



The Planning Inspectorate

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# Report to West Suffolk Council

by **Christa Masters MA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Date: 13 August 2019**

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PLANNING AND COMPULSORY PURCHASE ACT 2004  
(AS AMENDED)  
SECTION 20

## **REPORT ON THE EXAMINATION OF THE SITE ALLOCATIONS LOCAL PLAN**

The Plan was submitted for examination on 23 March 2017

Examination hearings were held between 17 October and 19 October 2017 and 27 June 2018

File Ref: PINS/H3510/429/4

## Abbreviations used in this report

CD	Core Document
CS	Forest Heath Core Strategy, 2010
CJEU	Court of Justice for the European Union
DMP	Development Management Policies
DtC	Duty to Co-operate
ELR	Employment Land Review
HRI	Horse Racing Industry
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LPA	Local Planning Authority
MM	Main Modification
NE	Natural England
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SALP	Site Allocations Local Plan (the Plan)
SANG	Suitable Alternative Natural Greenspace
SCC	Suffolk County Council
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SIR	Single Issue Review
SPA	Special Protection Area
SSSI	Site of Specific Scientific Interest
USVF	United States Visiting Forces in Europe

## Non-Technical Summary

This report concludes that the Site Allocations Local Plan ('the SALP') provides an appropriate basis for the planning of the Forest Heath area, provided that a number of main modifications (MMs) are made to it. West Suffolk Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council and were subject to public consultation over a six-week period. Some were also subject to an additional hearing session which took place in June 2018. Following the hearings, and as a result of recent rulings from the Court of Justice for the European Union (CJEU) the Council prepared a further schedule of MMs (MM42-MM48 inclusive) and also carried out an updated Sustainability Appraisal (SA), Updated Air Quality Assessment and Habitats Regulations Assessment (HRA). For consistency, I have used the same reference numbers for the MMs as those used by the Council. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To ensure that the levels of housing and employment development to be provided over the Plan period are accurately identified and that the means to deliver the required development and associated infrastructure is clear;
- To ensure that the Plans' development management and site allocation policies are justified, effective and consistent with both the Core Strategy (CS) and national policy;
- Updating the housing need table and text to reflect updated figures provided in the Single Issue Review ('the SIR');
- Amend the site boundary in relation to site allocations SA2(a), SA5(a), SA5(b), SA8(c) and SA9(a) in order to reflect site ownership;
- Additional text to clarify that a number of the SALP sites include sites which already have planning permission;
- Additional text to confirm that a cumulative traffic impact study has been undertaken to identify locations where mitigation will be required to address cumulative growth impact;
- Additional text in relation to site allocation SA4(a) in order to reflect the fact that there is an existing water mains and sewer across the site, to correct a typographical error and provide clarity to the policy in relation to the SANGS requirements;
- Amending policy requirements to ensure their effectiveness;
- To ensure that appropriate mechanisms are in place to address the impact of new development on the HRI within Newmarket;
- Deleting site allocation SA8(d) from the plan and replacing with alternative site shown through revised assessment to be more appropriate, taking into account the adopted CS;
- To update the employment allocations identified by policy SA17;
- Amendment to site allocation SA10 to reduce the indicative capacity of the site allocation as a result of the high number of site constraints;
- To update the MOD Noise Contours Map 2015 with the Military Aviation Noise Contour Map of aircraft activity at Lakenheath, 2017;

- Amendment to text in relation to site allocation SA6(b) to clarify potential uses and capacity of the site;
- Additional text in relation to site allocation SA9(c) to address concerns regarding the Red Lodge Heath site of special scientific interest (SSSI) and Breckland special protection area (SPA);
- Additional text in relation to site allocation SA14 to clarify that the site will be subject to a development brief, archaeological evaluation and to ensure that the requirements in terms of addressing the effects of the development on the Breckland SPA are clear and justified;
- Additional text across a number of the site allocations to ensure that sufficient information is submitted to ensure that proposals will not adversely affect the integrity of the Breckland SPA.

## Introduction

1. This report contains my assessment of the Forest Heath Site Allocations Local Plan ('the SALP') in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework ('the Framework', paragraph 182) makes it clear that in order to be sound; a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The SALP was submitted by Forest Heath District Council, the then local planning authority, on 23 March 2017. However, West Suffolk Council was formed on 1 April 2019, replacing both Forest Heath District and St Edmundsbury Borough Councils. West Suffolk Council is now the local planning authority and, on adoption, the SALP will become its responsibility to administer in relation to the area formerly defined as Forest Heath District. This gives rise to no implications for the SALP.
3. This report contains my assessment in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended) of the SALP. It considers firstly whether the preparation of the SALP has complied with the Duty to Co-operate ('the DtC'). It then considers whether the SALP is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework 2012 ('the Framework') makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
4. The revised National Planning Policy Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the Framework 2012 will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised national policy, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the Framework 2012 and the versions of the PPG which were extant prior to the publication of the revised national planning policy.
5. The starting point for the examination is the assumption that the Local Planning Authority ('the LPA') has submitted what it considers to be a sound plan. The Forest Heath Site Allocations Local Plan, submitted in March 2017, is the basis for my examination. It is the same document as that which was published for consultation in January/February 2017.
6. My report deals with the main modifications that are needed to make the plan sound and legally compliant and also explains why the recommended main modifications (MM's), all of which relate to matters which were discussed at the examination hearings, are necessary. They are identified **in bold** within the report in the form **MM1, MM2, MM3** etc. They are also set out in full in the appendix to this report. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any modifications needed

to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted.

7. The Single Issue Review ('the SIR') identifies the overall housing provision and distribution across the area. The SALP contains site specific housing, employment and other allocations to meet the requirements of the SIR and the CS. The first hearing sessions in relation to the SALP were held in October 2017 and followed the hearing sessions which had taken place in relation to the SIR. In light of concerns which were raised with the Council regarding the balance of growth as proposed, the Council put forward MM to the SALP in April 2018 to address this issue. A public consultation on the comprehensive schedule of the modifications advanced by the Council at that time, along with the updated SA and HRA, was held for six weeks from 25 April until 8 June 2018. A number of representations were made in relation to these proposed revisions. I held further hearings concerning the proposed changes to the allocations in June 2018.
8. As a result of a recent ruling from the CJEU, a further six MMs were published for consultation. These additional MMs (MM42-MM48 inclusive) were subject to a six week consultation period between 9 May and 21 June 2019. A number of representations were made in relation to these proposed revisions. I have taken account of all the consultation responses in coming to my conclusions in this report.
9. A number of other changes have been put forward by the Council. These generally comprise factual updates or consequential revisions and are noted as additional modifications. However, they are not necessary in order for me to find the plan sound. I have as a result not referred to these within this report or the attached appendix.

