

Brennan, Charlotte

From: Antony Needham <t.needham@derehamtowncouncil.org>
Sent: 24 April 2018 12:26
To: Programme Officer
Subject: Matter 12 - Dereham Town Council

Dear Charlotte,

Would you please forward the following comments onto Mr Manning.

Thank you for your assistance.

Best wishes.

Tony
Dereham Town Council

Dear Mr Manning

Apologies for not raising this matter earlier but I have only now had time to review the Breckland Council's Hearing Statement regarding matter 12.

In reviewing the statements, factors have come to light which, it is considered, casts doubt on the legal compliance of the Local Plan to such an extent that it was felt necessary to raise these factors in writing rather than rely on a verbal presentation at the hearing.

Dereham Town Council has been very proactive with regards to Green Infrastructure and ensuring that important green corridors are protected and enhanced. In 2008 Dereham Town Council (in partnership with Breckland Council and Norfolk County Council) commissioned a Green Infrastructure Study for Dereham, this formed part of the evidence base for the LDF. The Town Council has subsequently used this study to identify and purchase land which improves linkages and creates wildlife corridors between key parts of the network of green corridors. Since 2008 the Town Council has purchased an additional 27ha of land along and around the Dereham Northern Green Corridor connecting up two County Wildlife sites and adding significantly to the biodiversity potential in this area.

At the outset of the Local Plan process the Town Council was keen to ensure that positive benefits to biodiversity derived from the Dereham Green Infrastructure Study continued in the new Local Plan. The Town Council was reassured by Breckland Council that the Dereham Green Infrastructure Study would be part of the Local Plan and there was no requirement to update the study.

On the production of the Breckland Local Development Scheme 2013, the Dereham Green Infrastructure study was listed as a document that will be included in the Local Plan. The Town Council felt reassured by this statement.

In the preferred Direction Consultation, the Dereham Green Infrastructure Study was detailed under paragraph 7.11. (see below). The Town Council felt reassured by this inclusion.

local parks. Although there is no District wide green infrastructure study the value of the green infrastructure network is still understood and recognised. Rather than identify key green linkages for protection, the Council is seeking in its policy to recognise the value of all green infrastructure and the contribution it makes to the local area in which it is located.

7.11 In 2008 Dereham Town Council, in partnership with Breckland District Council and Norfolk County Council commissioned consultants to undertake a Green Infrastructure Study and Implementation Strategy for the town. These studies will help ensure that the planned development for Dereham protects and enhances the green infrastructure.

Responses to the Issues and Options Consultation told us that:

The Issues and Options consultation did not contain a specific section, question or policy on green infrastructure, though it was mentioned as a concept within the environment section. The previous Core Strategy did contain a policy on green infrastructure and several comments were received which noted that the Council's approach to green infrastructure in the Issues and Options document was not explicit enough, and that the importance of general green infrastructure should be highlighted or emphasised more.

Preferred Direction

7.12 The Council considers that a green infrastructure policy should be introduced to the Plan. The policy requires developers to recognise the intrinsic value of green infrastructure and ensure that proposed development does not harm the green infrastructure network of the District.

7.13 The policy assists the plan strategy and the objective of achieving sustainable development through the protection and enhancement of the key environmental assets of the District. Standards for the protection and provision of recreational open space and trees and landscape are dealt with under separate policies within this document.

7.14 For larger development sites allocated through the Local Plan specific green infrastructure requirements will be set out in relevant site allocation policies.

In the Pre-submission consultation reference to the Dereham Green Infrastructure Study was removed, the Town Council was concerned about this and tried to ascertain why it had been removed, an answer was provided, and the Town Council was assured that the Study would still form part of the evidence base. See email string below.

From: Robertson, Sarah [<mailto:Sarah.Robertson@capita.co.uk>]

Sent: 04 July 2017 16:01

To: Antony Needham

Cc: Bambridge, Gordon

Subject: RE: Local Plan Pre-submission

Hi Tony,

I didn't actually work on this policy myself, however I have spoken to a colleague who has looked at it in more detail.

The reason behind not specifically referencing the Dereham Green Infrastructure study is due to the policy needing to apply District wide. It wasn't thought appropriate to include reference to a study specifically for one town within the District. As I said in my earlier email, the study still forms part of the evidence base for the Local Plan. Furthermore this doesn't prevent you from including a more detailed town specific policy within your neighbourhood plan.

