



Breckland
COUNCIL

Breckland Local Plan Partial Update

**Submission Document
(Regulation 19)**

Breckland District Council

September 2022

1 FUTURE PLANNING OF BRECKLAND

- 1.1 The District Council is committed to meeting the future development needs of the district and to do this through a review and update of the Local Plan and the application of the presumption in favour of sustainable development set out in the NPPF. However, the circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted.
- 1.2 The Breckland Local Plan was adopted on 28 November 2019. (LPPR/01). However, the circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. The background and justification for undertaking the proposed Partial Review is set out in the Topic Paper that accompanies this Submission Document. In Summary this Paper concludes that it was neither possible, desirable or practical to have completed the immediate review as set out in Policy INF 03. These changes are summarised below.
- Uncertainty and delays to the publication of the housing need / standard method figures and delays to work on the revised Strategic Housing Market Area Assessment (SHMAA)
 - The A47 improvements near Dereham are yet to be commenced and have been delayed since they were considered by the Local Plan Inspector in 2018.
 - The definition of Gypsies and Travellers was subject to a High Court challenge until July 2021.
 - The introduction of local internal space standards would require a new plan wide viability study that could impact on other key parts of the Plan
 - The need for a clearer understanding of the implications of Covid 19
 - The updated National Planning Policy Framework (NPPF)
 - Government announcements on First Homes
 - The publication and consultation on proposals for reform of the planning system in England (Planning for the Future) in August 2020. as well as the continuing discussion over planning reform and the introduction of the Levelling Up and Regeneration Bill to Parliament on 11 May 2022 including further announcements as to how national planning policy will change.
 - The announcement, in March 2022, by Natural England that development in parts of Breckland cannot proceed if it increases levels of nutrients
 - The implementation of the Environment Act (2021).

2 WHAT ARE WE NOW PROPOSING?

- 2.1 In light of the issues set out above, the Council is now proposing to:
- 1) Amend Policy INF 03 and some of the supporting text of the adopted Local Plan. This is referred to as the 'Partial Update'.
 - 2) Continue to work on a full update of the Local Plan to address the longer term development needs of the district.

- 2.2 This Partial Update represents a necessary step to ensure that policies in the adopted Local Plan are not deemed by Policy INF 03 to be out-of-date for decision-taking. Instead, whether policies are out-of-date in the context of individual decisions on planning applications would be a matter to be judged applying the presumption in favour of sustainable development set out in national planning policy. However, the District Council is committed to planning the long-term future of Breckland alongside the partial update. To do this, the issue of the new housing requirement as well as all the other issues, including the spatial strategy have to be resolved.
- 2.3 The Council has already completed a 6 week consultation period on this Partial Update. This ended on September 23 2022. During this consultation period the Council recognized that it may not have fully meet the regulations and in particular Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 that requires that various bodies and stakeholders be notified that the council is preparing a plan. As a result of this the Council has agreed both the content of, and timetable for, further Regulation 19 public consultation. The previous Regulation 19 consultation (that ended on September 23) will now be regarded as the Regulation 18 consultation (as the Partial Review Consultation Paper included both Regulation 18 and Regulation 19 questions).
- 2.4 It is important to note that, in the interests of transparency and to avoid any prejudice to those who commented on the earlier consultation, following this consultation the Plan, if approved for Submission, will be submitted to the Planning Inspectorate for Examination along with **all the comments received at both consultation periods so as not to prejudice any respondents to the consultation process**. The Planning Inspectorate will then arrange an examination, which is likely to be held in Spring 2023. At this stage an independent Planning Inspector will assess whether the Partial Update proposal is 'sound' that time.

The Partial Update

- 2.5 It is proposed to amend Policy INF 03 and some of the supporting text of the adopted Local Plan as set out in the box below. Changes that the Council are proposing to policies/supporting text are shown as **bold and underlined**, and proposed deletions are shown as strikethrough.

Para 8.22

~~Policy INF03 sets out the Council's commitment to undertake an immediate partial review of the Plan, with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. This shall be completed and submitted for examination 3 years after the date of adoption of this Plan or by November 2022, whichever is soonest.~~ **Policy INF03 sets out the Council's commitment to undertake an immediate full review of the Plan and to submit it by December 2024.**

Policy INF 03: Local Plan Policy Review

~~The Council will undertake an immediate Partial Review of the Plan, with regard to the following matters:~~

- ~~• Policy HOU 01 Development Requirements (minimum): To consider housing need and the subsequent strategy for meeting the identified need.~~
- ~~• Policy HOU 08 Gypsy and Travellers: To consider the needs of non travelling gypsy and travellers and identify suitable provision to meet such a need.~~
- ~~• Policy HOU 10 Technical Design Standards for New Homes: To consider the accessibility of homes standards.~~
- ~~• Policy EC 01 Economic Development: To consider the effect of the dualling of the A47 on the Plan's economic strategy.~~

~~The Partial Review of the Plan will be submitted for examination 3 years after the date of adoption of this Plan or by November 2022, whichever is soonest. In the event that the review is not submitted for examination by this time, then the Council's policies that relate to the supply of housing, economic development and gypsy and travellers will be deemed to be out of date.~~

The Council will undertake an immediate full review of the Plan. The full Review of the Plan is planned to be submitted for examination by December 2024.