### **Policies Map**

10. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a Local Plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the Policies Map as set out in the Local Plan Policies Map Book (Core Document (CD) C12).
11. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. The Council has put forward these changes, and these were made available for consultation along with the MMs. I concur that the revisions proposed are necessary in order to ensure that the associated policies are justified and effective. It is in light of these changes that I recommend the policies referred to are amended accordingly.
12. When the plan is adopted, in order to give effect to the Plan's policies and comply with the relevant legislation, the adopted policies map will need to be updated to reflect all the changes proposed as part of the Regulation 19

consultation and the further changes which were published along with the MMs.

### **Consultation**

13. The Council carried out widespread public consultation over a six-week period, both on the Plan before its submission and on the proposed main modifications. I have taken account of all of the responses to those consultations in preparing this report. The Council made contact with everyone on their consultation database which is extensive. Notices were also placed in local newspapers, local libraries and community venues and also on the Council's own website. In addition to this, Officers also held a number of open evenings and exhibitions as well as attending a number of Parish Council events on request.
14. A significant number of representations were received from community organisations, developers, local residents and businesses. I am of the view that the consultation process afforded those who would be potentially affected by the Plan an adequate opportunity to express their views.
15. Taking all of these points into account, I find that satisfactory consultation was carried out on the Plan. The consultations met all the relevant legal requirements, including compliance with the Council's Statement of Community Involvement (SCI).<sup>1</sup>

### **Assessment of Duty to Co-operate**

16. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
17. The Council have submitted a Record of Co-operation<sup>2</sup> Duty to Cooperate (DtC) and completed a number of joint working initiatives with other bodies. These include a programme of shared services across the Forest Heath area and neighbouring St Edmundsbury area. This means that the two councils are working in partnership through one management and one operational delivery system however the councils retain different political, constitutional and governance systems.
18. The Council have also provided detailed evidence concerning the outcomes of regular meetings held, including those specific to the cooperation issues effecting the area as well as cross boundary topic groups which the Council have confirmed have influenced the site allocation policies. These meetings include, but are not limited to, Natural England (NE) in connection with the Breckland SPA, The Environment Agency in relation to a number of housing and mixed use allocations, as well as Highways England, Suffolk County Council (SCC) and Cambridgeshire County Council in relation to infrastructure and service providers and the housing and mixed use site allocations.

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<sup>1</sup> Joint Statement of Community Involvement (February 2014) CD C27

<sup>2</sup> Record of Co-operation (Duty to Cooperate) (March 2017) CD C14

19. Overall, taking into account all of the above, the nature of the plan and the evidence which has been prepared in relation to this issue, I am satisfied that where necessary the Council has engaged constructively and on an on-going basis in the preparation of the Plan. The legal duty to co-operate has therefore been met.

## **Assessment of Soundness**

### **Background**

20. The plan has been prepared to form part of a suite of documents which form the development Plan for Forest Heath. It contains site specific housing, employment and other allocations to meet the requirements of the Forest Heath Core Strategy, 2010 (CS). As matters stand, the development plan includes the CS as well as the Development Management Policies (DMP) 2015. In conjunction with the preparation of this plan, the Council also revisited policy CS7 of the CS which was quashed by a High Court Order in its entirety save for the element relating to the level of housing. This was submitted for examination in parallel with the SALP, and was subject to a separate examination and details the quantum and overall spatial distribution of housing across the area.

### **Main Issues**

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified three main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness, rather than responding to every point raised by representors, or every policy or allocation within the plan. Those policies which are not referred to below are therefore sound.

#### **Issue 1 - Has the SALP been positively prepared; is the Sustainability Appraisal robust and does it justify the plans overall approach when considered against the reasonable alternatives?**

22. The purpose of the SALP is very clear in that it will form part of a suite of documents, including the CS and the DMP, which will constitute the development plan for Forest Heath. It provides detailed policies and defines the boundaries of the site allocations provided under the list of policies at page 5. These site allocations will deliver the housing and employment growth as defined by the CS. The Plan provides for site allocations across the Forest Heath area, and seeks to ensure that development is appropriately located, of the right scale and supported by the necessary infrastructure. The Plan builds on the strategy identified by the CS and sets out site specific allocations for the area. On this basis the plan has been positively prepared.
23. The Sustainability Appraisal (SA) and Erratum (CD's C9 and C10 respectively) set the basis for the assessment of alternative options which has been undertaken. This was prepared and published for consultation along with the Regulation 19 stage. Appendix IV to document C9 identifies the criteria based methodology used to appraise the site options. The SA itself identifies a significant number of sustainability objectives. These are indicators of sustainability and provide an appropriate basis upon which the assessment

can be formed. In my view, all of the objectives identified are appropriate. Two further addendum reports to the SA were published in April 2018 (CD F2) and April 2019 (CD E3) respectively to address a number of proposed MMs to the plan. MM42-MM48 inclusive are as a direct result of additional information in relation to the Habitats Regulations Assessment (HRA) which is discussed in further detail below.

24. The SA as a whole considers the site allocations against each of these objectives. I acknowledge that there have been some criticisms of the SA in relation to the consideration of alternatives. However, the Planning Practice Guidance ('the PPG') is clear that the SA should not be done in any greater detail than is considered to be appropriate for the content and level of detail of the Plan. It must be acknowledged that the tools used to inform the SA rely on a valued judgement to be made. The initial assessment undertaken ruled out a number of sites which failed to perform satisfactorily against the identified criteria. Having reviewed this evidence, I agree that this is both a justified and appropriate approach which satisfies the guidance set out within the PPG.
25. A broad evidence base has been used to inform the SA. This includes the Strategic Housing Land Availability Assessment ('the SHLAA') 2016 and the Employment Land Review ('the ELR'). The SALP is consistent with and will help deliver the spatial vision and objectives identified by the CS, which reflects the overall strategy for development within Forest Heath.

