
Forest Heath District Council

Examination of the Single Issue Review of Core Strategy Policy CS7

Schedule of Matters and Issues for the Examination

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The Single Issue Review proposes a new Policy CS7 and supporting paragraphs to be inserted into the adopted Core Strategy. However, the Single Issue Review document produced by the Council includes other explanatory text which the Council would not intend to adopt into the Core Strategy. For the avoidance of doubt, we have asked the Council to publish a 'clean' version of the Single Issue Review, including only the text intended for adoption. This has been added to the examination library as a proposed main modification. The text in this 'clean' document will form the basis of discussions at the examination hearings.

Where respondents answering the following questions identify a deficiency in the Single Issue Review they should make clear how it should be changed.

Matter 1 – Legal requirements

Duty to cooperate

- 1.1 Overall, has the Single Issue Review been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?
- 1.2 What are the strategic, cross-boundary issues of relevance to the Single Issue Review?
- 1.3 What actions have been taken in relation to the 'duty to cooperate'?
- 1.4 What have been the outcomes of the actions taken in relation to the 'duty to cooperate'?
- 1.5 How does the Single Issue Review address those outcomes?

Other legal requirements

- 1.6 Has the Single Issue Review been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?
- 1.7 Has the formulation of the Single Issue Review been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the sustainability appraisal adequate?
- 1.8 Has the Habitats Regulations Assessment been undertaken in accordance with the Regulations?

Matter 2 – The objectively assessed need for housing and the housing requirement set out in Policy CS7 of the Single Issue Review

Issues

The objectively assessed need for housing

- 2.1 Forest Heath is identified as being within the Cambridgeshire Housing Market Area. Is this justified?
- 2.2 The Council considers the objectively assessed need for housing ('the OAN') to be 6,800 homes for the period 2011 to 2031. This is an annual average of 340 dwellings.

- a) Does this take into account the Government's latest household projections and the latest population projections published by the Office for National Statistics?
- b) What methodological approach has been used, and does it follow the advice set out in the Planning Practice Guidance (under the heading 'Methodology: assessing housing need')?
- c) A 5% uplift has been applied to the OAN to reflect market signals. What is the reason for this?
- d) Why has 5% been selected (rather than a different percentage), and what is the justification for this specific figure?
- e) Have employment trends been taken into account? If so, how, and what conclusions are drawn in this regard?
- f) Overall, has the OAN figure been arrived at on the basis of a robust methodology?

The housing requirement set out in Policy CS7

- 2.3 Policy CS7 says that "*provision is made for at least 6,800 new dwellings and associated infrastructure to be delivered in the period 2011 to 2031*".
- a) Is this a net figure? If so, should Policy CS7 be clear about it?
 - b) What infrastructure is provided for and how has this provision been made?
- 2.4 Paragraph 3.8.2 of the adopted Core Strategy says "*The 2005 Housing Needs Assessment identifies that in Forest Heath the affordable need is for 259 new dwellings per annum*".
- a) Has the identified need for affordable housing been updated since the Core Strategy was adopted?
 - b) What is the need for affordable housing?
 - c) Will the housing requirement in Policy CS7 ensure that the need for affordable housing will be met? If not, should the housing requirement be increased?

Matter 3 – The supply of land for housing

Issues

The overall supply of land for housing

- 3.1 From the table in Policy CS7, it appears that the overall supply of land for housing comprises 2,437 homes from existing completions and commitments, and 4,440 from allocations proposed through the Site Allocations Local Plan (including a windfall allowance). In total, this amounts to 6,877 dwellings.
- a) Is that correct?
 - b) Are these figures up to date? If not, we ask the Council to provide up to date figures.
 - c) Do these figures include any allowance for under-delivery or non-implementation? If so, what allowance has been made and what is the reason for the level used? If no such allowance has been made, should one be?
 - d) A windfall allowance of 25 dwellings a year is made from 2022/23. What is the justification for this?
- 3.2 The total supply amounts to only 77 dwellings more than the OAN.
- a) Is there a risk that the need for housing will not be met?
 - b) Should the supply be increased to improve certainty in this regard?
- 3.3 Is there sufficient land available in the right places to deliver the level and spatial distribution of new homes planned for?

