



**PARTIAL UPDATE  
EXAMINATION OF THE  
DISTRICT LOCAL PLAN**

**PRE-HEARING STATEMENT IN RESPONSE TO  
INSPECTOR'S MATTERS, ISSUES AND QUESTIONS ON  
BEHALF OF BRECKLAND DISTRICT COUNCIL**

**Appendices**



The Planning Inspectorate

# **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

7 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

# **Appendix 1: Duty to Co-operate (updated March 2023)**

# Duty to Cooperate Statement in support of Breckland Local Plan 2011 - 2036 (Partial update)

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Breckland District Council

Updated March  
2023

## Introduction

- 1.1 The Duty to Co-operate (the Duty) was introduced by Section 110 of the Localism Act in November 2011. The Act inserted a new Section 33A into the Planning and Compulsory Purchase Act 2004. Local Planning Authorities have a legal duty to cooperate on strategic planning issues that cross administrative boundaries and must cooperate on the planning of sustainable development with other local planning authorities and prescribed bodies. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 defines the prescribed bodies. Specific guidance on how the duty should apply is provided in the National Planning Policy Framework (NPPF) (24-27).
- 1.2 This Statement sets out how Breckland District Council has fulfilled the obligations of the Duty to Cooperate legislation and the NPPF in producing the Breckland Local Plan (Partial Update).

## 2 Overview of Breckland

- 2.1 This extract is taken from the Local Plan Spatial Portrait and describes Breckland District. This sets the context for cross boundary working, providing the background for some of the strategic issues and opportunities for the District.
- 2.2 Spanning over 500 square miles Breckland is a geographically large rural District located in the heart of Norfolk. The District is characterised by a dispersed settlement pattern of market towns, villages and hamlets. There are five market towns, 18 local service centres, and numerous small villages and hamlets. Approximately half the current population live in one of the five market towns of Attleborough, Dereham, Swaffham, Thetford and Watton with the remaining population dispersed across the District. The area is represented through 112 town and parish councils, and the District Council.
- 2.3 Breckland is a diverse District for biodiversity, landscape and heritage. It takes its name from The Brecks, which is a nationally unique landscape and habitat of sandy heath, forest and arable farmland found in the west and south of the District. This habitat contains a number of nationally important bird species such as Stone Curlew, Woodlark and Nightjar and large swathes of The Brecks are protected by National and European designations. The District is one of the driest areas of the country and availability of water resources is an issue with the increasing pressure for development.
- 2.4 Given the rural nature and dispersed pattern of settlement, movement in the District is primarily by private car. Two trunk road routes run across the District and Breckland's strategic position is emphasised by good road links offered by the A47 and A11. The remaining area is largely served by A roads, secondary and minor roads where public transport is limited to bus services linking the larger villages to Market Towns and Norwich.

- 2.5 Generally, quality of life is good with official crime rates being low and generally decreasing. However there are pockets of health and disability related deprivation, notably in some of the Thetford wards. Additionally, the average age of Breckland residents is increasing and this raises issues for health and the level and distribution of appropriate service provision, as well as the economy and housing market.
- 2.6 Wages are relatively low in comparison with the national and regional averages. This reflects the low level of qualifications of people in the District and the low level of skills required by many of the available jobs. Although there is a high proportion of people living and working in the District, many higher qualified workers are travelling out of the District to access higher paid and higher skilled work. The regional centre of Norwich outside the District boundary exerts a sphere of influence over much of the District in terms of employment, higher order retail, transport and service provision, such as hospitals.

### **3 The Proposal**

3.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03. These changes in circumstance 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 a significant part of Breckland, including Dereham cannot proceed if it increases levels of nutrients.

- The implementation of the Environment Act (2021).

3.2 The Council is proposing to:

- Amend Policy INF 03 and some of the supporting text of the adopted Local Plan. This is referred to as the 'Partial Update', and
- Continue to work on a full update of the Local Plan to address the longerterm development needs of the district.