#### *Conclusion on Issue 1*

26. Taking into account all of the above, I conclude that the SALP has been positively prepared. The Sustainability Appraisal is robust and justifies the plan's overall approach when considered against the reasonable alternatives.

#### **Issue 2 – Whether the land allocations are justified by the evidence base, based on a sound assessment of infrastructure requirements, consistent with national policy and the CS so as to be effective and deliverable?**

#### *Existing Residential Commitments*

27. It is evident that a number of the site allocations proposed already benefit from planning permission. Many of the sites are already under construction, or the Council have resolved to grant planning permission. These are clearly shown as existing commitments and the Council have been careful to distinguish these sites from additional provision. Where necessary, reference is also made to the relevant planning permission in the explanatory text.
28. I acknowledge that these permissions are readily deliverable. Whilst I recognise that some objections have been made in relation to some of the sites, there is nothing contained within the objections made which mean that the allocations would be unsound. Overall and considering all of these points, I am satisfied that the Plan addresses the issue of existing housing commitments in a proportionate way.

### *Infrastructure and Delivery*

29. In the context of viability considerations, the Plan has been viability tested by Three Dragons and Troy Planning utilising the Three Dragons tool kit. In accordance with the PPG, the viability assessments completed to support the SALP are based upon appropriate available evidence. The report details the sources of information used to assess the viability in some detail. The assessments also took account of existing CS and DMP which will inevitably impact upon the viability including affordable housing provision (Policy CS7), community facilities and services, leisure and open space, and public rights of way (DMP DM41, DM42, DM43 and DM44), water quality (DMP DM7) and the mitigation, enhancement, management of biodiversity (DMP DM12). The viability work undertaken concludes that all of the sites identified within the SALP are deliverable from a viability perspective.
30. The Infrastructure Delivery Plan ('the IDP') sets out clearly the delivery mechanisms to be used for the infrastructure requirements identified by the plan as a result of the planned level and distribution of growth proposed. Additional text is required in the form of **MM4**, which is necessary for the plan to be justified and effective in respect of the issue of the cumulative impact of growth during the plan period. The MM advises that at the planning application stage, developers may be required to include in any assessment the cumulative impact of other permitted and allocated developments within the locality. Where it would be necessary to negate the transport impacts of a development, developers would be required to ensure the provision of any improvements, if required, in accordance with policy DM45 of the DMP. Taking this additional wording provided by MM4 into account, the infrastructure requirements will be sufficiently addressed.
31. In terms of the wider education needs of the area, the representations on behalf of Suffolk County Council (SCC) explain clearly the number of primary school places required for each settlement as a result of the allocations proposed. Secondary school provision is addressed by SCC as part of the SIR. In practical terms, additional school provision is envisaged as part of a large mixed used development at land west of Mildenhall (SA4), SA8(b) at land north of Station Road in Lakenheath, North Red Lodge (SA10(a)), as well as extensions to the existing provision at land east of Beeches Road, West Row (SA14(a)) and Moulton Primary School (SA15).
32. The proposed site allocation SA8(b) at land north of Station Road in Lakenheath includes provision for residential accommodation of 375 units with a new primary school for which planning permission has already been granted in 2016. A number of concerns were expressed regarding the suitability of this site for education use, essentially due to the fact that the site and indeed much of Lakenheath is affected by the RAF noise contours. The Council have in conjunction with the Defence Infrastructure Organisation (DIO) prepared a statement of common ground and included agreed conditions to manage any future reserved matters applications in relation to this issue and this approach has been supported by SCC as the Education Authority. SCC are satisfied that sufficient noise mitigation measures can be put in place which will meet the requirements for internal and external spaces.

33. I recognise that concerns have been expressed however must acknowledge that in the circumstances of this plan, the site already benefits from a resolution to grant planning permission. The Framework advises that noise needs to be considered when new development would be sensitive to the prevailing acoustic environment. As a result, it is essential for any noise sensitive development in areas such as Lakenheath, which are severely affected by noise from military aircraft, to fully assess the noise impacts on proposed development as part of the planning application process. I have no reason to doubt that the Council have not carried out this process in accordance with these guidelines and appropriate steps have been taken to balance the existing acoustic environment with the education needs of school age children. That said, should it become apparent that the very stringent proposed planning conditions which have been agreed between the DIO, SCC and the Council cannot be met, it would be for the Council to secure a suitable alternative site within Lakenheath to meet the needs of school age children going forward.
34. In addition to the provision outlined above, **MM11** is necessary to ensure that the plan makes clear that the growth planned will require additional school places across preschools/primary and secondary. This is necessary to make the plan sound. Furthermore, **MM17** introduces site allocation SA6(g) Land at Hatchfield Farm and includes for the provision of a primary school. I will return to the requirement for this allocation later within this report. However, in the context of infrastructure and delivery, the text acknowledges that this will provide for more school places than will be generated by the development. Additional land is also proposed to be safeguarded for future primary school use should the need arise.
35. All of these allocations are supported by detailed evidence concerning school places and likely demand generated. The approach to education provision and the proposed site allocations as part of the Plan represent in my view a proportionate response to the planned growth in the requirement for school places across the plan area.
36. In terms of transportation impacts, a key area of concern has been the effect of the site allocations proposed on Newmarket, the largest centre within the Forest Heath area and home to the horse racing industry (HRI). Specifically, these concerns relate to the potential conflict arising from traffic associated with any new residential development and the day to day movement of horses across the town. This issue has been considered in detail as part of the SIR and I do not propose to repeat the fundamental arguments of both sides here. Nevertheless, it is important to note that in the context of the SALP, the Council, in conjunction with SCC, commissioned cumulative traffic impacts studies in August 2016 which was then updated in October 2016. In addition, further work was commissioned and completed in June 2018 by Suffolk County Council (SCC) to assess the impact of the signalisation of a number of existing horse crossings in Newmarket in the context of the local road network and the planned growth in housing. These studies focused on the impacts of residential growth in terms of vehicular traffic trip generation. This evidence assists the assessment of the traffic impacts of the site allocations as proposed through the SALP. The studies include multimodal trip generation rates for each settlement, as well as junction capacity assessments.

