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Interim Director of Planning & Building Control
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Contact: Charlotte Brennan
Direct Dial: [REDACTED]
E-Mail: programme.officer@breckland.gov.uk
Date: 6th November 2018

Dear [REDACTED]

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

During my closing statement at the end of the hearing sessions, I set out that I would write to the Council with any further modifications that I consider are likely to be needed to ensure that the Plan is sound and should be added to the Main Modification (MM) schedule for consultation. I apologise for the delay, however, I have been waiting for the Council's response on the effect of the recent publication of the household projections 2016, which I have now received, although I have also sought further information in this regard.

Having now been able to consider the evidence to date and the discussions that have taken place at all of the hearing sessions, I am of the view that additional MMs to the Plan are likely to be required to address soundness matters (without prejudice to my final findings). These are set out below.

I am likely to find that an early review of the Council's housing policies will be required. In addition, please can the Council draw up MMs to remove the stepped housing trajectory from the Plan, this will also need to be reflected in the Plan's housing trajectory (Appendix 1 of the Plan). Further, I am likely to conclude that the Council's previous housing shortfall should be addressed by the Sedgfield method.

In terms of Policy HOU04 and HOU05, please can the Council draft modifications to remove the 5 and 3 dwelling limits from the policies respectively, as well as criterion 3 of Policy HOU04.

I consider that an early review of the Plan is likely to be necessary to address the needs of gypsies, travellers and showpeople who do not meet the national definition set out in the Planning Policy for Traveller Sites (i.e. non travelling).

I am also likely to find that the accessibility standards of homes set out in Policy HOU10 should be removed from the Plan and an early review of the Policy is required in this regard.

Turning to economic development matters, please can the Council draft a modification to commit to an early review of Policy EC01.

The commitment to an early partial review of the Plan with regard to the above matters, will need to be set out within a Policy in the Plan.

Inspector: Jonathan Manning BSc (Hons) MA MRTPI
E-Mail: programme.officer@breckland.gov.uk

*No. further
commitment made
29.01.2019*

Finally, I am likely to find that the settlement boundary of Yaxham should include the recently permitted appeal development of 25 dwellings. A change to Policy HOU 02 and proposed Appendix 5 is therefore also likely to be necessary in this regard.

The reasons for such changes, should I consider them necessary for soundness following the MM consultation, will be set out in my final report. If I have stated that I would write to the Council with regard to whether any other proposed modifications should be made to the Plan and I have not referred to it above, then I do not consider that they are necessary for soundness. Again, the reasons for this will be set out in my final report.

If the clarification that I have sought with regard to the 2016 household projections alters any of the above, then I will write to the Council again at that time.

Yours sincerely



Charlotte Brennan
Programme Officer

rennan, Charlotte

From: March, Jemma
Sent: 28 September 2018 15:05
To: Programme Officer
Cc: Phil Mileham; 'Ottewell, Stephen (Capita)'; Planning Policy Team
Subject: Actions from the hearing sessions - September 2018
Attachments: Homework and Modifications September 2018.docx

For the attention of the Inspector,

Please find attached a list of actions from the hearing sessions held 18th – 20th September for your verification. I have highlighted in bold any action points which are considered to require undertaking prior to the Main Modifications consultation by both yourself and the Council. In accordance with the Councils LDS it is anticipated that the Council will undertake the Main Modifications consultation in November and December, with a preference to start early November (9th) to enable the consultation to end prior to the Christmas period. Your assistance in meeting this deadline would be most appreciated. The Council are working on the final list of modifications in parallel so it is hoped that this could be submitted for your consideration by the end of next week, if not before.

