

**Site Allocations Local Plan
Examination**

Tuesday 17 October 2017, 9.30am

Matter 1 – Legal Requirements

Forest Heath District Council's Hearing Statement

Matter 1 – Legal Requirements

Duty to Cooperate

- 1.1 Overall, has the SALP been prepared in accordance with the ‘duty to cooperate’ imposed by Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)?**

Response

1.1.1 Yes, the submitted Record of Co-operation (Duty to Cooperate) (CD: C14) demonstrates that the Site Allocations Local Plan (SALP) has been prepared in accordance with the ‘duty to cooperate’. There have been no representations in respect of the Council not carrying out the duty to co-operate from the prescribed bodies.

- 1.2 Does the SALP appropriately reflect the overall vision and strategic framework of the CS?**

Response

- 1.2.1 The Vision for Forest Heath is set out on pages 16 and 17 of the Core Strategy (CD: B57) and clearly states “Development will be focused in the towns and key service centres.” (page 17).
- 1.2.2 Core Strategy Policy CS1 starts by setting out seven types of place in Forest Heath district. This is a list, not a hierarchy. The policy recognises the distinctive nature of Forest Heath by setting out a strategy for each of the types of place on the list (with the exception of the countryside).
- 1.2.3 The context for the SALP also includes Policy CS7 of the Core Strategy Single Issue Review (SIR) (CD: C3). The Council’s SIR Hearing Statement responds to the Inspectors’ question 4.2 and includes Table 4 which sets out how the housing numbers and distribution set out in SIR CS7 are in accordance with the Core Strategy’s vision, spatial objectives and settlement hierarchy (this is available on the Council’s website). Together with completions, the SALP allocations closely reflect the distribution of new housing set out in SIR CS7.
- 1.2.4 In addition to the policy framework above, it is important to recognise the time lapse between the adopted Core Strategy (May 2010) and the SALP. During part of this period the Council was unable to demonstrate a five-year supply of housing land which meant that applications had to be assessed against paragraph 49 of the NPPF. Through the SALP preparation process sites with planning permission (that haven’t been commenced) are included as allocations.
- 1.2.5 The Council is satisfied that allocations in the SALP are in accordance with the relevant Core Strategy vision and strategic framework.

1.3 What actions have been taken in relation to the 'duty to cooperate'?

Response

1.3.1 The principal actions taken in relation to the duty to cooperate are:

- the Memorandum of Co-operation between the local authorities in the Cambridge Housing Market Area (Appendix 2(i) of the submitted Statement of the Duty to Cooperate (CD: C14));
- setting up of cross-boundary project groups:
 - (school place planning and transport issues) with East Cambridgeshire District, Cambridgeshire County Council, Suffolk County Council, and in the case of transport, Highways England;
 - Gypsy and Traveller Working Groups – Suffolk Accommodation Group (Suffolk and Norfolk) and Gypsy and Traveller Practitioners Group (Cambridgeshire (excluding Fenland), Kings Lynn and West Norfolk, and West Suffolk;
 - A11 Technology Corridor Stakeholder Group (Forest Heath DC, East Cambs DC, Breckland DC, South Norfolk DC, Norfolk CC, Suffolk CC, Greater Cambridge Greater Peterborough Enterprise partnership (GCGP) and New Anglia Local Enterprise Partnership (NALEP))
- joint commissioning of studies e.g. the Stone Curlew Buffers in the Brecks (CD: B1) work carried by Footprint Ecology for Forest Heath and Breckland District Councils.
- work with all Suffolk local authorities towards a Suffolk Planning and Infrastructure Framework (and the work prior to this on the Norfolk and Suffolk Devolution Agreement (Appendix 3 of the submitted Statement of the Duty to Cooperate (CD: C14)).

1.3.2 The Record of Co-operation (CD: C14) sets out how various strategic issues have been approached over the time leading up to and during the preparation of the SALP. Table 2 (page 17) of the submitted Statement of the Duty to Co-operate sets out the management and working arrangements for the strategic issues, the outcomes and ongoing co-operation. Table 3 (page 21) summarises the outcome of regular meetings, study-specific cooperation issues and the cross-boundary topic groups that have influenced the final distribution of housing growth in the SIR. Appendix 4 (page 39) lists and describes the planning context and work of the main sub-regional, cross-boundary and county-based groups. It should be noted that in addition to the information in the third column of Table 3 the Council has continued to meet with neighbouring authorities and prescribed bodies on relevant issues at appropriate times during preparation of the plan either directly or through multi-authority forums. Examples of such co-operative working are included in Appendix 4, e.g.:

- the two Local Enterprise Partnerships (page 40) – the Council provides information and attends meetings of both LEPs and has a direct input through working with other authorities into the LEP strategies (e.g. Suffolk Growth Group on page 41 of CD: C14);

- Suffolk Environmental Protection Group – Contaminated Land – includes representatives from the Environment Agency as well as Suffolk local authorities.