37. In view of the above, I acknowledge that the site allocations proposed in Newmarket will lead to some increase in vehicle movements around the town, including at places where horses and vehicles meet. This will be likely to lead to longer queues of traffic in some places at peak periods. However, there is no compelling evidence to demonstrate that the increased traffic queue lengths anticipated would inevitably worsen safety conditions for the HRI around the town to any material extent.
38. Moreover, policies in the DMP provide a planning policy framework for dealing with the issues pertinent to the HRI. This, along with the Council's decision making powers, will ensure that the Council is able to secure horse walk and/or crossing improvements that are necessary to make any new developments acceptable, and to reject any schemes that would lead to safety problems. From the evidence presented at the hearings, the Newmarket Neighbourhood plan will also, once progressed, support the policy framework in this regard.
39. A number of site allocations acknowledge the role and function of existing infrastructure. For example, the supporting text to site allocation Land east of Red Lodge SA9(b) at paragraph 5.8.15 acknowledges that there is an existing sustainable urban drainage basin located within this site and any future planning application should have due regard to the functioning of this infrastructure. This demonstrates the Council's approach is both a reasonable and justified on these matters.
40. In the context of delivery, this has been assessed in detail as part of the IDP. The Council have confirmed that all of the site allocations have been fully assessed by officers and there is an informed view on the deliverability of each of the individual site allocations. This assessment includes evidence from land owners and developers and whilst I acknowledge that some of the Council's assumptions have been questioned, overall I am satisfied that the Council has made a robust assessment of the deliverability of sites. As a result, and in the context of paragraph 47 of the Framework, I am content that the allocated housing sites are either deliverable or developable.

### *Housing*

41. Policy CS1 of the CS defines the spatial strategy for the former Forest Heath area. It states that there are seven types of places. The explanatory text goes on to set out that the constraints and capacity of each town and key service centre have been considered when determining the distribution of development throughout the area. The overall level of housing provision and its spatial distribution is brought about by policy CS7. The policy sets out each of the settlements, provides details of existing completions and commitments and additional provision on top of this. It is the function of the SALP to deliver the broad distribution outlined by policy CS7. Policy SA1 defines the settlement boundaries on the policies map. This policy is necessary and adequately justified by the evidence base which includes the Settlement Boundary Review (CD B5) and ensures that the site allocations will be effective.
42. The SALP identifies the Council's approach to delivering the planned growth over the Plan period. It considers all relevant and reasonable alternatives and

provides the evidence base to support the approach to delivering the growth planned for Forest Heath. The CS housing need requirement is for a minimum of 6800 dwellings over the plan period from 2011 to 2031. The SALP as submitted identifies that between 2011 and 2017, 3178 homes have planning permission/have been completed leaving 4093 homes to be planned across the Forest Heath area by 2031. The purpose of the SALP is to identify the detailed allocations required to deliver this level of new housing and to ensure that the housing requirement and distribution delivered through a sound policy framework. In my consideration of issue 3 below, I set out below my consideration of the main sources of housing land supply.

43. As the table at paragraph 2.4 of the SALP demonstrates, housing allocations contained within the SALP represents a significant proportion of the SIR target. It also notes that there is a strong track record of supply from existing sites which have been completed or with planning permission. As a result, I am confident that the SALP will make an important contribution towards the areas overall housing requirement and the distribution envisaged by the CS.
44. A number of MMs are recommended as they are necessary to ensure that the SALP is consistent with the overall level of planned housing growth identified by policy CS7 of the CS. To this end, **MM1** seeks to update the housing needs figures set out within the table at paragraph 2.4 and to ensure the figures reflected are both consistent with the SIR as well as reflective of the additional allocation and deallocation of sites which I shall address within my report. There are a number of other modifications<sup>3</sup> which correspondingly update the housing figures across the individual settlements and site allocations accordingly. These MM's are all necessary for soundness.
45. **MM3** is necessary to update the plan identifying the MOD noise contours in part 3 of the Plan with the latest information from January 2017. I note that concerns were raised regarding the inclusion of the noise contour map. I recognise the broad nature of the noise contours illustrated. Importantly, the diagram provides context to one of the many constraints on development as a direct result of both RAF Mildenhall and RAF Lakenheath. This is not a point upon which the Council should be criticised. The text notes that the diagram is for illustrative purposes only, and that planning applications and decisions must be informed by the latest contour information. It is also reasonable that specific site constraints will be assessed at the planning application stage. On balance, I conclude that the text and inclusion of the noise contour map is both reasonable and justified in order to make the plan sound.
46. Part 4 of the plan acknowledges that the United States Visiting Forces (USVF) will be withdrawing from RAF Mildenhall by 2024. The plan also recognises that there will be land contamination issues to address, in addition to assessing what part of the site could be potentially released for housing. Whilst a number of criticisms have been directed to the Council that they have not sought to allocate this site within the SALP, on the basis of the above

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<sup>3</sup> **MM12, MM20, MM24, MM29, MM31, MM33, MM36**

timeframe and development issues to be considered, I concur with the Council's view that the site cannot be considered available or deliverable for this plan period.