Kind Regards

Sarah

Sarah Robertson BSc (Hons) MSc MRTPI
Senior Planning Policy Officer

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From: Antony Needham

Sent: 04 July 2017 10:30

To: Robertson, Sarah <Sarah.Robertson@capita.co.uk>

Cc: Bambridge, Gordon <Gordon.Bambridge@breckland.gov.uk>

Subject: RE: Local Plan Pre-submission

Thanks Sarah,

You haven't explained why reference to the Strategy has been removed.

Could you explain why it has been removed?

Thanks

Tony

From: Robertson, Sarah [<mailto:Sarah.Robertson@capita.co.uk>]

Sent: 04 July 2017 10:22

To: Antony Needham

Cc: Bambridge, Gordon

Subject: RE: Local Plan Pre-submission

Hi Tony,

The Dereham Green Infrastructure study remains part of the evidence base which will support the Local Plan, and a green infrastructure policy remains an important element of the Local Plan. It has been necessary to update the wording of the document to reflect that it has moved on from the regulation 18 consultations, towards the final draft of the document at regulation 19. Through the Pre-submission publication period there remains the opportunity for the Town Council to comment on the document and for this to be considered through the submission.

You may be interested to know that further work is currently being undertaken across Norfolk to prepare a Green Infrastructure map for the County. Once completed this will also provide information to support the policy.

I hope this is of assistance

Kind Regards

Sarah

Sarah Robertson BSc (Hons) MSc MRTPI
Senior Planning Policy Officer

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From: Antony Needham [<mailto:t.needham@derehamtowncouncil.org>]

Sent: 03 July 2017 13:01

To: Robertson, Sarah

Cc: Bambridge, Gordon

Subject: Local Plan Pre-submission

Hi Sarah,

ENV 01 Green Infrastructure.

Dereham has a Green Infrastructure strategy, which was adopted in the LDF as part of the evidence base. I had been reassured that it would form part of the evidence for the new Local Plan, at an early stage I did ask about whether it needed to be refreshed in any way, and again I was reassured that it was not necessary and it would be part of the evidence base for the Local Plan.

In the Reg 18 Local Plan consultation, in the preamble to the policy, the Dereham Green Infrastructure strategy is clearly mentioned. I therefore feel a bit disappointed that the Dereham Green Infrastructure Strategy does not seem to be given a mention in the Pre-submission documents. Is there any reason for this? (or have I missed the mention) It is obviously difficult for us to ensure that new developments enhance the ecological networks around Dereham if the Dereham Green Infrastructure Strategy is not mentioned in the Local Plan.

If somebody could get back to me ASAP it would be much appreciated.

All the best

Tony

Dereham Town Council

Given all the reassurance provided since 2013 that the Dereham Green Infrastructure would be part of the evidence supporting the Local Plan, it was disheartening to read within the Hearing Statement (Matter 12), dated March 2018 paragraph 5, that Breckland District Council now states that the Dereham Green Infrastructure Study does not form part of the evidence base for the Local Plan. In the same paragraph it states that some documents are still "relevant

and valuable”, but they have not been updated. So in essence these GI studies are relevant and valuable but they have not been used. If they are “relevant and valuable” surely they should have been used?

In considering the evidence above, it is felt that the Local Plan is not legally compliant because:

1. It has not followed the Local Development scheme published in 2013.
2. It has not worked positively with Dereham Town Council to ensure the Green Infrastructure study was part of the Local Plan.
3. It has not worked positively with the Town Council in relaying correct information as part of the consultation process i.e. In July 2017 stating that the Dereham GI study would form part of the evidence base and in the Hearing Statement from March 2018 stating that it is not be part of the evidence base. In July 2017 providing one reason why the Dereham Green Infrastructure would not be specifically mentioned and in the March 2018 document providing a different reason.

In addition to the above, the Local Plan does not meet the requirements of the NPPF.

1. NPPF 109.

Breckland Council have ignored the coherent ecological network identified within the Dereham Green Infrastructure Study which was listed as a Local Plan document within the Local Development scheme 2013 and Breckland have acknowledged that the study is both “relevant” and “valuable”.

Paragraph 109 states that:

The planning system should contribute to and enhance the natural and local environment by :

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*

2. NPPF 114.

Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

Natural Environment and Rural Communities Act 2006

In not taking the Dereham Green Infrastructure study into consideration in either preparing the Local Plan or considering sites within Dereham; Breckland District Council have not fully complied with Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

As stated by Breckland Council in its Hearing Statement; the information contained within the Dereham GI Study is “relevant” and “valuable”, it should therefore have been taken into consideration in the preparation of the site allocations for Dereham.

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