Kind regards,

Jemma

Jemma March BA(hons), MA, MRTPI | Planning Policy Team Leader

Breckland District Council

DDI: 01362 656239 Mobile: 07901 864642

Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE



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Outstanding Action	Matter 5	Housing: the settlement hierarchy and spatial distribution of new housing (cont.)	H	HOU 04	Inspector will formally write to council with regards to any recommended modifications to HOU 04.
Outstanding Action	Matter 5	Housing: the settlement hierarchy and spatial distribution of new housing (cont.)	H	HOU 05	Inspector will formally write to council with regards to any recommended modifications to HOU 05.
Wednesday 19th September	Matter 7	Other Housing Types & Related Policies	M	HOU 09	Edit very last words of last sentence of policy to read "no longer viable."
Wednesday 19th September	Matter 8	Housing provision for gypsies, travellers and travelling showpeople	H	HOU 08 and supporting text	Supporting text: Convert table labelled "Need for Gypsy and Traveller and Travelling Show People Accommodation in Breckland" to text and convert 3rd underlined paragraph starting "Having regard to the additional supply identified...", to a table.
Wednesday 19th September	Matter 8	Housing provision for gypsies, travellers and travelling showpeople	M	HOU06	Modify the third paragraph of Policy HOU06 to include reference to Gypsy and travellers and need arising from the GTAA. This will ensure that the needs of non-travelling households are met.
Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	H	EC 02	Additional wording proposed for policy EC 02 regarding Shetterton Park land in the hearing session for Matter 9 & 10 held 19 th Sept 2018. Inspector to write to the Council regarding whether the proposed wording should be added as a Main Modification.

Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	M	Threxton Road Proposals Map	Modify Threxton Road Proposals Map to exclude residential curtilages
Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	M	EC 03 and EC 02	Include proposed wording in these policies from pages 74 (EC 02) and 76-77 (EC 03) of General Employment Topic Paper.
Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	M	EC 03	Change asterisk to foot note after point 1. Include wording "unless it is a proposal for a mixed use development" in footnote.
Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	M	EC 03 Supporting Text	Proposed modification to supporting text of EC 03 regarding an appropriate marketing period. Add additional detail including a minimum marketing period of 12 months.
Wednesday 19th September	Matters 9 & 10	Economic development site allocations, deliverability and viability	M	EC 04	Proposed amendment to EC 04 as set out in the General Employment Topic Paper. Additionally change part of sentence to state " ..economy and those in rural areas." Add further sentence at the end to clarify the circumstances resulting from a loss of employment uses.
Thursday 20th September	Matter 12	Environment	M	ENV 01	Proposed amendment to supporting text as set out in the Councils response to additional questions Matter 12, question 1.48, paragraph 1.48.3
Thursday 20th September	Matter 12	Environment	H	ENV 01	The Council to confirm to the Inspector in writing whether it is possible to overlay the strategic green infrastructure network and the existing green infrastructure assets on the Policies Map.

Policy Policy EC 02 - Snetterton Heath

~~All proposals at Snetterton Heath will be determined subject to criteria a) to e) of Policy EC 03 General Employment Areas.~~

The distribution of employment development across the site is subject to the following:

1. Within area LP[087]010 as defined on the policies map, 20ha of land is allocated for B1 and B2 use. The layout of any development should not prejudice future expansion of the site;
2. Within the southern extent of the Snetterton General Employment Area as defined on the policies map, proposals for employment use within classes B1 and B2 of the Use Classes Order (as amended) will be preferred. Proposals that are associated with motorsport, automotive and advanced engineering will be encouraged;
3. Within the eastern extent of Snetterton General Employment Area as defined on the policies map, proposals for employment development within class B8 of the Use Classes Order (as amended) will be preferred; and
4. Proposals that create a new edge to the employment area shall be expected to provide appropriate boundary treatment to minimise the impact on the landscape, having regard to the principles of the Landscape Character Assessment.

Reasoned Justification

6.27 Draft Strategic Policy PD06 that was subject to consultation in January/ February 2016 identifies Snetterton Heath for an allocation of at least 20ha of new employment land over the plan period. The existing area is characterised by a number of different types of employment use that have developed as distinct clusters of activity which have established over time. This policy seeks to reflect the findings of the Cambridge to Norwich Technology corridor study and previous work under the auspices of the Rural Enterprise Valley (REV) by promoting motorsport and advanced engineering associated with the race track, as well as building on the area's successes within the distribution and manufacturing sectors. The policy seeks to direct particular types of activity within the 'B use classes' to specific areas of the site to promote clustering and capitalise on the inter-relationships between the activities carried out across the site.

6.28 The northern extent of Snetterton Heath, north of the trunk road, has a mixed character with a range of general industrial uses and planning permission was granted on 19th January 2016 for a new general industrial operator. In this area, proposals for new general industrial development would be acceptable having regard to the nature of the existing development.

6.29 The southern extent of Snetterton Heath, south of the ~~A11 trunk road~~ and ~~south-west~~ of Heath Road, is characterised by the motor racing track and former Snetterton Park and comprises a range of existing buildings and established land uses. This area has excellent visibility from the A11 and provides the opportunity to direct the development and intensification of motorsport and advanced manufacturing uses, building on the proximity of this part of the site to the race track. The area provides opportunities for co-location and access to the track for automotive testing and related activity.

