new infrastructure derived from the IECA [BD/FH/002]. The Council accepts that infrastructure needs will change over time and, where appropriate, intend to address these through the forthcoming Site Allocations DPD. Further detail may also need to be included in its Development Control DPD.
- 15.2 The Council has used the outcome from the IECA to provide a summary of the dependencies between infrastructure providers and delivery of the CS and these are set out in Table 4.1 (as updated by FC/37). It acknowledges that the different timescales and planning cycles of some organisations necessitate further work and it is clear, for instance, that the recent outcome of a schools reorganisation programme means there are uncertainties about school provision in locations such as Lakenheath and Red Lodge if these locations expand as envisaged.
- 15.3 The site specific nature of these requirements can be addressed in the Site Allocations DPD. This will also include the need to examine the waste water problems affecting Lakenheath and Red Lodge, which were identified in the Strategic Flood Risk Assessment and Water Cycle Study (Stage 1) [BD/FH/003] and through work carried out in a Stage 2 WCS. These are important areas of detail but I am satisfied that the stakeholders are well aware of these issues and

the funding necessary to address them. With their support I am satisfied that the overall strategy can be delivered.

- 15.4 These factors create uncertainties and may affect future phasing regimes as identified in the Statement of Common Ground covering water quality matters [SCG/FH/008]. The issue of waste water at Red Lodge is recognised as challenging requiring work at the boundaries of the best available technology. Nonetheless, the parties agree (in terms of paragraph 4.10 of PPS12) that there is a reasonable prospect of providing sustainable waste water treatment during the Plan period. However, changes³⁶ are necessary to Policies CS1 and CS7 as well as to the Monitoring and Implementation Framework to acknowledge the risk of not identifying a waste water solution **(IC/15)**³⁷.
- 15.5 The IECA provides an estimate of overall costs attributed to planned growth although it and the Council cautions against undue reliance on these figures because of changing circumstances. Nevertheless it provides basic figures and also sets out the marginal costs of infrastructure provision in the main settlements. These illustrate that the distribution of growth advocated in the spatial strategy would generally help in reducing the cost of infrastructure provision.
- 15.6 The delivery of the required infrastructure involves a number of stakeholders and includes a requirement for developer contributions. This is referred to in Policy CS13 and the Council recognises that these must meet the tests set out in Circular 05/2005, *Planning Obligations*. It is intended that a county-wide Developer Obligations SPD will be produced although some parties are concerned that this would not be subject to scrutiny in the same way as a DPD. The SPD would be superseded by a DPD if the Community Infrastructure Levy is introduced. Either of these processes would be subject to consultation or formal examination, depending on the regulatory framework in place at the time.
- 15.7 Respondents felt it was important that the Council was clear about its priorities when seeking contributions and that there should be an element of flexibility in the arrangements. There was also concern that Policy CS13 presents a definitive list of future needs, a criticism the Council accepted. I have recommended a change to rectify this **(IC/41)**.
- 15.8 My overall view is that it is possible for adequate infrastructure to be delivered and there is no evidence of significant risks to the delivery of the spatial strategy. In seeking to focus development in the larger centres the CS supports objectives to create balanced communities where most benefit can be gained from further infrastructure provision.

³⁶ See recommendations under Issue 2

³⁷ This recommendation is relevant to Policy CS1

RECOMMENDATIONS

The following changes to Policy CS13 is necessary to make the document sound:

1. Modify listing of potential areas to be addressed as shown in Annex A (IC/41).

16. Implementation and Monitoring

16.1 The Monitoring and Implementation Framework set out in Table 4.2 identifies the agencies associated with each area of the policy framework and potential risks to delivery. Table 4.3 links policy areas to the strategic objectives of the Plan including a set of indicators and targets for monitoring purposes. These will change over time but the effective monitoring of CS outcomes is an integral part of DPD production and PPS12 makes it clear that this is an important aspect of core strategies and necessary to demonstrate a Plan is effective and deliverable.

16.2 In a number of cases targets are set which simply aim to improve conditions or to avoid deterioration in the current position. Efforts should be made to make these more meaningful and measurable wherever possible. The Council has reacted positively to the suggestion that it should take into account biodiversity in its monitoring framework (C49) which together with its revised housing trajectory I endorse (FC/14). In other instances I consider the targets to be sufficiently precise and able to provide an adequate basis for subsequent monitoring of the CS through the Annual Monitoring Review.

17. Other matters

17.1 I have had regard to the representations to Policy CS5 on design and local distinctiveness. The Council is proposing minor changes to the supporting text and policy in response to address specific points although they do not raise fundamental issues in relation to the soundness of the Plan.

17.2 A number of minor changes which I have not expressly identified in the body of the Report have been suggested by the Council either in response to representations made to the CS or in order to clarify and update various parts of the text. I endorse these changes which do not address fundamental aspects of soundness but would improve clarity and accuracy. These are set out in Annex B.

17.3 I also endorse the correction of any other spelling or grammatical errors or any minor formatting/numbering changes that do not affect the sense or meaning of the document.

18. Overall Conclusions

- 18.1 I conclude that, with the amendments I recommend, the Forest Heath Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the tests of soundness in PPS12.

P R Crysell

INSPECTOR

Attachments

ANNEX A: Binding Changes to the Forest Heath Core Strategy DPD

Appendix 1: Revised Affordable Housing Policy CS9

ANNEX B: Minor Changes to the Forest Heath Core Strategy DPD

Appendix 1: Revised Housing Trajectory

Appendix 2: Revised Spatial Strategy Delivery Framework (Table 4.1)