### *Economic development*

47. There are a number of documents which have informed the employment land allocations as part of the Plan. Policy CS6 of the CS provides for a minimum of 16 hectares of additional employment land to be allocated between 2006 and 2026. The policy identifies primary locations for strategic employment growth and acknowledges that the SALP will identify the employment sites, focusing on existing settlements. To inform the SALP, the Council commissioned an ELR<sup>4</sup> which assessed and reviewed existing provision, proposed employment land allocations as well as proposed mixed use allocations. This document represents the most up-to-date evidence base relating to current and future requirements for B class employment space over the plan period. In addition to this, the report also sets out the most up-to-date position in terms of the labour supply scenario.
48. Taking these factors into account, the report recommended the provision of between 5.3ha and 20.3ha of employment land between 2011-2031. In light of this background, the Plan originally proposed the allocation of 18.6 hectares of employment land up until 2031. This approach would allow for an element of flexibility over the plan period, as the Council have acknowledged that the phasing and delivering of the individual site allocations varies greatly across the area. This provision is made up of existing employment areas (SA16 b-e) (of which 4 of the sites allocated are existing provision within Brandon) as well as new allocations (SA17 a&b). Concerns have been raised regarding site SA17(b) St Leger, Newmarket and whether this should be noted as an existing employment allocation under policy SA16. The Council have confirmed that the site has planning permission for B2/B8 use and have clarified that the site is separate from the larger neighbouring employment site and does not form part of this allocation. The site is also acknowledged within the ELR as an appropriate location for new employment development. As a result, I see no compelling evidence to categorise the site under policy SA16.
49. The Council has provided a detailed explanation concerning the site selection process. In particular, the process focused on representations received and known site constraints such as environmental constraints, availability, deliverability and whether the site is developable. In addition, policy CS6 of the CS is also relevant which advises, amongst other things, that employment development should predominantly be focused within existing settlements and on allocated sites. In light of this, the two new allocations under policy SA17 are located within the Market Towns. This is entirely in accordance with the Framework and is thus a sound approach in principle.
50. A number of MMs increase the employment land allocated in the form of **MM2**, **MM18**, **MM19** and **MM40** in relation to the designation of an additional 5ha of employment land at Land at Hatchfield Farm. **MM40** amends paragraph

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<sup>4</sup> Forest Heath Employment Land Review, 2016 CD C21.

6.11 to reflect the employment land proposed allocation at Hatchfield Farm. The justification for the site's inclusion relates in part to the previous history of the site (a previous planning application on the site included an element of employment land), that the site is in a sustainable location, close to the existing established employment area of Newmarket and would add to the choice of employment sites within the area. Given that the proposed site allocation includes residential development, the allocation would ensure trip generation rates remain low in the interests of sustainable development.

51. The addition of 5ha of employment land at Hatchfield Farm would increase the supply of employment land within the Forest Heath area beyond that recommended by the ELR. Nevertheless in doing so, it would add to the choice of sites for employment purposes in the largest settlement within the area and as such, in a sustainable location it would be consistent with the Framework. I also acknowledge that policy CS1 of the CS envisages that approximately 5 hectares of new employment land will be allocated for new development between 2006 and 2026. Furthermore, the ELR acknowledges that the site can make a contribution to the employment land within the area, given its close proximity to the A14 Newmarket Bypass and existing employment area. As a result of these factors, the adopted policies contained within the CS and the evidence base overall, the allocation is justified and necessary for conformity with the CS. Consequently, I regard the additional employment land proposed and covered by **MM2, MM18, MM19, MM39** and **MM40** necessary for soundness.
52. **MM38** introduces additional text at paragraph 6.11 concerning the economic growth potential for the Forest Heath area. The MM updates the timeframe for the preparation of the West Suffolk Local Plan and adds an additional reference to local infrastructure improvements which is necessary for soundness.
53. The SALP provides a justified and effective approach to the provision of land necessary for employment purposes and is consistent with the CS in this regard. **MM39** and **MM41** provide greater clarification in relation to an existing site constraint and also insert missing use classes in relation to policies SA16 and SA17. They are therefore necessary for soundness.

#### *Conclusion on Issue 2*

54. Taking all of the above into account, I therefore conclude that, subject to the modifications I have recommended above the SALP is based on a sound assessment of infrastructure requirements. The land allocations are justified, effective, and consistent with national policy and positivity prepared.

### **Issue 3 – Are the individual housing site allocations proposed effective, justified and consistent with national policy in relation to site specific matters?**

#### **Market Towns**

##### *Newmarket*

55. Newmarket is the largest settlement within the Forest Heath area. Like other settlements, opportunities for growth are restricted by environmental

constraints. In addition, the presence of the horse racing industry (HRI), a significant economic contributor to the town and wider economy, is also a key consideration. It is therefore important that the site allocations within Newmarket strike an appropriate balance between contributing towards meeting housing needs and protection of the HRI. Indeed, the need to carefully manage the movement of vehicles and horses within the town is acknowledged by both the evidence base and at paragraph 5.6.8 of the SALP.

56. Notwithstanding the references above, it was also put to me that the Plan fails to address the extent to which the impact of the site allocations could have on the HRI. On this matter, a significant amount of evidence was prepared by the parties concerned which was discussed in detail during the examination. The impacts of the proposed allocations on Newmarket on the junctions which will be most affected, and indeed the horse crossings, have been modelled. The Council has taken this evidence into account through the site selection process.
57. However, for the plan to be justified and effective it is necessary for it to require that adverse impacts of housing allocations on the HRI are assessed and, where necessary, mitigated against. To this end, **MM18** proposes, amongst other things, an additional policy requirement across all of the Newmarket housing and mixed use allocations (site allocations SA6(a)-SA6(f)) inclusive. Applicants are required to demonstrate that the transport impacts of each proposal on horse movements in the town must be assessed in conjunction with impacts of other users of the highway. This assessment will determine whether the proposals will result in material adverse impacts and where necessary, identify measures to mitigate the individual or cumulative impacts. In light of the above and the very clear policy requirement for mitigation to be assessed in terms of horse movements and other users of the public highways, I am satisfied that the site allocations will not have an unacceptable effect on the HRI.
58. Site SA6(b) has a long and complex planning history. There are a number of listed buildings on the site and part of the site is also located within the Newmarket Conservation Area. The policy aims to facilitate the restoration of these buildings whilst retaining an HRI use on part of the site. Given the complexity of the site and need for certainty regarding the development of the site, **MM16** and **MM18** add additional text to site SA6(b) Land at Black Bear Lane and Rowley Drive junction to give an indication of site capacity (50 dwellings) and to reflect the details of an extant planning permission on part of the site. These MM's are necessary to ensure consistency across the SALP.
59. Originally, the Council proposed the allocation of 5 housing sites within Newmarket. However, this does not appropriately reflect the distribution of development between the towns and key service centres set out in the SIR and policy CS1, and is, thus, not a sound approach. In response the Council put forward MMs to rectify this. In the context of Newmarket, this resulted in **MM17** which introduces site SA6(g) Land at Hatchfield Farm, with **MM13**, **MM14** and **MM15** making consequential changes to the text in order to reflect the site boundary and update the text accordingly.
60. The introduction of site SA6(g) adds an additional 400 dwellings to the housing supply within Newmarket. This figure is reflective of the planning

application which has been submitted on the site. The policy notes that Hatchfield farm is a relatively unconstrained site adjacent to the settlement. The site will be subject to a masterplan and will include a new primary school and public open space. In light of the evidence above, these modifications are necessary for soundness.