- 2.6 Local Plans are required to be subject to a Strategic Environmental Assessment (SEA) incorporating a Sustainability Appraisal and a Habitats Regulations Assessment (HRA) to consider the impact of the policies and proposals of the Local Plan on sites of European significance designated for species and habitats (Special Areas of Conservation (SAC)) or birds (Special Protected Areas (SPA)). The Brecks is designated as a Special Area of Conservation. This partial review is therefore accompanied by a [Sustainability Appraisal/Strategic Environmental Assessment](#) and a [Habitats Regulations Assessment](#).
- 2.7 The Sustainability Appraisal Report includes details of the range of options that have been considered ranging from 'do nothing' (i.e. not making any changes to Policy INF 03) to that the subject of this consultation.

The Full Update

- 2.8 Our proposed approach includes also continuing to work on a full Substantive Review which will extend the plan period beyond 2036 to 2046 to ensure that any strategic policies look ahead at least 15 years from adoption as required by the NPPF. This work will continue in parallel to the Partial Review. The timetable for the Full Update is:

| Full Update | |
|--|----------------------------|
| Regulation 18 Consultation (issues and Draft Plan) | June 2022 – January 2024 |
| Regulation 19 consultation (Pre-Submission) | June 2024 - September 2024 |
| Cabinet consideration of responses and decision to submit Plan for examination | November 2024 |
| Submission for examination | December 2024 |
| Examination and Adoption | Q2 2025 – Q3 2026 |

- 2.9 The Full Update is being over seen by the Council’s Executive Member Group with executive decisions being taken by Cabinet and Full Council as required. The Member Group meets about every month.

What has happened so far?

- 2.10 Work on the substantive update of the whole Local Plan has commenced as follows:
- Approval of a Local Development Scheme for both the Partial and Substantive Reviews (November 2021)
 - Preparation, consultation and adoption of a revised Statement of Community Involvement (November 2021 – July 2022)
 - A Call for sites (development) Report (June 2022)
 - A Call for sites (Local Green Spaces) Report (June 2022)
 - Preparation of this Consultation Report on the Partial Review of Policy INF 03
 - Completion of the Integrated Assessment for the Partial Review (Capita): July 2022
 - Completion of a Landscape and Settlement Character Assessment for Breckland (May 2022) to inform a Design Guide which can be developed to help shape and inform future design of development within the district.
 - Additional resource within the Planning Policy Team to enable the additional staff resource required to meet the milestones on the LDS

3 WHAT ARE WE CONSULTING ON?

- 3.1 This Partial Review represents the District Council's preferred approach and is published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as Amended).
- 3.2 We are asking for comments on our proposed approach, including the proposed wording to policy INF 03 and the Integrated Assessment.

We are not asking for comments on other policies in the adopted Local Plan as these issues will be dealt with as part of the Full Update.

4 RESPONDING TO THIS CONSULTATION

- 4.1 Details of the consultation and an online response Form can be found at

<https://www.breckland.gov.uk/planning/partial-review>

Wherever possible, submissions should be completed online or emailed to us at: planning.policyteam@breckland.gov.uk.

Alternatively, responses can be returned to us by post using the address below:

Breckland Council: Local Plan: Partial Update

Regulation 19 Consultation

Planning Department

Breckland Council

Elizabeth House,

Walpole Loke,

Dereham, Norfolk,

NR19 1EE

Consultation will start on September 30 2022 and any representations should be submitted to the Council by **16:59pm on 11 November 2022**. Any submissions received after this date will not be accepted and consequently not considered. Copies of the consultation material can also be found in all Council libraries in Breckland and at the main Council offices in Dereham

5 WHAT HAPPENS NEXT?

- 5.1 All comments made in response to this consultation will be assessed. At this point the Council will decide whether to submit the partial update for examination or whether to make further changes. If the partial review is submitted to the Planning Inspectorate (PINs) for Examination, then PINs will appoint a Planning Inspector who will consider the partial review and determine whether it meets the test of 'soundness'. To be 'sound' a Local Plan must be:

5.1.1 Positively prepared;

5.1.2 Justified;

5.1.3 Effective; and

5.1.4 Consistent with national policy

- 5.2 The timetable and substance for discussion for an Examination will be determined by the Planning Inspector.
- 5.3 Only when the plan has been through these various stages and a Planning Inspector considers the plan to be 'sound' is the Council able to adopt the Partial Review to the Local Plan. Upon its adoption the revised Policy INF 03 will replace the existing Policy.
- 5.4 Once adopted this revised Local Plan together with the Minerals and Waste Local Plan prepared by Norfolk County Council and any Neighbourhood Plans which have been 'made' will be the Development Plan for Breckland. The Development Plan provides the basis for determining planning applications.