3.3 The 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. 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.**



## **4 Key relationships and bodies**

4.1 Breckland District Council has formed a number of key relationships with other organisations and bodies in developing the Local Plan. This section sets out the main bodies involved in delivering the strategic priorities for the area:

### **County and District Authorities**

4.2 Norfolk County Council is the tier of local government above Breckland District Council and neighbours Suffolk County, Cambridgeshire County and Lincolnshire County Council. Norfolk County Council is responsible for the following functions with regard to all local authorities in Norfolk: education, transport, fire and rescue, social services, public health, green infrastructure, waste, minerals and are also the Local Lead Flood Authority.

4.3 Breckland District lies in the centre of Norfolk and adjoins the boundaries for 4 Norfolk Local Authorities and 3 Suffolk Local Authorities:

- Norfolk: Breckland District Council borders North Norfolk District Council, Borough Council of King's Lynn and West Norfolk, South Norfolk District Council, Broadland District Council;
- Suffolk: Breckland District Council borders West Suffolk which functions as a joint authority comprising St. Edmundsbury Borough Council and Forest Heath District Council. The District also shares a narrow border with Mid-Suffolk.

4.4 There are two further local authorities within Norfolk:

- Great Yarmouth Borough Council, and;
- Norwich City Council

4.5 Additionally the Broads Authority has a statutory responsibility for the Broads, equivalent to National Park status.

4.6 The local authorities surrounding the City of Norwich (Broadland District Council, Norwich City Council and South Norfolk Council) have formed a partnership for the purposes of planning for growth. The authorities have formed and collectively work as the Greater Norwich Growth Partnership responsible for the production of joint Local Plan documents covering the Greater Norwich area.

### **Norfolk Strategic Framework (NSF)**

4.7 All the local authorities in Norfolk have established a Strategic Norfolk Planning Member Forum made up of elected members from each of the Norfolk Local Authorities which have worked cooperatively since forming in 2015. The Forum oversees the preparation of a Norfolk Strategic Framework (NSF) which will consider and seek agreement in relation to the strategically important cross boundary issues affecting the delivery of growth in Norfolk. This Framework is intended to inform the preparation of statutory development plans. The NSF

Member Forum meets quarterly. Updates on local plans is a standing item for each meeting where there is an opportunity to update on progress and for a discussion.

- 4.8 Norfolk County Council additionally hosts meetings with Senior Officers of Local Authority planning policy teams and representatives of departments at the County Council biannually to discuss Local Plan progression and share information. These meetings also provide the opportunity to further discuss any issues raised during the Local Plan consultation, and to discuss potential changes to emerging draft documents.

#### **Duty to Cooperate bodies**

- 4.9 Of the list of prescribed Duty to Cooperate bodies, those predominantly involved in Breckland developing the Local Plan and delivering the strategic priorities for the area include:

- Historic England;
- The Environment Agency;
- Natural England;
- Health Providers
- Norfolk County Council Highway Authority.

- 4.10 The remaining Duty to Cooperate bodies of the prescribed list have also been consulted at each stage of the plan process.

#### **Additional organisations**

- 4.11 In addition to the prescribed Duty to Cooperate bodies, the Council has also worked cooperatively with the following organisations in developing the Local Plan and delivering the strategic priorities for the area:

- New Anglia Local Economic Partnership;
- RSPB;
- Anglian Water;
- Norfolk Wildlife Trust.

#### **Local Plan consultations**

- 4.12 The Breckland Local Plan (Partial Update) has been subject to two public consultations as set out in the Consultation Statement. The District Council have consulted all the prescribed bodies under the Duty to Cooperate as part of these consultations. This provides the principal opportunity for the organisations to make a formal comment on the content and policy direction of the Local Plan at set stages in its production. This also provides one of the key opportunities for elected member's engagement as formal comments from neighbouring Local Authorities are subject to member approval.

## **Local Plan Elected Member engagement**

- 4.13 The Breckland Local Plan has been steered by elected members through the Local Plan Working Group. A small panel of elected members including the Planning Portfolio Holder meet periodically to oversee and to steer production of the Local Plan and to make recommendations to Cabinet. This forum provides the opportunity to engage members and to inform parish and town councils and the public on recommended solutions to address identified strategic issues. Full Member briefings are also held to update and discuss progress with all District Council Members.

