

**Matter 4 (A & E) – Infrastructure Delivery
Policy 20 – Implementation
Representor No: JDI 2659**

Further Statement

**Examination into the Joint Core Strategy for Broadland,
Norwich and South Norfolk produced by the GNDP**

**Submission on behalf of Norfolk Constabulary
JDI Representor No: 2659**

**Matter 4 (Issues A & E) Infrastructure Delivery (the JCS
generally and Policy 20 & Appendices 7 & 8)**



1.0 Introduction

- 1.1 This paper has been prepared by NPS Property Consultants Ltd on behalf of Norfolk Constabulary following the submission of representations to the various stages of the GNDP Joint Core Strategy for Broadland, Norwich and South Norfolk Development Plan Document.
- 1.2 This document expands upon the representation submitted under reference Norfolk Constabulary JDI No. 2659 and considers in particular Matter 4 (Infrastructure Delivery) issues A & E of the Inspector's Preliminary Programme of Hearing Sessions.

2.0 Representation

- 2.1 The representation made by Norfolk Constabulary relates primarily to Policy 20 – Implementation of the submitted GNDP Core Strategy. The representation stated:-

“Norfolk Constabulary strongly objects to this policy as there is no specific reference to the Police within the range of services listed under infrastructure. Norfolk Constabulary has successfully made representations to a number of LDF Core Strategies seeking specific reference to the Police, which includes the Adopted North Norfolk Core Strategy and the Breckland Core Strategy.

It is considered that the approach accepted by North Norfolk District Council and Breckland District Council Planning Inspectors should be taken into account, including as part of the future CIL.

Section 6 of the Police Act 1996 places a duty on Police Authorities to secure the maintenance of an efficient and effective Police force for its area under the direction and control of its Chief Constable. Section 17 of the Crime and Disorder Act 1998 provides further relevant guidance and requires the Police, in addition to a number of other agencies to consider crime and disorder reductions and community safety in the exercise of all its duties and activities.

A wide variety of development proposals place additional demand for police resources both in terms of need for additional capital investments in new police facilities and funding for additional police officer and police staff. These additional demands on police resources will manifest themselves in a variety of forms and include (1) Additional officers and staff (2) The need to acquire land and capital costs of police buildings and associated facilities for the provision of new police stations (3) Extend existing police stations (4) Replace temporary and permanent accommodation (5) Provision of new vehicles and other resources to police new developments (6) Extension of existing communication infrastructure; and (7) Crime reduction measures in line with ‘Secured by Design’ principles.

Having regard to the above legislation, it is therefore reasonable for police needs to be taken fully into account by local authorities when determining planning applications relating to the provision of new development. Planning Policy Statement 1, The East of England Plan and the ODPM's Safer Places – The Planning System and Crime Prevention demonstrate a clear need to create safe environments which minimise the opportunities for crime.

The police authorities, including Norfolk Constabulary, have a key role to play in meeting this objective. Circular 05/2005 'Planning Obligations' provides Central Government advice on planning obligations under Section 106 of the Town and Country Planning Act as substituted by the Planning and Compensation Act 1991. This guidance states that the aim of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. It states that planning obligations can be used to mitigate a development's impact. Most forms of major development will increase the demand for policing and it is reasonable to seek contributions from developers to mitigate this impact.

Extracts from both the North Norfolk Core Strategy and Breckland Inspector's Report which make specific reference to the need to the Police are attached".

2.2 Reference was made in the original representation to The East of England Plan. This has now been revoked and therefore carries no weight in the planning system.

3.0 Policy Background

3.1 The Government's Sustainable Development and Sustainable Communities Strategies (2005) to be delivered via the spatial planning system identify policing and issues of community safety as important factors in the creation of safe environments and sustainable, inclusive communities.

3.2 Planning Policy Statement 1 describes the Government's overarching objectives for the planning system and sets out how planning should play a key role in delivering safe, secure, sustainable communities. In preparing their development plans Local Planning Authorities have a duty to promote communities which are "*inclusive, healthy, safe and crime free*" (para.27 iii).

3.3 A companion good practice guide, Safer Places - The Planning System and Crime Prevention, provides guidance on creating safe and secure places and refers to the scope for S106 agreements to be used to create safer environments within the area of a proposed development. Local Authorities are themselves under a statutory duty (Section 17 of the Crime & Disorder Act 1998) to consider crime and disorder reduction in the exercise of all their duties.