1.3.3 Cooperation doesn't stop with production of the plan, and this is illustrated through Forest Heath working with other authorities in Cambridgeshire and Norfolk on the sub-regional Cambridge to Norwich Tech Corridor project (formerly known as the A11 Technology Corridor Stakeholder Group – see third cross boundary group in the second bullet of paragraph 1.3.1 above). So whilst this project is too new to have directly influenced production of this plan it is part of the context for it, and will inform preparation of the next plan. The link to the Cambridge Norwich Tech Corridor website, an extract from their welcome page and map of the corridor area is attached as Appendix 1.

1.3.4 The Record of Co-operation (CD: C14) that accompanies the SALP demonstrates that the Council has worked and continues to work with neighbouring authorities and agencies on cross-boundary infrastructure issues such as transport/ highways and school place planning.

1.4 What have been the outcomes of the actions taken in relation to the 'duty to cooperate'?

Response

1.4.1 The actions resulting from the duty to cooperate involve setting up project or issue-specific working groups of officers from the local authority areas involved and/or jointly commissioning studies on issues that cross administrative boundaries. This is an active and on-going process that has produced outcomes that have been particularly effective in a number of areas, e.g. work with Breckland District Council (Norfolk) on the Stone Curlew Buffers; and early engagement, consultation and meetings with the Environment Agency and Anglian Water on water supply and waste water disposal capacity and growth issues.

1.5 Has the SALP been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?

Response

1.5.1 Yes, the Regulation 22 Statement (March 2017) (CD: C13) sets out how the SALP has been prepared in line with the Statement of Community Involvement (CD: C27). The following table sets out where in the Regulation 22 Statement the requirements set out in the Statement of Community Involvement are included. The table also includes where in the Regulation 22 Statement the minimum requirements are covered as set out in Regulation 22 of the Town and Country Planning (Local Planning) Regulations 2012 (CD: A4).

Requirement as set out in the SCI Part 1 – Plan Making	Relevant requirement as set out in Regulation 22 of the T&CP Regulations 2012	Section within the Regulation 22 Statement (March 2017) in which requirement covered
We will consult with our communities and stakeholders on the <i>'Issues and Options'</i> in the early stages of the Plan's preparation. We will advise all those bodies that we consider have an interest in the subject of the Local Plan document and all others we deem appropriate, (including all of those appearing on Local Plan contact list), of the key principles and the evidence required.	(c) a statement setting out— (i) which bodies and persons the local planning authority invited to make representations under regulation 18,	Section 2: 2.1-2.3; Section 3: 3.22-3.24;
This will be done in a simple manner so that we build an understanding and encourage wide-ranging debate on the content of the Local Plan document. We must take into account any representations made to us at this <i>'Issues and Options'</i> stage.	(ii) how those bodies and persons were invited to make representations under regulation 18,	Section 3: 3.1-3.11; 3.25-3.31;
	(iii) a summary of the main issues raised by the representations made pursuant to regulation 18,	Section 3: 3.16 and 3.36; Annex D;
	(iv) how any representations made pursuant to regulation 18 have been taken into account;	Annex I;
There will be a formal consultation period of at least 6 weeks on the <i>submission draft</i> document. The draft document and a statement of how representations can be made on it will be made available for people to inspect within our principal offices, (see appendix C), and on our websites. A copy of the	(v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and	Section 4: 4.10; Annex O
	(vi) if no representations were made in regulation 20, that no such representations were made;	n/a

Requirement as set out in the SCI Part 1 – Plan Making	Relevant requirement as set out in Regulation 22 of the T&CP Regulations 2012	Section within the Regulation 22 Statement (March 2017) in which requirement covered
procedure for making representations will also be sent to each of our statutory consultation bodies and other 'general' consultees whom we consulted at the ' <i>Issues and Options</i> ' stage.	(d) copies of any representations made in accordance with regulation 20; and	Section 4: 4.10;
We will submit the Local Plan document , along with its requisite Sustainability Appraisal/Strategic Environmental Assessment, (SA/SEA), to the Secretary of State for independent inspection/examination, together with a consultation statement, (summarising the representations made to the previous rounds of consultation).	(e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan	n/a

1.6 Has the formulation of the SALP been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the sustainability appraisal adequate? Does the SA consider all likely significant effects on the environment, together with economic and social factors? Is it clear how the SA has influenced the final plan?