## **5 Strategic Planning Issues**

- 5.1 The Council does not consider that the Local Plan (Partial Update) raises any strategic cross boundary issues. None have been raised by prescribed bodies during the consultation events. In addition the Council held meetings with authorities on request (Minutes in Annex 1) and has agreed a Statement of Common Ground with neighbouring District Councils as well as the Norwich City and the County Council that confirms this position. These are in Annex 1.
- 5.2 The Council will continue to engage with all of the agencies and organisations as part of the Full Update of the Local Plan.

## Annex 1

### **Minutes of the Duty to Cooperate Meeting – Breckland District Council Statement of Common Ground Document**

**Date of Meeting:** Thursday 20<sup>th</sup> October, 2022

**Time of Meeting:** 10.00am

#### **Attendees:**

Andrew D’Arcy (AD) Planning Policy Manager Breckland District Council

Jan Guy Planning (JG) Policy Officer Breckland District Council (minutes)

Michael Burton (MB) Principle Planner **Borough Council of King’s Lynn and West Norfolk**

Joy Brown (JB) Senior Planner **Norwich City Council**

#### **Minutes**

AD explained the purpose of the meeting.

MB: The document (Statement of Common Ground (SCG)) is quite generic.

Identified key cross border issues with Kings Lynn and West Norfolk as follows:

- Travel to work patterns
- The Brecks
- Localised detailed cross-boundary issues e.g., RAF Marham (employment centre)
- A47 – we are aware of planned improvements
- Localised functional relationships; e.g. Castle Acre/ South Acre; Narborough/ Pentney
- Pentney – Neighbourhood Plan being produced).

JB: The SCG is unclear with regard to it’s meaning, and the Partial Review needs to be further explained.

AD: Gave an explanation of what the SCG is seeking. Gave historic overview of events / issues since the adoption of the Local Plan in December 2019 in respect of the Need for an immediate Partial Update to the Plan as set out in Policy INF 03 (to be submitted by November 2022). –

#### **Main Issues:**

- Housing numbers
- Gypsy & Traveller allocations
- A47 improvements at Dereham
- Internal space standards

Explanation given of what Breckland Council has chosen to do, i.e., not to commit to partial review as set out in Policy INF 03, with a deadline to submit in November

2022. The approach set out by the Policy is considered unreasonable and unrealistic in light of the changes to the national planning system (Covid-19, housing numbers, planning reform, nutrient neutrality etc).

Breckland considers that there are no cross-boundary issues regarding the changing of the wording and date in Policy INF 03, removing the “cliff edge” deadline submission. There has been a recent precedent set, with North West Leicestershire.

Breckland is committed to duty to co-operate and discussions with relevant local planning authorities as part of the Full Update of the Local Plan where cross-boundary issues will be addressed.

MB: Nutrient Neutrality (NN) is an issue for many of the main settlements; e.g. Dereham, Wymondham.

AD: By the time we come to do the Full Update of the Local Plan NN will have moved forward with mitigation that would be needed to address any proposed significant growth in those areas including Swanton Morley and Dereham.

MB: SCG makes sense now.

JB: Can the SCG be amended to have extra paragraphs to explain the changing of the date (re Policy INF 03 from November 2022 to Spring 2023) as to what is actually being proposed.

AD: The SCG will be amended to accommodate this i.e., to explain further what the proposal is.

MB: The SCG needs to include the major headlines / issues – matters to be addressed.

AD: It will be made clearer.

JB: Has the SCG document been sent to any other bodies other than local authorities?

AD: No, but it is ok to be forwarded to relevant bodies. We will send out the revised draft SCG for further consideration, incorporating what has been suggested in this meeting.

MB: These matters are discussed at the Strategic Group. This meeting has been very useful.