3.4 Section 19 (2)(f) & (g) of the Planning & Compulsory Purchase Act 2004 requires all Local Planning Authorities in preparation of their Local Development Frameworks to have regard to the provisions of the Community Strategy, which includes community safety as a key theme. Planning Policy Statement 12 requires the LDF Core Strategy to be aligned with the Sustainable Community Strategy (SCS) and to actively enable delivery of the spatial elements of the SCS.

3.5 The Green Paper – Homes for the Future: More Affordable, More Sustainable is extremely clear in defining the role of the Police in the planning of future communities.

In outlining objectives for implementation of the measures described in the Green Paper the text states:-

"We want to see local authorities engaging the police and police authorities at the earliest opportunity to ensure safety and security are an integral part of the planning process" (Ch.12 para.12)

- 3.6 Planning Policy Statement 12 is clear that infrastructure planning must be properly undertaken when developing Core Strategies, which will guide local development decision over a period of up to 15 years.
- 3.7 Circular 05/2005 states that the aim of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Any contributions should be directly related to the development proposal and fairly and reasonably related in scale and kind. It further states that planning obligations can be used to mitigate a developments impact, for example through the need for increased public transport provision.
- 3.8 The policy tests for financial contributions are now enshrined in law by the Community Infrastructure Levy Regulations 2010, which provide that contributions can only be required by way of Section 106 Agreements if what is being sought is:
- necessary to make the development acceptable;
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development.
- 3.9 Paragraph B25 of Circular 05/2005 states local authorities should seek to include as much information as possible in their published documents in the Local Development Framework. In line with previous advice in Circular 1/97, Local Planning Authorities should include in their new style Development Plan Documents general policies about the principles of and use of planning obligations – i.e. matters to be covered by planning obligations and factors to be take into account when considering the scale and form of contributions...” Paragraph B26 states that more detailed policies applying the principles set out in Development Plan Documents (e.g. application to specific localities and likely quantum of contributions) ought then to be included in Supplementary Planning Documents.
- 3.10 The Police are recognised nationally as key stakeholders in determining the type and quantum of social infrastructure needed to support development (Planning Policy Statement 12, paragraph 4.29). During the Lords debate on the 2008 Planning Act, Baroness Andrews confirmed that Policing infrastructure is included within the definition of infrastructure for the purposes of the Community Infrastructure Levy (CIL). Consequently, there is clear acceptance within Government that the Police is a key stakeholder when it comes to determining what infrastructure is necessary in order to ensure development can be delivered in a sustainable way.
- 4.0 Submission
- 4.1 Norfolk Constabulary has a statutory duty to secure the maintenance of an efficient and effective Police force for its area under the direction and control of its Chief Constable.
- 4.2 Norfolk Constabulary is responsible for delivering services that address community safety. Crime reduction and tackling fear of crime are key issues at all levels of society and government. Addressing community safety, whether from crime or in its widest sense, is seen as a crucial aspect of achieving sustainable communities.

4.3 Recognising that Local Authorities have a greater leadership role in delivering growth, it is relevant to highlight that the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder. Section 17 (as amended by Schedule 9 of the Police and Justice Act 2006), imposes an obligation on every local authority (which includes Planning Authorities) and other specified bodies to consider crime and disorder reduction in the exercise of all their duties. It states:-

“17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

(a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and

(b) the misuse of drugs, alcohol and other substances in its area.”

4.4 This duty extends to spatial planning and “place shaping”.

Planning Authorities should therefore facilitate the objectives of other legislation where land use considerations arise. Any omission or under-emphasis of community safety throughout LDF documents, development control functions and creation of local infrastructure strategies would clearly be contrary to this duty, and the emphasis given in Sustainable Community Strategies and other guidance in the form of Planning Policy Statement 1 and Planning Policy Statement 12.

4.5 If growth takes place without fully taking account of community safety requirements, and unless the appropriate policy statements are in local documents to try and prevent this, Local Authorities put at risk their Council’s high level objective of creating sustainable and safe communities.

4.6 Inevitably as growth generates additional pressure on the Police service, with more incidents as population and general growth occurs, unless funds are secured to provide a level of infrastructure and resourcing commensurate with that growth, the service provided will suffer and key policy objectives at the national and local level, and local expectations, will not be met.