6.30 The eastern extent of the site (south of the A11 and north-east of Heath Road) contains a range of principally storage and distribution uses, including a rail head. Therefore, to ensure the delivery of the overall vision for the site, it is appropriate to direct new uses falling within Class B8 of the Use Classes Order to this location. Such uses

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Consultation on the Schedule of Main Modifications May 2019

Response Form

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To which proposed Main Modification does your representation relate? Please state the relevant reference number that you are commenting on from the Schedule of Proposed Main Modifications e.g. MM1

MM137 and MM134

If you consider the proposed Main Modification to be UNSOUND, please identify which test of soundness your representation relates to?

Is it positively prepared?
Is it justified?

Please give us details as to why you think the Local Plan with proposed modifications is NOT legally compliant or sound?

EC01 and EC02 may not be sound. They do not represent the previous comments, documents and letters issued by the inspector. There appears to be no explanation, or document trail that explains the omissions or decisions. The following matters have not been addressed in accordance with the inspectors instructions:

A) There is no text in the local plan, where the council 'commits to an early review of Policy EC01' This was request from the inspector was clearly documented in the Charlotte Brennan's letter dated the 6th of November 2018 addressed to Jon Berrey and sent on behalf of the inspector Mr. Jonathan Manning.

B) During the inspection hearings back in September, Matters 9&10 were addressed on the 19th of September. The council and Snetterton Park Ltd presented a revised wording for policy EC02. This was in the form of Statement of Common Ground (signed by both parties). The inspector requested further clarification and during the hearing the wording as follows was agreed by all parties "*Development proposals for B1 and B2 uses on the previously developed land to the west of the southern extent of the GEA extending west to the A11 will be supported where there is a demonstrable need and they will support the vision of the Cambridge to Norwich Tech Corridor*"

The inspector was alerted to the requirement to confirm in writing that this text was appropriate in Jemma March's letter of the 28th of September. The inspector has (as far as the document library shows) not written as requested and the wording of EC02 has not been changed.

The absence of this text in EC02, means that the status of the 'previously developed land to the south west of the GEA (running up to the A11) is very unclear.

A lack of clarity will delay development of the land and inhibit economic growth in contra to NPPF, making the local plan 'un-sound' on this issue.

Secondly it will bring in to question the soundness of a local plan that has put new 'employment allocations' on open farm land, as opposed to 'previously developed/brown field' land, in direct contravention of planning norms and NPPF.

It will leave the land (classified as brown field/previously developed) open for reallocation for housing. In contra to the economic aims of the council.

The lack of a commitment for an early review of EC01, by the council in the plan, will ensure that this lack of clarity will be for the duration of the plan (10 years).

Please set out what changes you consider necessary to make the proposed main modifications to the Local Plan legally compliant or sound.

Add a commitment by the council to an early review of policy EC01 as directed by the inspector.

Include the agreed wording in EC02

Would you like to be notified of future stages of the Local Plan?

Yes

How would you like to be notified?

By post to my address
By post to my agent's address
By email to my email address
By email to my agent's email address

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Proposed Wording for Eco2. 19.9.2018

Development proposals for B1 and B2 uses on previously developed land to the west of the southern extent of the GEA extending west to the A11 will be supported where there is a demonstrable need and will support the vision of the Cambridge to Norwich Tech Corridor.

14.09.2019.

Breckland Local Plan – Examination in Public

Statement of Common Ground Addendum

Policy EC 02 Snetterton Heath

This Statement of Common Ground Addendum is an Agreement made between the following parties:

- Breckland District Council
- Snetterton Park Limited

Introduction

The purpose of this Statement of Common Ground Addendum is to clarify the wording of Criteria 3 of Policy EC 02. Following further discussions with the landowners and Development Management colleagues a minor amendment to the wording is required to add further clarity to the area defined previously as 'immediately adjacent to the southern extent of the General Employment Area'.