# Minutes of the Duty to Cooperate Meeting – Breckland District Council Statement of Common Ground Document

**Date of Meeting:** Monday 24<sup>th</sup> October 2022

**Time of Meeting:** 3.30pm

## Attendees:

Andrew D’Arcy (AD) Planning Policy Manager Breckland District Council

Jan Guy Planning (JG) Policy Officer Breckland District Council (minutes)

Iain Withington (IW) Planning Policy Team Leader North Norfolk Council

Mark Ashwell (MA) North Norfolk Council

## Minutes

**AD** explained the purpose of the meeting and what the SCG is seeking. The SCG is being redrafted to simplify. **AD** gave an historic overview as to what happened at the Local Plan Examination, and an explanation of Policy INF 03 and it’s wording with regard to ‘an immediate review / partial update of the LP’ after adoption by November 2022 or policies will be considered out of date. The issues being:

- Standard Method – housing numbers
- G &T allocations
- NPPF revisions
- A47 proposed improvements at Dereham
- Internal space standards
- Evidence base

November 2022 is an unrealistic date, with regard to these issues.

Explanation given of what Breckland Council has chosen to do, i.e., not to commit to partial review as set out in Policy INF 03, with a deadline to submit in November 2022. The approach set out by the Policy is considered unreasonable and unrealistic in light of the changes to the national planning system (Covid-19, housing numbers, planning reform, nutrient neutrality (by the time Breckland commence the Full Update it is hoped that NN will have moved forward with mitigation that would need to be addressed in light of any proposed significant growth). Advice has been sought, and we need to take statutory steps to change.

A Full Review will entail – and the policy wording of INF 03 will change from November 2022 to September 2024.

Breckland considers that here are no cross-boundary issues regarding the changing of the wording and date in Policy INF 03, removing the “cliff edge” deadline submission. There has been a recent precedent set, with North West Leicestershire.

Breckland is committed to duty to co-operate and discussions with relevant local planning authorities as part of the Full Update of the Local Plan where cross-boundary issues will be addressed.

**MA / IW:** Breckland need to establish if there are any cross-boundary issues / concerns with North Norfolk Council – we consider there to be none at this stage.

**MA:** The Duty to Cooperate is already held within the Norfolk Strategic Framework – could the SCG / partial review be appended to the NSF document.

**AD:** This has not been raised / suggested by other LAs whom we have had a meeting with to date.

**MA:** The Norfolk Strategic Framework should have a live addendum to facilitate this.

**IW:** we have no issues if the SCG is to be redrafted to make it clearer.

**AD:** We will distribute the redrafted SCG.

## **Statements of Common Ground**

Breckland Local Plan (Single Policy) Partial Review

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**



## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
- 2.2 The SOCG has been prepared by Breckland District Council and circulated to the following authorities for agreement:
  - Breckland District Council
  - Broadland District Council
  - Great Yarmouth District Council
  - South Norfolk District Council
  - Norwich City Council
  - Kings Lynn and West Norfolk Borough Council
  - North Norfolk District Council
  - Broads Authority
  - Norfolk County Council
  - West Suffolk District Council
  - Mid Suffolk District Council

## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036.
- 3.2 Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. **The Policy required the Council to submit this Review for examination by November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be**

out-of-date.

## **4 WHAT HAS HAPPENED SO FAR?**

4.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03<sup>2</sup>. These changes in circumstance 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 a significant part of Breckland, including Dereham cannot proceed if it increases levels of nutrients.
- The implementation of the Environment Act (2021).

## **5 WHAT ARE WE NOW PROPOSING?**

5.1 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', and
- 2) Continue to work on a full update of the Local Plan to address the longer-term development needs of the district.

5.2 The 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.

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<sup>2</sup> [https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report\\_of\\_the\\_Inspector\\_2019.pdf?m=637520995843570000](https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report_of_the_Inspector_2019.pdf?m=637520995843570000)