4.7 Unless Norfolk Constabulary can seek appropriate infrastructure contributions as part of developer funded planning obligations or any future CIL mechanism, it cannot guarantee maintaining the same level of policing as growth takes place.

4.8 There is a misconceived view that the Police force is funded by the Home Office/Central Government through its capital grant programme.

4.9 The funding allocated to Police Authorities via Home Office grants, the Council Tax precept and other specific limited grants is generally insufficient to fund in full requests for capital expenditure. Capital programmes are funded generally from a mixture of asset disposal (a finite option), redirection of revenue funding (with implications for operational policing) and prudential borrowing. Prudential borrowing is not a nil cost option, with any borrowing required to be repaid from revenue/income.

- 4.10 The Government continues to provide annual capital grant to forces which typically funds 20% of a force's capital programme in any one year. The majority of forces fund the balance of their capital expenditure either through PFI arrangements or prudential borrowing.
- 4.11 Borrowing to fund capital projects requires repayment of loans to be made from revenue budgets, which has an impact on the ability of the Police to provide an efficient and effective service. If capital projects are funded through borrowing, the net effect is to divert spending from revenue budgets thereby reducing spending on the operational service. Therefore, less funding for Officers and support staff and consequently a less visible profile for the Police within communities undermines policing objective of reducing both the incidence and fear of crime and disorder.
- 4.12 Funding new Police infrastructure through developer contributions, whether through the S106 or possible future CIL mechanism is therefore key to future fulfilment of the Polices statutory obligation to provide an efficient and effective service.
- 5.0 Conclusion
- 5.1 The Police force does not receive sufficient funding either from the Home Office or the Council Tax precepts to fund capital projects. A key requirement to support Core Strategies is the identification of infrastructure requirements to support the levels of strategic growth planned. Without adequate funding streams to deliver infrastructure to support growth, the objective of delivering sustainable communities, which are safer and where crime and fear of crime are reduced will not be achieved.
- 5.2 Given the above, it is reasonable for the Police to seek contributions from developers to mitigate the impact of development. Policy 20 of the GNDP Joint Core Strategy should therefore be amended to add reference to the Police in order to make it effective in what it conveys as the infrastructure necessary for its successful implementation and where developer contributions are sought where it is demonstrated that the proposed development would have an impact on existing police resources for that area, in order to make the development acceptable in planning terms.
- 5.3 This approach has already been accepted by the North Norfolk District Council and Breckland District Council Planning Inspectors, details of which were attached to representation JDI 2659, although are attached as Appendix A to this statement.

APPENDIX A



Report to North Norfolk District Council

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Date 15 July 2008

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE

NORTH NORFOLK CORE STRATEGY

INCORPORATING DEVELOPMENT CONTROL POLICIES

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 18 June 2007

Examination hearings held between 4 December 2007 and 18 January 2008

File Ref: LDF000609

Policy CT2 – Developer contributions

- 6.215 The policy aims to ensure that where new development places extra demands on physical infrastructure and social facilities it should contribute towards the public costs of resolving or mitigating its impact. Such a policy is expected to comply with national principles set out in government circular 5/05 and the related DCLG good practice guidance [B46, C45].
- 6.216 The Council intend to amplify the operation of the policy by the production of a SPD on the detailed nature and mechanism of the policy in line with the principals and advice in Circular 5/05 and the good practice guide. This would be able to take account of the government's proposals to introduce a new Community Infrastructure Levy, including if necessary any consequential changes to policy CT2 to make it compatible with the latter. Such amplification would be able to address most if not all of the concerns raised by participants at the examination hearing session on this topic.
- 6.217 Two minor changes suggested by the Council would avoid unnecessary duplication of part of CS policy SS2 and provide

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clarification as to how and when the policy would be triggered by developments of both 10 and more dwellings and substantial commercial development, while also clarifying the types of infrastructure, services and facilities for which contributions may be sought. The latter could include a range of public services, including capital contributions to public services such as the Police, providing that such contributions were directly and proportionally related to the likely impact of the development. In my opinion none of these changes would alter the intended thrust of the policy and would aid clarity and comprehension and are thus recommended. Subject to their inclusion I conclude that the policy is consistent with government guidance, would allow sufficient flexibility for negotiation with developers, including as to possible adverse impacts on the scheme's viability, and is sound.