61. Site SA6(c) is located within the settlement boundary of Newmarket and is under single ownership. Capacity of the site is indicated at 117 units. The Plan acknowledges that a development brief will be required to ensure a comprehensive redevelopment of the site. Whilst some reservations have been expressed by the landowner concerning this approach, I concur that it is both reasonable and necessary for such a requirement to be included in order to secure the comprehensive redevelopment. It is also in accordance with the DMP requirements.
62. In short, overall and in the context of housing delivery and the MM's outlined above, I regard all of the site allocations proposed for Newmarket to be adequately justified and sound.

#### *Brandon*

63. Two sites for residential development are identified in Brandon, SA2(a) and SA2 (b). **MM5** introduces an amendment to the site boundary of site allocation SA2(a) on the maps at pages 21 and 22. This is both necessary and justified in order to accurately reflect the correct land ownership. These two sites collectively would contribute a total of 71 dwellings to the overall housing supply.
64. Given the size and scale of the settlement, this figure is relatively low. However, this is justified given that there are significant constraints to development within Brandon. Most notably, these include MOD airbase noise constraints to the south, the Breckland SPA designation which significantly restricts growth in the town as well as the Breckland Forest SSSI to the south east of Brandon.

#### *Mildenhall*

65. Mildenhall represents the least constrained of the three Market Towns. As a result, it justifiably has the most significant residential growth planned across the higher order centres. There are 3 site allocations proposed at Mildenhall, including sites SA5(a) and SA5(b). **MM6** and **MM7** introduce amendments to the maps illustrating the boundary of site allocation SA5(a) and SA5(b). These MM's are both necessary and justified in order to accurately reflect the correct land ownership. The third site allocation in Mildenhall, SA4(a), represents one of the largest allocations within the plan. It is a mixed use scheme including the Mildenhall Hub, which provides for the relocation of the Council offices, leisure facilities and other public buildings and education facilities. The site has the potential to deliver 1300 new dwellings.
66. **MM42** introduces additional text to the policy highlighting the 10ha SANGS requirement and providing additional text at B) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. The MM also introduces text to confirm that planning permission will not be granted unless the information provided

is sufficient to satisfy the requirements of the Habitats Regulations 2017. This additional text is both justified and necessary in order to inform the project level HRA work. Concerns have been expressed regarding the timetable for delivery of such a large and potentially complex strategic development site. However, there is an adopted concept statement for the Mildenhall Hub area dated June 2016, as well as a business plan. Detailed evidence has been prepared regarding the phasing and delivery programme. Furthermore, evidence has been prepared to demonstrate potential layout options for the development including density analysis to confirm that the indicative housing envisaged and other policy requirements are achievable on the site.

67. A SOCG confirms that SCC own approximately 74ha of the 97ha total and as a result, can control the delivery of the project to a significant degree. Indeed, SCC will lead on the masterplanning and overall delivery of the site. As things stand and on the available evidence, it is my view that the allocation of site SA4 (a) is justified, deliverable and the planned rate of growth is realistic.
68. However, there are a number of existing sewers and water mains within the boundary of the site allocation. As a result, the Council are proposing additional explanatory text in the form of **MM8** as well as an additional bullet point within the policy itself as set out at **MM9**. These MM's are as a result of a safeguarding requirement for water supply and foul water drainage which has been identified by Anglian Water. As such, both **MM8** and **MM9** are necessary for soundness. Subject to these MM highlighted above, the allocation is sound.
69. SA5(a) and SA5(b) are both previously developed sites within Mildenhall. **MM10** adds additional text to reflect that part of site allocation SA5(a) already has planning permission for 6 dwellings, and these numbers are counted towards the existing commitment rather than additional provision. This MM is necessary for soundness and consistency throughout the Plan. **MM43** introduces additional text to the policy at A) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work and to ensure that the policy is effective in this regard. SA5(b) comprises the existing council offices on College Heath Road. The availability of this site will be dependent upon site SA4(a). However, in light of my conclusions above, and subject to the MM outlined above I can see no reason to conclude that the site is not justified.

### **Key Service Centres**

#### *Red Lodge*

70. Red Lodge is a key service centre and has the most significant number of site allocations and planned growth across the key service centres. It also has a high concentration of new housing developments in the form of completions and existing commitments. In common with the approach taken in relation to other settlements, the policy sets out 4 specific policy requirements which will apply to each of the individual site allocations within Red Lodge. These criteria relate to measures for influencing recreational activity in the surrounding area, the provision of strategic landscaping and open space, the requirements for an archaeological evaluation and the provision of cycle and pedestrian links within

the site where appropriate. **MM46** introduces additional text at A) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work. Subject to this MM, and in the context of the site allocations and the evidence base, these measures are reasonable and the policy is appropriately justified and sound.