Response

1.6.1 The Site Allocations Local Plan has been based on a thorough and sound process of SA, and is adequate. Appendix I of the January 2017 SA (CD:C9) (page 49) outlines the Regulatory Requirements of SA as espoused in Schedule 2 of the Environmental Assessment of Plans and Programmes Regulations 2004, and Table C within this Appendix (page 51) includes a 'checklist' of how and where regulatory requirements have been and are met.

- 1.6.2 Table 3 of Appendix III of the SA (CD:C9) (page 73) sets out the actioning findings from the 2015 SALP Issues and Options Interim SA Report consultation. Table B of this Appendix (page 75) sets out the actioning findings from the 2016 SALP Preferred Options / Interim SA Report consultation. This demonstrates that SA work and consultation has been undertaken at all relevant consultation stages of the SALP. Additionally, the SA Report 2017 (CD:C9) and an SA Report Erratum 2017 (CD:C10) were also undertaken and consulted on.
- 1.6.3 No representations were received related to issues regarding legal compliance by the statutory consultees for SA (Historic England, Natural England and the Environment Agency) during the consultation period for the 'SA Report 2017' (CD:C9) and the 'SA Report Erratum 2017' (CD:C10) which accompanied the Proposed Submission SALP in January 2017 (CD:C8).
- 1.6.4 Regard has been had to the SA in the production of the SALP, with outcomes from the SA shared with the plan authors prior to the finalisation of the SALP consultation documents at most stages; this has allowed the outcomes to be taken into account alongside other available evidence.
- 1.6.5 The SA Report Erratum 2017 (CD:C10) introduced new alternatives into the process as they emerged through the SALP's Preferred Option 3rd Regulation 18 Stage (CD: B26) consultation and was produced in due time to inform plan finalisation prior to submission. This allowed the Council to consider the allocation of sites during and post-consultation through possible main modifications to the SALP. The Regulation 19 consultation, on all relevant documents, was extended to ensure effective consultation of the SA Report Erratum 2017 (CD:C10) in line with statutory consultation procedures and those outlined in the SCI. Both the SA Report (CD:C9) and the SA Report Erratum include the assessment of all reasonable site options.
- 1.6.6 Reasonable alternatives were explored at each stage of the SA process. Section 6 of the SA Report (CD:C9) (page 9) sets out how reasonable site options were identified, principally from the SHLAA (CD:C24). Section 6.1.4 (page 9) outlines that all sites in the SHLAA were appropriate to appraise as 'reasonable site options' with a number of exceptions related to site size, commencements and completions and where sites are not attached to a settlement in smaller villages. The SA Report Erratum (page 1) outlines that the erratum adds some sites to the analysis that were previously omitted, and removes several sites from Appendix IV of the SA Report (CD:C9).
- 1.6.7 During the production of the SALP regard has been had to the SA at each stage. Similarly SA findings were utilised in the formulation of the Omission Sites document (B10), with SA findings being incorporated alongside the Council's own considerations regarding sites. The SA process has also assisted with the Settlement Boundary Reviews (CD:B5), regarding sustainability issues in specific areas surrounding settlements

where specific sites have been submitted for consideration as allocations within the SALP and assessed through iterations of the SA.

- 1.6.8 The SA considers all likely significant effects on the environment, together with economic and social factors. The SA Scope is reflected in a series of 21 topic headings (see Table 4.1 of the SA Report), and these topic headings were used to structure the appraisal of the SALP (see Chapter 10 of the SA Report; N.B. the Chapter 10 of the Interim SA Report 2016 presented an appraisal of the SALP as it stood at that time).
- 1.6.9 The site options appraisal methodology is explained in Appendix IV of the SA report. Table A of Appendix IV – Site Options Appraisal within the SA Report (CD:C9) (page 81) and Table A of the SA Report Erratum (CD:C10) (page 3) set out the scope of the site options appraisal methodology. This outlines relevant criteria, where relevant, associated with housing, crime, education, health, sports and leisure, poverty, noise, air quality, water, land, flooding, climate change resilience, renewable energy, biodiversity, accessible natural greenspace, the built environment, landscape character, transport, waste, the historic environment and unemployment. Table B of Appendix IV – Site Options Appraisal within the SA Report (CD:C9) (page 85) and Table of the SA Report Erratum (page 7) sets out the site appraisal criteria with performance categories regarding a range of specific topics related to environmental, social and economic factors. Table C of the SA Erratum (CD:C10) (page 10) identifies the effects of each ‘reasonable’ site option considered within the plan making process.