6.218 To make policy CT2 sound, the following changes are required:-

Incorporate MM118 and MM119



Report to Breckland Council

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE BRECKLAND CORE STRATEGY
AND DEVELOPMENT CONTROL POLICIES**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 31 March 2009

Examination hearings held between 30 June and 17 July 2009

File Ref: LDF 000990

INFRASTRUCTURE AND DEVELOPER OBLIGATIONS

- 3.157 Policy CP4 is an enabling policy which identifies broad needs and aims to provide a framework for the timely delivery of the full range of necessary infrastructure and public services which would be generated through implementation of the CS housing and employment growth proposals. It seeks to follow the objectives of national policy in PPS12 and regional policy including RSS policies WAT1-3 and ENG1 and 2. Closely related to it is Policy CP5 which aims to secure the timely delivery of necessary infrastructure by enabling at least part of the necessary capital funding to be met by way of developer contributions either through planning obligations or, later in the plan period, by the possible use of a tariff approach or Community Infrastructure Levy (CIL).
- 3.158 A comprehensive evidence base addresses the various infrastructure needs across the district during the plan period. This necessarily recognises the Council as a collaborator with other public bodies all variously involved in the delivery of necessary development related technology and services. Pre-eminent in the evidence is the Breckland District-Wide Infrastructure Needs, Funding and Delivery Study [THA.4A and THA4B1-3]. This provides a wide ranging synopsis of available infrastructure, infrastructure demands arising from the growth proposed in the CS, and the costs and timescales of upgrades needed to address deficiencies. Also of importance is the Breckland Outline Water Cycle Study [WAT1-2]. The latter was added to at a late stage, shortly before the examination hearings began (June 2009), by a supplementary Water Cycle Study 'Final Attleborough Findings' [WAT7]. Collectively these documents address the need to provide for water related infrastructure requirements including the problematic matter of waste water treatment and outflow quality.
- 3.159 The policy includes reference to necessary strategic access and highways issues related to new development. Since matters relating to Policy CP13 Accessibility are considered in a later section in this part of our report, we focus here on non-highways matters except insofar as there may be overlapping infrastructure needs.
- 3.160 The CS's growth strategy for new homes and jobs will place considerable burdens on the district's physical and social infrastructure. This is especially so for the main growth settlements of Thetford and Attleborough, but also to a lesser extent for Dereham and Swaffham. Key major elements deemed necessary to deliver the plan over its lifetime include:
- Educational capacity improvements especially in Thetford and Attleborough
 - Link Road at Attleborough (south side)
 - A11 junction capacity upgrades
 - Energy upgrades for Snetterton Heath Employment Area
 - Waste Water Treatment improvements at Attleborough, Dereham and Swaffham
- 3.161 Policy CP4 makes clear that land will not be released for development unless there is sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development. Social infrastructure

(ie health and social care facilities and primary, secondary and tertiary education provision, etc) is a key element for which implementation will draw upon the corporate plans of delivery partners including the Primary Care Trust and Norfolk County Council.

Health Care

- 3.162 The policy aims to support the delivery of health and social care facilities by supporting implementation of the Primary Care Trust's Strategic Services Development Plan. In particular it will promote the provision of new and improved health and social care facilities (including GP and dentistry services) at Thetford and Attleborough and the improvement of such facilities in the other market towns and service centre villages.
- 3.163 A detailed analysis of requirements and preliminary costings has been undertaken and an outline of funding sources identified with developer contributions expected to make important contributions to capital funding. This data has been presented in a way that the costs of serving the new housing developments in the growth locations can be distinguished from those costs attributable to dealing with existing shortfalls and the changing service needs of the district as a whole. This will help in future discussions about the role of developer contributions in helping deliver the growth targets. Further work will be required on the details of these plans in forthcoming DPDs including the two AAPs. However, we consider that the policy provides an acceptable framework for the provision of these necessary health services as the population of the growth areas and other settlements increases.