71. Site SA9(a) is Land off Turnpike Road and Coopers Yard. Part of the site has a resolution to grant planning permission for 55 dwellings. The policy indicated capacity for the site at 132 dwellings. The site accommodates a mixture of existing uses including a haulage depot, garage, mobile home park and residential uses. The SALP recognises that the mobile home park provides for a housing need that should be retained. To this end, part of the policy requires this element of land use to be provided on the site. **MM25** amends the site boundary to reflect the correct site ownership. This is necessary for soundness.
72. Site SA9(b) Land East of Red Lodge (north) comprises a greenfield site within the existing settlement boundary. I have already referred to the existing infrastructure on the site under matter 2 above. Site SA9(c) Land east of Red Lodge (south) benefits from a hybrid planning application on the site for up to 268 dwellings. Policy SA9 provides an indicative capacity at the site of 382 dwellings.
73. In relation to both SA9(b) and SA9(c) the Council have put forward **MM26**, which adds additional text to criteria A and C of policy SA9. The additional text seeks to ensure that measures to avoid an increase in recreational activity in adjacent farmland, such as barriers to access, are considered. This additional wording is as a direct result of the concerns expressed by NE to ensure any increase in visitors to the Red Lodge Heath SSSI and Breckland SPA is managed accordingly. It also introduces additional wording to clarify the expectations in terms of archaeological evaluation and finally adds text to confirm that any further applications in relation to SA9(c) would require a project level HRA. In light of the evidence prepared, I concur with the view that the MM is both justified and necessary for the soundness of the Plan.
74. Site SA9(d) Land West of Newmarket Road and north of Elms Road comprises a site of open land within the settlement boundary. There is a resolution to grant planning permission for 125 dwellings and this is reflected in the indicative capacity indicated within policy SA9. Any development proposals for the site will be subject to the criteria identified above.
75. Policy SA10 seeks to allocate 1 site to the North of Red Lodge (SA10(a)), Land North of Acorn Way. This site is described as a significant mixed use site which will incorporate residential use, employment land and 3ha for a new primary school. The employment and education provision have been discussed above in relation to issue 2. Given the size and scale of the site, the policy requires a masterplan for the site as a whole to be approved by the LPA in the first instance. The policy notes that the precise arrangement and quantum of each land use will be informed by the masterplan. A number of additional policy criteria will also need to be met: this approach is consistent and justified and makes it clear what is to be expected to terms of delivery.

76. As part of the exercise undertaken by the LPA to readdress the balance of distribution between the towns and key service centres. **MM28** proposes an amendment to the indicative capacity at site SA10 (a) from 350 to 300 dwellings. In addition, **MM27** is necessary in order to ensure the text is consistent with regards to the modified capacity level. These modifications are necessary for soundness to ensure the SALP is consistent with the CS and the defined settlement hierarchy for soundness. In addition, **MM28** also introduces additional text regarding the masterplan which will ensure a project level HRA is required and identifies that the development will be required to provide measures for influencing recreation in the supporting area in order to avoid a damaging increase in visitors to the Breckland SPA and an increase in recreational activity in adjacent farmland. In addition, the MM adds to archaeological evaluation, the MM seeks to add 'where appropriate' to the policy wording in relation to the archaeological evaluation. This text is necessary for soundness and to ensure the policy is effective. Furthermore, **MM47** introduces additional text at the end of B) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work. Subject to these MMs, all of these policy requirements are justified and effective.

#### *Lakenheath*

77. Lakenheath is the second key service centre and is subject to a significant number of constraints on development. These include environmental constraints as well as noise constraints to the south of the settlement due to aircrafts landing and taking off from RAF Lakenheath, as well as the associated noise pollution contours. A number of the site allocations proposed within Lakenheath already benefit from planning permission or a resolution to grant planning permission. The site allocations reflect the broad terms of these consents where relevant.
78. There are 3 residential site allocations proposed, one to the south (SA7(b)) and two to the north of the settlement. (SA8(c) and SA8(a)). There are two further sites allocated for mixed use development (SA7(a) and SA8(b)). SA8(d) was allocated for 165 dwellings. However, in light of the additional dwellings proposed at Newmarket, **MM21**, **MM22** and **MM23** propose the deletion of site SA8 (d) from the plan. A further **MM20** is necessary to reflect the updated overall housing figure for Lakenheath, to ensure that the distribution of development across the plan area is consistent with the SIR and policy CS1. As a result, **MM20 - MM23** inclusive are necessary for soundness.
79. Site SA7(a) known as Matthew Nursery benefits from an existing planning permission for 13 dwellings as well as a supermarket. The Council have calculated these dwellings as an existing commitment rather than additional provision. The proposed allocation as a mixed use site accords with this extant permission.
80. Site SA7(b) Land West of Eriswell Road also benefits from outline planning permission for up to 140 dwellings on the site. In relation to both of these sites, policy SA7 identifies 5 criteria which would need to be met. These criteria require the environmental constraints associated with development in Lakenheath to be met. Specifically, these include strategic landscaping,

measures to influence recreation in the surrounding area, noise mitigation and cumulative and individual highways mitigation measures. **MM44** introduces additional text at A) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work. Subject to this MM, all the criteria proposed are justified and necessary for the soundness of the plan.

81. The remaining site allocations within Lakenheath are focused on the north of the settlement, which is a justified approach as this is the least constrained part of the settlement. Both sites SA8(a) Rabbit Hill Covert, Station Road and SA8(c) Land off Briscoe Way have resolutions to grant planning permission for 81 and 67 dwellings respectively. The allocations proposed as part of the SALP are therefore reflective of these permissions.
82. I have already set out in some details my views in relation to the primary school element of site allocation SA8(b) and I do not propose to repeat these here. This site, which lies to the north of the settlement benefits from a resolution to grant planning permission for 375 residential units and a new primary school. Paragraph 123 of the Framework advises that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Part (D) of policy SA8 requires all proposals to incorporate appropriate noise mitigation measures given the proximity to RAF Lakenheath. This criterion applies to all the allocations within Lakenheath and ensures that the policy accords with the Framework. The Council are clear that if this was not achievable for whatever reason; an alternative location for the school would need to be found. On balance, I am of the view that the allocation and policy wording is therefore reasonable and necessary.
83. In common with policy SA7, policy SA8 introduces 5 specific criteria which need to be met. Specifically, these include strategic landscaping, measures to influence recreation in the surrounding area, noise mitigation and cumulative and individual highways mitigation measures. **MM45** introduces additional text at A) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work. Subject to this MM, all of the criteria proposed are necessary for the plan to be justified and effective and, thus, sound.

### **Primary Villages**

84. There are 4 primary villages with housing allocations. These are covered by policies SA11-SA14 inclusive. **MM30** corrects a typographical error which appeared in relation to sites (a) and (b) which is necessary for soundness. **MM34**, which is necessary for the plan to be justified, amends the settlement map for Kentford to reflect the current built form and details of a recent planning permission. **MM35** confirms that the housing numbers specified count as an existing commitment rather than additional provision. This is necessary for the soundness of the plan. **MM36** which also updates the housing figures overall in light of the up-to-date position and also includes additional text to indicate the total number of dwellings across the primary villages, is necessary for the plan to be justified. A significant number of these

sites have planning permission. The only two additional site allocations which do not benefit from planning permission are sites SA12(a) and SA14(a).