The five year housing land supply

- 3.4 The Council's paper 'Assessment of a five year supply of housing land taking a baseline date of 31 March 2016' [B11] calculates the five year requirement excluding the shortfall since 2011.
- It appears that within the various calculations presented, the 5% buffer is added before the shortfall figure, and thus excludes the shortfall. Should the shortfall figure be added before the 5% buffer is applied?
 - Both the Sedgefield and Liverpool methods of calculating the five year requirement are contemplated in the Council's paper [B11]. Should the shortfall be addressed in the first five years (as in the Sedgefield method)? If not, why not?
 - In the light of answers to the above questions, what is the five year requirement including the shortfall?
- 3.5 Has there been a record of persistent under delivery of housing, such that the buffer should be increased to 20% (for consistency with paragraph 47 of the Framework)?
- 3.6 Overall, is there a supply of specific deliverable sites sufficient to provide five years worth of housing, with an appropriate buffer (moved forward from later in the plan period) to ensure choice and competition in the market for land?

Matter 4 – The spatial distribution of housing

Issues

The following questions generally reflect those put to the Council in our letter dated 2 June. However, there are some differences and respondents may also respond to the questions put in our earlier letter if they so wish.

- 4.1 How has the distribution of housing set out in Policy CS7 been arrived at? In particular:
- What factors have influenced the distribution proposed?
 - What role has the Sustainability Appraisal had in influencing the distribution?
 - Has the distribution of housing been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the Sustainability Appraisal adequate in this regard?
- 4.2 Is the broad distribution of housing set out in Policy CS7 consistent with the Core Strategy's vision for the district, its settlement specific visions, spatial objectives and settlement hierarchy?
- 4.3 The three Market Towns of Newmarket, Brandon and Mildenhall are expected to provide around 34% of new housing over the plan period. Approximately 40% is anticipated in the two Key Service Centres of Lakenheath and Red Lodge. It appears that the distribution of housing growth places greater emphasis on the two Key Service Centres than on the three Market Towns.
- What is the justification for focussing greater growth in the Key Service Centres rather than the Market Towns?
 - What factors have influenced and led to this distribution?
 - Does the Sustainability Appraisal support greater housing growth in the two Key Service Centres rather than the three Market Towns?
- 4.4 Housing growth at both Newmarket and Brandon is quite low relative to other settlements. Both are Market Towns, in the 'top tier' of the settlement hierarchy. Newmarket is the district's largest settlement with a wide range of services and facilities, and is recognised as one of its most sustainable settlements, if not the most.
- What is the justification for Newmarket and Brandon respectively receiving only 9% and 2% of new housing growth?

- b) Does the Sustainability Appraisal support the relatively low levels of housing growth apportioned to Newmarket and Brandon?

In relation to Newmarket:

- c) What specifically would be the impacts of greater housing growth on the horse racing industry?
- d) What evidence is there to demonstrate that greater housing growth in Newmarket would lead to more traffic in the town than the proposed distribution of new housing?
- e) Could the impacts of increased traffic on the horse racing industry be addressed, for example through the provision of new or enhanced horse walks?
- f) How has the effect of housing growth on the horse racing industry been addressed in terms of the Sustainability Appraisal?

4.5 Housing growth at Red Lodge is close to twice as much as that for Lakenheath, the other Key Service Centre, is almost three times that proposed for Newmarket and is many times greater than that for Brandon. In short, relative to other settlements and considering its position in the settlement hierarchy, housing growth at Red Lodge is greater than might be expected.

- a) What is the justification for Red Lodge receiving 27% of the district's new housing?
- b) Does the Sustainability Appraisal support the relatively high level of housing growth apportioned to Red Lodge?

4.6 Overall, is the spatial distribution of housing justified?

Matter 5 – Deliverability (the housing trajectory, infrastructure and viability)

Issues

- 5.1 Appendix C of the Single Issue Review document sets out the housing trajectory. Is the trajectory a reasonable and realistic projection of housing delivery?
- 5.2 Is the level and distribution of housing based on a sound assessment of infrastructure requirements and their deliverability, including expected sources of funding? In particular:
 - a) What are the key infrastructure requirements for the successful delivery of the housing planned?
 - b) What reassurances are there that these elements can and will be delivered when and where they are needed?
 - c) Has the cost of these infrastructure elements been estimated, and funding sources identified?
 - d) Where, when and how will the additional school places and early education provision required as a result of the housing set out in Policy CS7 be delivered?