Education

- 3.164 Norfolk County Council's Statement of Common Ground with the Council [ED16] indicates that it has been actively involved in the CS's preparation in relation to infrastructure provision relevant to its public services, and to related developer contributions. While the overall population is planned to grow, demographics indicate that the population is also ageing and that there is and will be increased demand for one and two bedroom dwellings. As a result there is not a linear relationship between rising housing numbers and the children of school age associated with them.
- 3.165 Nevertheless, as a result of the growth strategy and based on the housing mix in the SHMA at least two new primary schools will ultimately be required at both Thetford and Attleborough with new primary school places at Dereham, Swaffham and Watton provided through the expansion of existing schools. However, the housing trajectory and the delivery of much of the new housing in the later part of the plan period is such that these requirements will not be required in the early years.
- 3.166 At secondary level capacity enhancements will be required for existing high schools in Dereham and Swaffham and substantial additional provision will be needed in Thetford and Attleborough. Provision at Thetford is likely to include both the expansion and/or replacement/re-organisation of existing high schools and a dedicated tertiary education campus. The full details for the provision for the town are still to be determined since they are inter-related

with the housing and employment growth proposals forming part of the CS and its delivery through the forthcoming AAP. We discuss this further in the town-specific section on Thetford.

- 3.167 An analogous situation applies in Attleborough where existing high schools in the town and at nearby Old Buckenham have little if any spare capacity and limited expansion opportunities and related accessibility issues. The strategic housing extensions to the south of the town would require either a redevelopment and/or reorganisation of the existing schools, and/or the provision of a new secondary school on the southern fringe. The County Council has this matter under review but the adoption of the CS is a necessary first step in providing a degree of certainty for future school planning purposes. As the delivery of new housing in volume is still some way off this matter can be more easily resolved in detail through the AAP process once the strategic growth plans have been formally adopted. We discuss this further in the town-specific section on Attleborough.
- 3.168 Concerns were raised about the need in various settlements to synchronise educational provision with the delivery of new housing and to ensure that existing educational problems were properly addressed by a co-ordinated approach. Land owner and developer interests were also concerned that the scope for developer contributions needed to be balanced against AH and physical infrastructure requirements.
- 3.169 It is clear that there are several details still to be worked through of exactly how delivery of expanded educational provision is best achieved in those settlements likely to receive the bulk of new housing growth. In particular there are likely to be real constraints on public funding in the early parts of the remaining plan period, indicating a role for developer contributions to pump prime educational provision as the occupation of new family homes gathers pace and volume. The AAP plan preparation process will enable these considerations to be advanced in a context of greater certainty and local knowledge. In this regard the dynamics of planned new homes delivered over a prolonged period lend weight to the merits of a tariff approach or the adoption of a CIL which would have the benefit of ensuring some level of equity between developer contributions at various stages.
- 3.170 The costs of delivering the necessary provision are considerable with a figure of £62 million outlined as necessary educational infrastructure for supporting the proposed housing growth (excluding Special Educational Needs which are subject to an ongoing district-wide review). Notwithstanding this challenge we are encouraged by the evidence that the education authority is fully apprised of the RSS and local growth agenda, and the implications on school places of raising the school leaving age to 18 years old. It is working closely with the district council to ensure that its service delivery and capital funding plans are reviewed in the context of ongoing spatial plan making so that necessary and well located land is allocated for schools and timely built provision made. There is a welcome commitment to involve the local communities and landowners and prospective developers in this process. Hence we consider that, subject to the ongoing active engagement of all key stakeholders in the forthcoming AAPs and the Site Specific Proposals DPD, CS Policy CP4 will provide a sound basis for future education provision.

Emergency services

- 3.171 The district-wide infrastructure study [THA4A] has also assessed the need for improved Police, Fire, Rescue and Ambulance services likely to arise from the increased population linked to new housing and jobs growth. Revenue costs would be met from the service budgets uplifted over time by the additional Council tax and general tax receipts accruing. However, a figure of £3m has been estimated as the physical/capital cost of expanding these services at the onset to serve the additional population. According to the study findings the total of £2m necessary to relocate and expand Attleborough Police Station would be half funded from the Norfolk Constabulary Capital Fund, but the balance may need to be met, at least in part, by developer contributions. To enable this possibility we consider that an additional criterion should be added to Policy CP4. Such a change would not trigger the need for further SA or public consultation. We recommend accordingly.

Other public services

- 3.172 Community centres, libraries and sports centres (including swimming pools) are all services which would experience significantly increased demand from materially higher levels of population in particular settlements. The infrastructure study estimates a total cost of about £6m over the plan period of which about £4.5m would arise from additional housing at Thetford and Attleborough. No public funding for the identified facilities has yet been identified and the policy makes no explicit reference to them. Accordingly, as above with the provision of enhanced emergency services, we consider that an additional criterion should be added to the policy or be added to that discussed above. Such a change would not trigger the need for further SA or public consultation and we recommend accordingly.