85. Site SA12(a) is Land south of Burwell Road and west of Queens View in Exning. There is an identified need for a dedicated cross country boundary cycle route between Burwell and the site. **MM32** seeks to ensure that land shall be provided within the site for a cycle path and an appropriate off site contribution shall be provided for the cycle path. Additional text also seeks to ensure that an initial archaeological field evaluation is conducted. This MM is both justified and necessary for soundness as it would secure the provision of the land and funding for the delivery of the cycle path. This has the potential to improve the accessibility of the settlement by means of cycle. The policy would also require the provision of a development brief for the site which would need to be adopted by the LPA. Overall, the allocation is both justified and effective.
86. Site SA14(a) is land east of Beeches Road in West Row. This is a large unconstrained site in the northern part of the village where there are no major environmental constraints. The indicative capacity of the site is identified as 152 dwellings within the policy. However, there is already a resolution to grant planning permission on part of the site for 138 dwellings. As part of any development on the site, the policy wording would require the provision of suitable alternative natural green space, strategic landscaping and open space, a programme of archaeological works and sustainable travel provision. **MM48** introduces additional text at B) to set out clearly what information is required to address the effects of the proposed development on the integrity of the Breckland SPA. This additional text is both justified and necessary in order to inform the project level HRA work. Subject to this MM, all of these criteria are necessary and justified. In addition, in order to ensure a consistent approach is applied to the requirement for a development brief across the site allocations, **MM37** seeks to introduce text to this effect. This MM is necessary to ensure that the plan is justified and effective.

### *Conclusion on issue 3*

87. Taking the above into account, and subject to the MM put forward by the Council, I conclude that the individual housing site allocations proposed are justified, effective, and consistent with national policy.

## **Assessment of Legal Compliance**

88. My examination of the legal compliance of the Plan is summarised in the paragraphs below. I conclude that it meets them all.
89. The SALP has been prepared in accordance with the Council's Local Development Scheme (November 2016) albeit some delay has occurred. Consultation on the SALP and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
90. The SA has been prepared and published for consultation at the Regulation 19 Stage. It was subsequently updated in April 2018 (CD F2) and again in April 2019 (CD F3). The SA clearly explains how it has influenced the development

of the SALP and assessed reasonable alternatives as part of this process. The SA as prepared satisfies the guidance and is adequate.

91. Turning to consider the HRA, as a result of recent case law<sup>5</sup> which clarifies the approach to mitigation as part of an appropriate assessment, the HRA work for the SALP was updated in an Addendum (June 2018) to the HRA April 2018 (CD F5) which included an updated air quality report<sup>6</sup>. The MMs proposed included the addition of a further site allocation at Newmarket (site SA6(g)), as well as the deletion of site SA8(d) in Lakenheath. The approach adopted accords with this judgement in that it does not rely on avoidance or mitigation measures to draw conclusions as to the whether the local plan could result in likely significant effects on European sites.
92. A further recent ruling<sup>7</sup> from the Court of Justice for the European Union (CJEU) has established that the 'appropriate assessment' must include the habitats types and species for which a site is protected as well as identifying and examining the implications for habitats types and species beyond the boundary of the site. The HRA has subsequently been updated in April 2019 (CD E5) to reflect this requirement, looking at habitats and species beyond the boundaries of European sites. The extent of the sites scoped, and their locations is identified at table 4.1 of the CD E5. In addition, updated air quality work was also undertaken at this time to support the HRA (CD E2).
93. As a result of this additional HRA work, a further set of MMs were necessary (CD E4) and were formally consulted upon in May/June 2019. These MMs are explained in further detail within this report, however they essentially introduce additional text to the policy wording to precisely define the information required to be submitted to satisfy the requirements of the Habitats Regulations 2017. This is necessary and justified in order to ensure that the proposals do not have an adverse effect on the integrity of the Breckland SPA. This updated HRA (CD E5) April 2019 also takes into account a further judgement<sup>8</sup> clarifying the interpretation of mitigation and compensation. In accordance with this judgement, the HRA does not take into account any compensatory measures in relation to the appropriate assessment.
94. The HRA work when taken as a whole concludes that the HRA was unable to rule out likely significant effects as a result of the plan, either alone or in combination with other plans and projects. This conclusion relates to the Breckland SPA as well as Special Area of Conservation (SAC) sites at Breckland, Devils Dyke and Rex Graham Reserve.
95. The same conclusion is drawn for a number of sites outside of the area but within 20km of the boundary and additional sites which were included within the scoping for hydrological reasons. As a result of these findings, an appropriate assessment was carried out to establish whether there would be an adverse effect on the integrity of any of the European sites.

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<sup>5</sup> The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018)

<sup>6</sup> Wealden DC v SSLG (March 2017)

<sup>7</sup> The Holohan v An Bord Pleanala (November 2018)

<sup>8</sup> The Edel Grace and Peter Sweetman v An Bord Pleanala (July 2018)

96. The HRA concludes that this appropriate assessment was able to rule out any adverse effects on the integrity of any European sites from the SALP, either alone or in combination with other plans and projects. Natural England are supportive of this conclusion. In light of the evidence presented, the updated HRA and the MMs, I conclude that there would be no likely adverse effects on the integrity of any European sites as a result of the SALP.
97. The SALP complies with all relevant legal requirements, including the 2004 Act (as amended) and the 2012 Regulations. A number of the site allocations will assist in securing development and the use of land which will contribute to the mitigation of, and adaptation to, climate change. This includes the overall spatial focus on large settlements which is intended to reduce the need to travel. Accordingly, the Plan taken as a whole, achieves this statutory objective.

### **Overall Conclusion and Recommendation**

98. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
99. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the SALP satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.
100. The SALP is predicated on the level and distribution of housing set out in the SIR which, as noted above, has been the subject of a separate and parallel examination. My conclusions and recommendations are consequently contingent on the SIR being adopted either before or at the same time as the SALP.

*Christa Masters*  
INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.