- 5.3 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.**

## **6 WHAT ARE THE GOVERNANCE ARRANGEMENTS FOR THE COOPERATION PROCESS?**

- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>3</sup>.
- 6.2 The authorities listed above, along with Natural England, Environment Agency, Anglian Water, and New Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on its planning policy and Local Plan work. Work is led by the Member Forum (MF).
- 6.3 The MF oversees the work of the NSPG and comprises of an elected Member from each of the authorities. Both the MF and Officer Support Group are made up of key planning policy officers from each planning authority in Norfolk as well as other key statutory agencies, responsible for overseeing policy development for strategic planning purposes. Both the MF and NSPG are governed by formal terms of reference.
- 6.4 The MF meets on a regular frequency (every 3 months), and its role is advisory. The NSPG meet on a monthly basis and is itself supported by further officer groups – a Steering Group and Technical Sub Groups. Any proposals or recommendations of the MF are not binding on the constituent member authorities. However, where there are matters pertaining to key strategic planning, for example, the preparation of a joint Plan or implications at a County wide level of future development, then any agreement at the MF is subject to ratification at individual authority level.
- 6.5 In July 2022 the NSPG agreed to narrow the remit of the Group, and that for the foreseeable future no further joint evidence base documents would be commissioned (apart from those related to ongoing workstreams relating to Green Infrastructure and Nutrient Neutrality). This further suggests that it is for Breckland to decide when and if to consider issues such as development including housing, economic development and Gypsy, Travellers and Travelling Showpeople, and that there are no strategic issues that the authorities consider need addressing jointly at this time.

## **7 HOW HAVE THE AUTHORITIES BEEN ENGAGED IN THE LOCAL PLAN AND PARTIAL REVIEW?**

- 7.1 The MF has been kept informed of progress on the Partial Review of the Local Plan through the Local Plan update item on the agenda at each meeting. The latest meeting was on 18 July 2022, where the ‘Summary of Adopted and

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<sup>3</sup> Norfolk Strategic Planning Framework, 2020

Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS RELATED TO THE PARTIAL UPDATE WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure. All the local planning authorities are able to accommodate all identified growth needs within their respective administrative areas and no discussions have taken place for any development needs to be accommodated by a neighbouring authority<sup>4</sup>. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.2 There are no strategic implications in of the proposed A47 dualling between North Tuddenham and Easton with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03. This includes any impact on economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham, regarding Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.3 There are no strategic implications on the development needs of Gypsy and Travellers and Travelling Showpeople, with regard to Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.4 There are no strategic implications on the issue of accessibility standards for new dwellings within Breckland District. Issues pertaining to thresholds for the provision of accessible and adaptable dwellings as well as for wheelchair user dwellings is an issue that Breckland can consider in isolation as part of the Full Update of the Local Plan. In July 2022 the Government launched a consultation on various options to raise the accessibility of new homes and in particular how the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations) and the wheelchair user standard (known as M4(3)) are currently used as optional technical standards.
- 8.5 The authorities agree that they are committed to joint working on long term strategic planning to support growth across Norfolk, within its boundaries including:
- Housing
  - Economy
  - Infrastructure (inclusive of transport, health, and education), and

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<sup>4</sup> the Broads Authority have a Duty to Cooperate agreement with GYBC regarding some of their housing need, but this is not deemed to affect Breckland DC.

- Environment (inclusive of natural environment, flood risk and water resources, open spaces, and heritage).
- 8.6 This statement is provided without prejudice to other matters of detail that the parties may wish to raise during the subsequent Examination of the Breckland Local Plan Partial Review. No key matters have been identified upon which the authorities do not agree in the context of the Partial Review.
- 8.7 This SOCG only relates to the Partial Review. There will be a separate SOCG in respect of the Full Update of the Plan.

**9 HOW WILL THIS STATEMENT BE MONITORED AND KEPT UP TO DATE?**

- 9.1 In the event that there are changes in circumstances from those outlined in this SOCG, then these will be brought to the attention of the NSPG and any amendments will be agreed accordingly.
- 9.2 Breckland Council is committed to engaging positively with its neighbours to address strategic planning matters through the Duty to Cooperate requirement and to ensure that there is co-operation on strategic matters that cross administrative boundaries. Breckland is a member of the Norfolk Strategic Planning Group, a key role of which is to identify and manage the spatial planning issues that impact on more than one local planning authority area and support better integration and alignment of strategic spatial and investment priorities.