Energy

- 3.173 The evidence base indicates that in general the need for improved levels of electrical and gas energy supplies arising from the delivery of increased homes and jobs can be met, either from the existing networks provision, or from operational upgrades which can be accommodated from within the ongoing capital funding programmes of the energy suppliers.
- 3.174 However, at the proposed expanded employment site at Snetterton Heath (in combination with increased demand from the homes and jobs at Attleborough) there is likely to be a material shortfall in electricity supply which derives from limited existing 'headroom' and the absence of a 33kV system immediately nearby. Hence the cost-effective provision of a sufficiently upgraded supply cannot be so easily met in a location where conservation of landscape quality is an issue.
- 3.175 This matter has been addressed by the A11 Energy Study [THA7]. The Council is aware of the dilemma and is examining a number of options to deliver energy upgrades at Snetterton, including possible decentralised solutions (eg bio-mass) which it is taking to the market to deliver. Alternatively there may be options to effect some re-enforcement of the grid into Snetterton. The aim

would be to resolve the matter within the context of the Attleborough/Snetterton AAP process bearing in mind that the shortfall in supply will not become apparent 'on the ground' until the latter part of the plan period.

- 3.176 While there are outstanding uncertainties (in part related to the funding cycles of the utility suppliers who plan and bid for centrally pooled resources under a five year Asset Management financial planning cycle), on balance we are satisfied that the area's likely overall energy demands are understood and that the key stakeholders are actively engaged with the Council towards finding cost effective and environmentally acceptable solutions. As a result we consider that there is a reasonable prospect of the provision being made. It follows that the lack of uncertainty is not so problematic as to render the policy and the plan unsound in this regard.

Waste Water Treatment

- 3.177 The Stage 1 Water Cycle Study [WAT1] tested water infrastructure constraints and impacts of growth on the water environment. It indicated a need to improve water supply infrastructure across the district to allow for planned growth. Necessary improvements to overcome existing or potential capacity constraints were generally believed by the Council to be achievable and are being explored in detail through a Stage 2 water cycle study. The key constraints are related to waste water treatment capacity across various locations including Dereham, Swaffham and, most particularly in view of the significant level of planned growth, Attleborough.
- 3.178 Interim results of the Attleborough Stage 2 findings were published just before the examination hearings [WAT7]. The Environment Agency (EA) and Anglian Water Services (AWS) were concerned that it contained inaccuracies, omissions and notable remaining uncertainties. In particular they were not convinced that an ability to discharge water of sufficient quality to meet the (rising) standards of the Water Framework Directive (WDF) had been adequately demonstrated. They considered that a breach of the latter's standards was likely to arise following delivery of the quantum of development planned in Attleborough, with similar issues likely in other settlements. Discharge Consent limits for Attleborough WWTW would be higher than established as the Best Available Technology for both ammonia and phosphates in order to achieve Good Status in the Attleborough Stream.
- 3.179 To avoid an impasse further discussion between the key stakeholders led to a joint Statement of Common Ground on Water Quality Matters [ED59]. It was agreed that the issue of Waste Water is challenging and will require work at the boundaries of current technology, but that the parties were willing to work together to identify deliverable solutions within the framework of a dedicated Waste Water Treatment Working Group. This would include investigating further testing of differing options to inform the Attleborough and Snetterton Heath Area Action Plan. With minor changes to the CS policy wording in place the parties agreed that there was (in terms of the test in para 4.10 of PPS12) a 'reasonable prospect' of sustainable wastewater treatment infrastructure being provided within the plan period to deliver the proposed development in a timely manner.

- 3.180 It follows in our view that the co-ordinated minor text changes collectively suggested (by the Council, the Environment Agency and Anglian Water) to Policy CP4, Policy CP8 and the Monitoring and Implementation Framework (MC/8, MC/14 and MC/31) are necessary for this part of the plan to be judged 'sound'. Such changes effectively seek to underwrite the meeting of the WFD standards and avoid harm to the environmental and ecological qualities of the receiving watercourses. Consequently they would not trigger the need for additional SA or public consultation in our view. We recommend accordingly.