In answering these questions, it would be helpful if the Council could produce a chart (a gantt chart or similar) showing the level of anticipated housing delivery in each of the settlements listed in Policy CS7 on a year by year basis, along with the delivery of the infrastructure needed to support the new homes. A column indicating the likely costs, funding sources and mechanisms to secure funding would also be of considerable assistance.

- 5.3 Is the housing set out in Policy CS7 financially viable? In particular:
 - a) are the viability assessments in the Economic Viability Assessment (2016) [B15] sufficiently robust and are they based on reasonable assumptions?
 - b) do the viability assessments adequately reflect the nature and circumstances of the proposed allocations?
 - c) has the cost of the full range of expected requirements on new housing been taken into account, including those arising through policies in the adopted Core Strategy (for example, in relation to affordable housing)?
 - d) does the evidence demonstrate that such costs would not threaten the delivery of the housing planned for?

Matter 6 – The effects of the new housing and the traffic generated by it on European Sites

Issues

*We draw to attention the High Court judgement in *Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and the South Downs National Park Authority* [2017] EWHC 351 (Admin) dated 20 March 2017.*

- 6.1 Does the Habitats Regulations Assessment ('the HRA') assess likely significant effects of the housing set out in Policy CS7 in combination with all other relevant plans and projects? If so:
- Are these the plans and projects listed in Appendix 1 of the HRA?
 - Has this been done at the screening stage – as Table 1.1 of the HRA indicates? If not, why not?
 - Have the effects of development in the adopted Forest Heath Core Strategy been taken into account at the screening stage?
 - What approach has been taken to the consideration of in-combination effects? Has the arithmetic of the sort discussed by Mr Justice Jay in the aforementioned High Court judgement been undertaken – that is to say, have any effects caused by all other relevant plans and projects, though maybe not amounting to likely significant adverse effects in themselves, been added to the effects of the housing set out in Policy CS7?
- 6.2 The HRA concludes that in relation to potential air quality, likely significant effects on Breckland SAC, Breckland SPA and Rex Graham Reserve SAC cannot be ruled out without further traffic modelling and air quality assessment work. To this end, work has been undertaken by AECOM and is presented in its report dated February 2017.
- In effect, does the AECOM report represent part of the HRA's screening process and appropriate assessment?
 - What precisely are the potential adverse effects of nitrogen oxides in relation to the qualifying features of the SPA and the two SACs? To put it more simply, what are the possible problems that nitrogen oxides could cause for the natural habitats and/or species concerned? How sensitive are these natural habitats and/or species to atmospheric and/or deposited nitrogen oxides?
- 6.3 Does the AECOM report assess likely significant effects of the increase in traffic brought about by the housing set out in Policy CS7 in combination with all other relevant plans and projects? If so:
- What plans and projects? While we note the reference to "other Local Plans etc" in footnote 8, the report is not clear on this point.
 - Have traffic flows from development in the adopted Forest Heath Core Strategy been taken into account in the traffic modelling results, including the table on page 4?
 - Do the traffic modelling results take into account traffic flows from all other relevant plans and projects? Has the arithmetic of the sort discussed by Mr Justice Jay in the aforementioned High Court judgement been undertaken – that is to say, have the traffic flows caused by all other relevant plans and projects, whether or not in themselves exceeding the 1,000 AADT 'threshold' indicated in the Design Manual for Roads and Bridges, been added to the traffic flows from the housing set out in Policy CS7?
 - Do the air quality calculations take into account traffic flows from all other relevant plans and projects? Have the concentrations of nitrogen oxide resulting from traffic flows caused by all other relevant plans and projects, whether or not in themselves exceeding 1% of the long-term benchmark (or Critical Load) as indicated in the AQTAG guidance, been added to the concentrations of nitrogen oxide resulting from traffic flows from the housing set out in Policy CS7?

- 6.4 Has Natural England confirmed that the information set out in the HRA and the AECOM report is sufficient and that the conclusions drawn in both are supported?