Signed



**Authority**      **Mid Suffolk District Council**

**Date**            **19<sup>th</sup> December 2022**

**Breckland Local Plan (Single Policy) Partial Review**

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
- 2.2 The SOCG has been prepared by Breckland District Council and circulated to the following authorities for agreement:
  - Breckland District Council
  - Broadland District Council
  - Great Yarmouth District Council
  - South Norfolk District Council
  - Norwich City Council
  - Kings Lynn and West Norfolk Borough Council
  - North Norfolk District Council
  - Broads Authority
  - Norfolk County Council
  - West Suffolk District Council
  - Mid Suffolk District Council

## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036.
- 3.2 Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. **The Policy required the Council to submit this Review for examination by November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be**



out-of-date.

## **4 WHAT HAS HAPPENED SO FAR?**

4.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03<sup>5</sup>. These changes in circumstance 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 a significant part of Breckland, including Dereham cannot proceed if it increases levels of nutrients.
- The implementation of the Environment Act (2021).

## **5 WHAT ARE WE NOW PROPOSING?**

5.1 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', and
- 2) Continue to work on a full update of the Local Plan to address the longer-term development needs of the district.

5.2 The 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.

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<sup>5</sup> [https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report\\_of\\_the\\_Inspector\\_2019.pdf?m=637520995843570000](https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report_of_the_Inspector_2019.pdf?m=637520995843570000)

- 5.3 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.

## **6 WHAT ARE THE GOVERNANCE ARRANGEMENTS FOR THE COOPERATION PROCESS?**

- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>6</sup>.
- 6.2 The authorities listed above, along with Natural England, Environment Agency, Anglian Water, and new Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on its planning policy and Local Plan work. Work is led by the Member Forum (MF).
- 6.3 The MF oversees the work of the NSPG and comprises of a elected Member from each of the authorities. Both the MF and Officer Support Group are made up of key planning policy officers from each planning authority in Norfolk as well as other key statutory agencies, responsible for overseeing policy development for strategic planning purposes. Both the MF and NSPG are governed by formal terms of reference.
- 6.4 The MF meets on a regular frequency (every 3 months), and its role is advisory. The NSPG meet on a monthly basis and is itself supported by further officer groups – a Steering Group and Technical Sub Groups. Any proposals or recommendations of the MF are not binding on the constituent member authorities. However, where there are matters pertaining to key strategic planning, for example, the preparation of a joint Plan or implications at a County wide level of future development, then any agreement at the MF is subject to ratification at individual authority level.
- 6.5 In July 2022 the NSPG agreed to narrow the remit of the Group, and that for the foreseeable future no further joint evidence base documents would be commissioned (apart from those related to ongoing workstreams relating to Green Infrastructure and Nutrient Neutrality). This further suggests that it is for Breckland to decide when and if to consider issues such as development including housing, economic development and Gypsy, Travellers and Travelling Showpeople, and that there are no strategic issues that the authorities consider need addressing jointly at this time.

## **7 HOW HAVE THE AUTHORITIES BEEN ENGAGED IN THE LOCAL PLAN AND PARTIAL REVIEW?**

- 7.1 The MF has been kept informed of progress on the Partial Review of the Local Plan through the Local Plan update item on the agenda at each meeting. The latest meeting was on 18 July 2022, where the ‘Summary of Adopted and

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<sup>6</sup> Norfolk Strategic Planning Framework, 2020

Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS RELATED TO THE PARTIAL UPDATE WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure. All the local planning authorities are able to accommodate all identified growth needs within their respective administrative areas and no discussions have taken place for any development needs to be accommodated by a neighbouring authority<sup>7</sup>. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.2 There are no strategic implications in of the proposed A47 dualling between North Tuddenham and Easton with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03. This includes any impact on economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham, regarding Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.3 There are no strategic implications on the development needs of Gypsy and Travellers and Travelling Showpeople, with regard to Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.4 There are no strategic implications on the issue of accessibility standards for new dwellings within Breckland District. Issues pertaining to thresholds for the provision of accessible and adaptable dwellings as well as for wheelchair user dwellings is an issue that Breckland can consider in isolation as part of the Full Update of the Local Plan. In July 2022 the Government launched a consultation on various options to raise the accessibility of new homes and in particular how the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations) and the wheelchair user standard (known as M4(3)) are currently used as optional technical standards.
- 8.5 The authorities agree that they are committed to joint working on long term strategic planning to support growth across Norfolk, within its boundaries including:
- Housing
  - Economy
  - Infrastructure (inclusive of transport, health, and education), and