Attleborough Link Road

- 3.181 The major housing growth to the south of the town is dependent on the construction of a major link road linking the B1077 to the A11 including a bridge over the Norwich-Ely/Cambridge railway line. This is an expensive element and as submitted the policy would require its completion prior to the release of any of the development land. We agree with the representations that this would provide an unduly onerous burden as no development value could even begin to be realised until the bridge and road had been built in its entirety. The suggested change to policy CP4 to reflect the need for phasing (MC/7) is accepted by the Council and would ensure that the road and new housing and employment development can be built in parallel, thereby assisting the deliverability of the planned growth while securing necessary highways improvements.

Infrastructure Conclusions

- 3.182 Drawing our conclusions together we find that there are several outstanding uncertainties about the precise infrastructure needs and their delivery. However, the evidence base includes a clear and broadly costed overview of the various elements needed over the plan period. The forthcoming AAPs and Site Specific Policies and Proposals DPD provide a framework for further work to ensure that these are addressed in greater detail and acceptable solutions worked up.
- 3.183 For the reasons set out above the submitted plan policies relating to infrastructure are unsound. But they can be made sound by the necessary changes which we recommend.

The following changes are necessary to make the document sound: (RC/1)

1. **Adopt the Council's suggested changes MC/7, MC/8, MC/14 and MC/31;**
2. **Add a new criterion (f) to Policy CP4 to read as follows:**

"Securing the provision of improved Policing and emergency services provision and community, library and indoor sports facilities where these are clearly linked to and generated by new housing growth."

Developer Obligations

- 3.184 Policy CP5 complements Policy CP4 by enabling the payment of developer obligations towards the provision or improvement of infrastructure required as a result of the development and to create sustainable communities. In the early years of the plan this is likely to be solely through the conventional mechanism of Section 106 planning obligations in line with national policy in Circular 05/2005. As such any obligations would need to comply with the tests of direct relationship to the development impact and reasonableness therein. However, in the later stages the Council would seek to introduce a tariff approach (sometimes referred to as a 'roof tax') in which the gross infrastructure and public services demands arising from a substantial area of new development are pooled together and contributions sought from all dwellings on an equitable footing.
- 3.185 Once enabling regulations are introduced the Council will also consider the introduction of a Community Infrastructure Levy (CIL) to address strategic infrastructure delivery which will supersede any tariff mechanism already in place.
- 3.186 At the hearing there was debate about the appropriateness and equity of these various mechanisms. Doubts were expressed by landowner/developer interests about the impact of their over-zealous use on development viability and hence deliverability of the plan. The Council acknowledged these tensions and accepted that as far as possible an open-book approach was the fairest and most transparent way to deal with the inevitable complexities arising in practice. The processes will be the subject of a forthcoming district-wide SPD and will also be reviewed in the forthcoming AAPs for Thetford and Attleborough. This should enable these concerns to be weighed in the balance along with the need for the uplift in land value to contribute towards the impacts of the proposed developments on the environment and communities within which they are to be located.
- 3.187 The Council has suggested some minor text changes which we endorse in the interest of clarity and accuracy although we recommend in addition that MC/10 and MC/11 should also include reference to Police services to ensure consistency with our suggested CP4 change.

ACCESSIBILITY

- 3.188 The Norfolk Structure Plan (SP) [NOR4] and the Local Transport Plan (LTP) [NOR1] support improvements to the strategic transport network to promote sustainable development and economic vitality while encouraging more use of public transport. Development should be located to minimise the need to travel thereby reducing reliance on the car (LTP Policy 4).
- 3.189 These principles are embedded within the Core Strategy which seeks to maintain linkages within and between towns. Most development is directed to Thetford and Attleborough, adjacent to the A11. This is acknowledged as the principal route for movement and accordingly, less weight is given to development along the A47 with modest growth allocated to Dereham and

