

# **Examination of the Breckland Local Plan Partial Review**

## **Inspector's Matters, Issues and Questions for Examination**

**By Janet Wilson BA BTP MRTPI DMS**

Inspector appointed by the Secretary of State

10 March 2023

## Introduction

Prior to the forthcoming Hearing sessions, responses are invited from participants on the following Matters, Issues and Questions ('MIQs') for Examination. The MIQs are based on the Main Issues identified by the Council and other relevant issues raised by representors.

Further information about the examination, hearings and format of written statements is provided in the accompanying Examination Guidance Note<sup>1</sup>, which should be read alongside the MIQs.

As set out in the Examination Guidance Note, the deadlines for providing hearing statements in response to these MIQs is

**31 March 2023**

**These should be sent electronically to the programme officer**

Document references refer to the Local Plan Examination Library which can be found on the Examination web site

<https://www.breckland.gov.uk/planning-policy/examination-library>

This note contains the main issues that I have identified in order to determine the soundness and legal compliance of the Breckland Local Plan Partial Review (hereafter referred to as the Plan). These will form the basis of the hearing sessions to be held. Furthermore, it poses both general and specific questions that I have in relation to the soundness of the Plan and which can be addressed in any hearing statements. General advice about statements is contained in my guidance note but there is no need for every question to be covered.

In setting them I have had regard to Section 3 of the National Planning Policy Framework which sets out in broad terms what Local Plans should do. The Council should also consider this in addressing the questions below.

Should, as a result of these questions, suggested changes be proposed to Policy INF03 or the accompanying text then these should be included in a schedule of suggested changes. This should be kept up-to-date and the latest version published prior to the examination hearings.

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<sup>1</sup> Examination Document ID-01

## **Matters Issues and Questions**

### **Legal requirements and procedural matters**

Issue 1: Have the relevant procedural and legal requirements been met, including the duty to co-operate (DTC)?

1. In respect of the Duty to Co-operate, have the Council engaged constructively, actively and on an ongoing basis in the preparation of the Breckland Local Plan Partial Review (BLPPR)?
  - What consultation on the BLPPR has been undertaken with neighbouring districts and the county council prior to its submission for examination?
  - What are the outcomes from the co-operation with neighbouring authorities?
  - Where can the DTC statement of compliance referred to in the July 2022 SCI be found in the documentation? (Para3.24)
2. What is the distribution area of the notice published on 9 August 2022 inviting representations between 11 August and 23 September? (Referred to on page 24 of the Reg 22 statement?)
3. Is the Sustainability Appraisal (SA) of the Partial Review as set out in the Capita Integrated Assessment comprehensive in the context of the revised INF03 Policy? Which reasonable alternatives did the Council consider and what other options were available?
4. What evidence is there that options have been consulted upon with bodies or persons required by Regulation 18 (1) (a) and on matters contained in Regulation 18 (1) (b).
5. Between which dates and to what extent was the July 2022 SCI subject to public consultation?
6. How has the BLPPR been prepared to comply with the adopted Statement of Community Involvement, and to meet the minimum consultation requirements set out in the Regulations?

7. Has consultation on the BLPPR been undertaken in accordance with the Local Development Scheme?
8. What are the consequences of the renaming of the August 2022 Regulation 19 consultation as a Regulation 18 consultation?
9. Is the BLPPR legally compliant given the approach taken in respect of Regulation 18 and Regulation 19?
10. Does the BLPPR make it clear, as required by Part 4, paragraph 8(5) of the Local Plan Regulations, which parts of the existing development plan it will supersede?

### **Policy INF03**

- Issue 2. What is the justification for pursuing the BLPPR by means of an alternative timetable rather than a review of the four key policy areas set out in INF03 as required by the Inspector?
11. How is the alternative wording to Policy INF03, justified, effective and consistent with national policy and guidance?
  12. The Local Development Scheme at paragraph 3.4 refers to a 'truncated process' and to a publication of the Council's intent to update Policy INF 03, which publication does this refer to? Please identify the document this refers to and the date of its publication. (If not already supplied in the submitted documents please supply the relevant publication)
  13. Where has the Council got to with the steps identified (as A to I) in Appendix 1 to the LDS (timetable) for both the full and partial update? Is there substantive evidence to demonstrate that the steps (due by the end of 2022) have been concluded and where is confirmation of those steps to be found?
  14. In the light of responses to the above timetabling issues are the dates indicated for the completion of a full review of the Breckland Local Plan (BLP) achievable?

15. Is there sufficient justification to revise the wording of INF03 to undertake an immediate full review of the BLP and to submit it by December 2024?
16. What are the reasons for the differences in the text as expressed in paragraph 8.22 and those contained in the revised Policy INF03?
17. Is the BLPPR effective? – What would be the consequences if the Council do not adhere to the submission of the full Local Plan Review by December 2024?
18. What is the justification for seeking to delete the text which refers to policies becoming out of date (should the December 2024 date not be met)?
19. What, if any, are the implications of the substantive changes to Policy INF03 for the rest of the Plan?

### **Topic areas**

The immediate review of INF03 was required in order to address four issues 1) Development requirements and housing need; 2) To identify the requirements for the non-travelling gypsy and traveller community in the district; an assessment of accessibility of the Homes standards (Technical Design Standards; and 4) the economic effect of the dualling of the A47 on the plans economic strategy.

20. What would be the consequences for the other policies referred to in Policy INF03 should the Councils rewording of INF03 be adopted?

### **Housing**

21. The purpose of the requirement for a partial review as contained in INF03 was, amongst other things, to address the issue of meeting housing need. As the partial review delays rather than addresses that requirement on what basis can it be considered to be an effective strategy based on the evidence?
22. Why was it not possible to identify additional sites through an immediate review of the housing requirement using the Standard

Method (SM) with additional sites identified to meet that need? If this was considered, for what reasons was it discounted?

23. To what extent has the BLPPR been positively prepared? The original intention of the policy was to expedite an immediate partial review to ensure that the Council would be able to maintain an appropriate supply of housing land, the alterations to the policy would effectively result in a four-year delay in reassessing the requirements of Policy HOU1 including the consideration of housing need and the subsequent strategy for meeting that need.
24. Is the Statement of 5 year housing land supply statement of August 2022<sup>2</sup> submitted with the Plan review robust? What is the rationale for retaining 612 dwellings per annum for the remainder of plan period to 2036?
25. What would the per annum figure be using the standard method for calculation? If different to the 612 figure why was that alternative not used for the most recent assessment?
26. Would a 'consequences clause' within INF03 be justified and effective?
27. What would the consequences be for the removal of a review of the four policies until the full review due by December 2024?

### **Gypsy and Traveller Provision**

28. What evidence is there that progress has been made on meeting the needs of the gypsy and traveller community within Breckland since the adoption of the plan in 2019?
29. What is the current level of need in the Council area? How has this changed since the adoption of the plan in 2019?
30. Is there any provision via sites permitted but pending construction (either private or council provision)?

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<sup>2</sup> LPRPUSD008

### **Technical Design Standards**

31. How does the change to accessible homes required by building regulations affect the Councils assessment of the technical design standards?

### **Economic Development and the effect of the A47 dualling**

32. What is the progress of the dualling of the A47?
33. Why was it not possible for the Council to consider the economic implications of the construction of the A47?
34. What progress has been made towards the delivery of the employment allocations identified in Policy EC 01?

### **General Questions**

35. Does the Plan Review represent an appropriate strategy in the circumstances?