Proposed change

The proposed change seeks to add clarity to the policy in order to define the area 'immediately adjacent to the southern extent of the General Employment Area'. This proposed wording is required to give greater certainty to the decision makers and the wider public as to the area concerned within criterion 3. The wording is shown in red below:

Policy EC 02 –Snetterton Heath

~~All proposals at Snetterton Heath will be determined subject to criteria a) to e) of Policy EC 03 General Employment Areas.~~

The distribution of employment development across the site is subject to the following:

1. Within area LP[087]010 as defined on the policies map, 20ha of land is allocated for B1 and B2 use. The layout of any development should not prejudice future expansion of the site;
2. Within the southern extent of the Snetterton General Employment Area, including LP[087]011A as defined on the policies map, proposals for employment use within classes B1 and B2 of the Use Classes Order (as amended) will be preferred. Proposals that are associated with motorsport, automotive and advanced engineering will be encouraged;
3. Development proposals, for compatible uses, immediately adjacent to the southern extent of the General Employment Area, including LP[087]011A, as defined on the policies map, extending west to the A11, will be supported where they contribute to the overall vision for the A11 corridor;
- 3 4. Within the eastern extent of Snetterton General Employment Area as defined on the policies map, proposals for employment development within class B8 of the Use Classes Order (as amended) will be preferred; and

5. Proposals that create a new edge to the employment area shall be expected to provide appropriate boundary treatment to minimise the impact on the landscape, having regard to the principles of the Landscape Character Assessment.

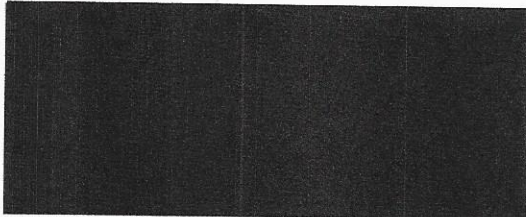
Conclusion

This addendum is additional to the agreements set out with the Statement of Common Ground and the signing of this document relates to the additional wording of criteria 3 of Policy EC 02 only.

Declaration

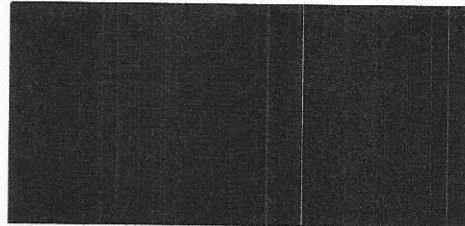
The content of this document is agreed between the undersigned for the purpose of the Breckland Local Plan Examination

Signed on behalf of Breckland District Council:



Executive Manager for Growth
Date: 14/09/2018

Signed on behalf of Snetterton Park Limited:



Snetterton Park Limited
Date:14/09/2018

Dear Mr. Andrew Darcey, Mrs. Charlotte Brennan and the Planning Policy Team,

I write in relation to the local plan and the various consultations and hearings that have taken place under the guidance of inspector Jonathan Manning, most recently the Main Modifications (EX135).

I fear that possibly due to staff changes (Jemma March, Phil Mylan and James Mann all leaving) that issues raised in the original inspectors hearings and the subsequent directions given by the inspector have not been dealt with and as a result items have been missed from the final version of the Local plan, possibly making it 'Un-sound'.

My concern relates to EC01 and EC02.

The inspector was very direct in his instruction that the council include a modification to 'commit to an early review of policy EC01' in the local plan doc (Please see Charlotte Brennan's letter of the 6th of November. This commitment is missing from the final draft.

Secondly the inspector confirmed that he would write regarding the proposed inclusion of a further clause in EC02, the wording of which was drafted on the 19th of Sept during the hearing session on matters 9&10, by the planning policy team and the directors of Snetterton Park Ltd.

The text confirmed was very similar in content to the text detailed in the Statement of Common Ground signed by the aforementioned parties (please see attached).

The absence of these two items in the final document calls into question the soundness of the local plan;

- Why have the inspectors direct instructions not been followed (There is no mention in the local plan of a commitment to an early review of EC01!)?
- Why has agreed text not been included?
- Why has the inspector not written on the matter as instructed?
- If these two items have been intentionally omitted, why is there no document trail to explain the reasoning?

I have made a (last minute) submission in this current consultation relating to these issues (copy attached). I appreciate that they are not directly listed in the Doc EX135, but neither were they listed in the previous Main modifications paper or the Minor modifications paper. I fear that in the pressure to get the local plan signed off, and possible as a result of the key members of staff moving jobs, that they have 'simply' been omitted by error!

If this is the case, hopefully the error can be addressed, in the final document. If it is not as a result of error, I would greatly appreciate an explanation from the Inspector. As matters stand due to the omissions, EC01 and EC02 are arguably un-sound.

Yours Sincerely

James MacSwiney
Director
Snetterton Business Park
12 July 2019