Annex A: Schedule of Recommended Necessary Changes

Policy/ Section / Paragraph	Minor Change Reference	Proposed Change	Reason for change
Document Cover	RC/12	Insert "Development Plan Document" into the title and include the plan period 2001 - 2006	To meet requirement of regulations
Policy CP4	RC/1	Adopt Council's suggested changes MC/7 and MC/8 Add a new criterion (f) to policy CP4 to read as follows: "Securing the provision of improved policing and emergency services provision and community, library and indoor sports facilities where these are clearly linked to and generated by new housing growth."	To ensure timely delivery of essential infrastructure To rectify an omission and ensure greater clarity and effectiveness
Policy CP8	RC/1 (cont)	Adopt Council's suggested change MC/14	To comply with the Water Framework Directive and to improve conciseness.
Policy CP10	RC/2	Amend policy CP10 in relation to the 'Protection of Species' as follows: Protection of Species The Council will require that an appropriate assessment is undertaken of all proposals for development that are likely to have a significant effect on the Breckland Special Protection Area (SPA) and will only permit development that will not adversely affect the integrity of the SPA. In applying this policy the Council has defined a buffer zone (indicated orange on the Proposals Map) that extends 1,500m from the edge of those parts of the SPA that support or are capable of supporting stone curlews, within which:- a) Permission may be granted for the re-use of existing buildings and for development which will be completely masked from the SPA by existing development; alternatively b) Permission may be granted for development provided it is demonstrated by an appropriate assessment the development will not adversely	To modify revised policy suggested by Council to clarify approach to protection of designated European Sites.

Annex B: Schedule of Minor Changes endorsed by the Inspectors

Policy/ Section / Paragraph	Minor Change Reference	Proposed Change	Reason for change
		Infrastructure studies for Thetford, Attleborough and Dereham. In particular, the construction and occupation of new housing and other uses to the south of Attleborough will be phased in accordance with existing infrastructure capacity limits and linked to the delivery of new infrastructure including the completion of a new distributor road linking the B1077 to the A11. The Area Action Plan will set out the growth delivery phases and infrastructure delivery trigger points, based on robust and detailed evidence. Any new road infrastructure required to serve strategic growth will not take place within 200m of Special Areas of Conservation (SAC)."	providing for the construction of the road first.
Policy CP4 (Criterion C)	MC/8	Replace criterion c) with "Providing additional waste water treatment capacity in order to deliver strategic development. Further testing through a Detailed Water Cycle Study will investigate sustainable solutions for waste water infrastructure upgrades that can be delivered in time to meet the requirements of the proposed development."	To provide the basis for further work to identify strategic, sustainable solutions for upgrades to waste water treatment particularly in Attleborough but also in other market towns
Policy CP4 (Criterion B (iv))	MC/9	Add:- Hammond's High School (Swaffham) as a result of new growth	To reflect potential need for capacity enhancements
Policy CP5	MC/10	After bullet entitled 'Community Infrastructure' add – (including education, library, police and fire service provision).	To clarify intention of the approach.
Policy CP5 – Supporting Text	MC/11	Add new section of supporting text at 3.38:- Prior to the implementation of any tariff or Community Infrastructure Levy, the Council will continue to seek	To reflect current situation and improve clarity of document.

Annex B: Schedule of Minor Changes endorsed by the Inspectors

Policy/ Section / Paragraph	Minor Change Reference	Proposed Change	Reason for change
		contributions from development for education, libraries, police and fire service provision, where appropriate, utilising Planning Obligations standards prepared by Norfolk County Council.	
Policy CP5 – Supporting Text	MC/12	Add new section of supporting text at 3.41:- The Council, in conjunction with partners will prepare an Integrated Development Programme (IDP) to identify infrastructure needs and priorities and address any potential funding shortfalls. The focus of the IDP will be growth along the A11 corridor reflecting the particular circumstances and challenges identified through evidence gathering.	To reflect the latest approach to coordinating infrastructure delivery and funding.
Policy CP5	MC/48	Amend structure of CP5 so that paragraphs 5, 6 and 7 are listed as (a); (b) and (c) to identify that they are consequential action arising from the fourth paragraph. Additionally the parts of the SPD listed as (a) and (b) in the fifth paragraph be re-listed as (1) and (2)	To aid presentation of the policy
Policy CP5, seventh paragraph, relating to a CIL DPD	MC/49	Delete "If legislation is enacted, a CIL Development Plan Document will be investigated and prepared..." And replace with "The Council will investigate the preparation of a CIL Development Plan Document..." Delete "Again, if a CIL DPD is introduced then,..." and replace with " Should a CIL DPD be prepared..."	To reflect factual update that the CIL legislation has now been enacted but the necessary Regulations are not yet in place.
Policy CP5	MC/50	Delete "Exceptions for reducing contributions will only be considered in the case of community or social development." Add insert the following text at the end of Paragraph 3.38. *...(SPD). The SPD will consider the need for and level	To clarify the Council's approach to developer obligations.