



**HEARING STATEMENT**

**Examination of the Breckland District Local Plan (2011 – 2036)**

On behalf of:

**Blue Oak Developments**

Date:

**August 2018**

Document Reference:

**Reference: GA/JS/05317/S0002**

## **1.0 INTRODUCTION**

- 1.1 This Hearing Statement has been prepared on behalf of Blue Oak Developments in response to the Inspectors Questions on the Additional Work and Related Proposed Modifications and draft Additional Hearing Sessions Programme relating to the Examination of the Breckland District Local Plan (2011-2036). This Statement has been prepared in response to Matters 4 – Housing: The Supply of Land for Housing Deliverability & Viability having particular regard to Policies HOU04 and HOU05.

### **Background**

- 1.2 Representations to the Breckland Local Plan Pre-Submission Publication were made on behalf of Blue Oak Development in September 2017 in relation to Policy HOU04 – Rural Settlements with Boundaries and Policy HOU05 – Small villages and Hamlets Outside of Settlement Boundaries. While the representations welcomed the confirmation provided by Policies HOU04 and HOU05 that new housing development is acceptable in these settlements, they raised concerns regarding the overly onerous nature of the criteria within these policies, the consequence of which is that they do not meet the tests of soundness set out in the National Planning Policy Framework Paragraph 182 (Paragraph 35 NPPF 2018) (Examining Plans).
- 1.3 Hearing Sessions relating to Policy HOU 04 and Policy HOU 05 took place in April 2018 under Matter 5. A number of concerns, many of which were similar to those raised in our client's representations, were raised by the Inspector. The inspector requested that the Council carry out further work in relation to the justification for these policies and their provisions and indicated that he would write directly to the Council with recommended modifications – this intention was confirmed in the Inspector's 'Agreed List of Homework & Modifications for Matters 5-9' produced on 1<sup>st</sup> June 2018. We are not aware that any such recommended modifications have been published.
- 1.4 In June 2018 the Council published a Topic Paper: Housing Trajectory, Five Year Supply, and Distribution. The purpose of this document, we are told, is to outline and update the methodology behind Policy HOU04 explaining that Criteria 2 of the policy limits new residential development for rural settlements with boundaries to a 5% increase in dwellings and in this context identifies the number of dwellings which could come forward over the plan period in each settlement. This methodology has been included at Appendix 5 of the Main Modifications table published on the 29<sup>th</sup> June 2018, but it does not in any way provide the justification requested by our client and the Inspector for the blanket 5 dwelling and/or 5% restriction set by Criteria 1 and 2 of Policy HOU04 and no changes to the policy have been proposed. We understand that the Council intend to await the Inspector's recommendations before proposing any changes.
- 1.5 The Inspector's Questions on the Additional Work and Related Proposed Modifications published on the 16<sup>th</sup> July 2018 are as follows:

1. Is having an allowance for windfall sites and sites delivered under Policies HOU03 and HOU04 justified?
2. Is the windfall allowance of 800 dwellings (50dpa), from within settlement boundaries, over the remainder of the Plan period justified?
3. Can similar rates of windfall development be expected in the long-term?
4. Is the assumed contribution in the trajectory from Policy HOU03 and HOU04 justified? In addition, should a lapse rate be applied?

1.6 In response to the additional information provided by the Council and the Inspector's additional questions we set out below our client's continued concerns regarding Policies HOU04 and HOU05. In the absence of the Council having provided any justification, we have reiterated why we consider these policies to be unsound and the amendments required to overcome this.

## **2.0 MATTER 4 – HOUSING: THE SUPPLY OF LAND FOR HOUSING, DELIVERABILITY AND VIABILITY**

### **1. Is having an allowance for windfall sites and sites delivered under Policy HOU03 and HOU04 justified?**

2.1 We believe that making an allowance for sites to be delivered under Policy HOU 04 is entirely justified, however the policy criteria is not and is overly restrictive and would constrain the level of development capable of being brought forward in these settlements. As a result, the ability of the Council's assumptions on the level of delivery could be placed in jeopardy.

### **2. Is the windfall allowance of 800 dwellings (50dpa), from within settlement boundaries over the remainder of the plan justified?**

2.2 We do not believe the restricted windfall allowance is justified. The Council have indicated in their Hearing Statement that they have taken a precautionary approach to the inclusion of windfall sites but have provided no reasoning as to why.

2.3 As stated under Policy HOU02 of the plan, completions and commitments between 2012 and 2019 account for 902 dwellings. This is significantly higher than the level of growth (234 dwellings) earmarked over the next 18 years in 'villages with boundaries'. No justification has been provided by the Council as to why these villages were able to accommodate a higher level of development, without have any detrimental impacts over a 5-year period but are considered unsuitable to deliver anything more than 5% over the forthcoming plan period.

- 2.4 The Council recognise that 'villages with boundaries' are sustainable locations to deliver housing. Further explanation is needed as to why a precautionary approach was taken and why only such a small proportion (20%) can be delivered over the plan period.

**3. Can similar rates of windfall development be expected in the long-term**

- 2.5 The Council indicate that windfall sites can continue to come forward within the settlement boundary. However, when each of the 'villages with boundaries' are assessed, the defined nature of these boundaries drawn tightly around the existing settlement pattern leaves little scope for further development to come forward within the settlement. Regardless of this, the policy as currently worded restricts growth in these villages to 5% and therefore windfall sites cannot continue to come forward once the 5% increase has been met.
- 2.6 Furthermore, the restrictive criteria of the policy would also not allow any additional development to come forward on the edge of the settlement.

**4. Is the assumed contribution in the trajectory from Policy HOU03 and HOU04 justified? In addition, should a lapse rate be applied?**

- 2.7 We believe that the contribution from 'villages with boundaries' could be greater without having any detrimental impacts on the character or appearance of the villages if the restrictive nature of the policy were to be revised.