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<sup>7</sup> the Broads Authority have a Duty to Cooperate agreement with GYBC regarding some of their housing need, but this is not deemed to affect Breckland DC

- Environment (inclusive of natural environment, flood risk and water resources, open spaces, and heritage).
- 8.6 This statement is provided without prejudice to other matters of detail that the parties may wish to raise during the subsequent Examination of the Breckland Local Plan Partial Review. No key matters have been identified upon which the authorities do not agree in the context of the Partial Review.
- 8.7 This SOCG only relates to the Partial Review. There will be a separate SOCG in respect of the Full Update of the Plan.

## **9 HOW WILL THIS STATEMENT BE MONITORED AND KEPT UP TO DATE?**

- 9.1 In the event that there are changes in circumstances from those outlined in this SOCG, then these will be brought to the attention of the NSPG and any amendments will be agreed accordingly.
- 9.2 Breckland Council is committed to engaging positively with its neighbours to address strategic planning matters through the Duty to Cooperate requirement and to ensure that there is co-operation on strategic matters that cross administrative boundaries. Breckland is a member of the Norfolk Strategic Planning Group, a key role of which is to identify and manage the spatial planning issues that impact on more than one local planning authority area and support better integration and alignment of strategic spatial and investment priorities.

Signed



Marie-Pierre Tighe, Director of Strategic Services

Authority Broads Authority

**Date 31 October 2022**

**Breckland Local Plan (Single Policy) Partial Review**

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**August 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to the sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
- 2.2 The SOCG has been prepared by Breckland District Council and agreed jointly by the following authorities:
  - Breckland District Council
  - Broadland District Council
  - Great Yarmouth District Council
  - South Norfolk District Council
  - Norwich City Council
  - Kings Lynn and West Norfolk Borough Council
  - North Norfolk District Council
  - Broads Authority
  - Norfolk County Council

## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036. Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. The Policy required the Council to submit this Review for examination by November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be out-of-date.

## **4 WHY WAS AN IMMEDIATE REVIEW REQUIRED?**

- 4.1 The reasons why an immediate review was required are set out in the

Inspector's Report<sup>8</sup> and for clarity are summarised below:

### *The Housing Requirement*

- 4.2 Following the closure of the hearing sessions into the examination, the Government published the 2016 household projections. The Council confirmed that the 2016 household projections resulted in an increase in the number of expected households in Breckland than that anticipated in the 2014 household projections and consequently the demographic starting point has changed. Whilst the Inspector acknowledged that the Government had expressed concerns with regard to the 2016 household projections, he considered that as this concern was because, at a national level, the 2016 household projections resulted in lower projections compared with the 2014 household projections for many areas of the country, he noted that this was not the case for Breckland (770 dwellings p/a under the 2016 base and 682 dwellings p/a under the 2014 base). The Inspector noted that the Plan was being examined in the context of the transitional arrangement (using an Objectively Assessed Need (OAN) of 612 dwellings p/a) under the National Planning Policy Framework (NPPF) 2012. Furthermore, he acknowledged that there would be a significant level of work required to produce a new Strategic Housing Market Assessment based on the 2016 household projections and concluded that the most appropriate and pragmatic course of action would be to allow the Plan to be adopted without undue delay and to require an immediate review of the Plan to review the housing requirement.

### *Non-travelling Gypsy and Travellers*

- 4.3 The Inspector noted that the Gypsy and Traveller Needs Assessment sets out a requirement for 43 additional pitches for households who do not meet the PPTS definition. Furthermore, he considered that under the requirements of the Housing and Planning Act 2016 and the Public Sector Equality Duty the Council should be seeking to positively meet this need and not rely on the criteria-based Policy HOU 08 within the Local Plan. He concluded that identifying sufficient additional pitches to meet future needs would not be a quick or straightforward process and therefore to allow the rest of the Plan to be adopted without significant delay an immediate review of the Plan would be the most appropriate and pragmatic approach.

### *Accessibility of Homes Standards*

- 4.4 The Inspector noted that Policy HOU 10 of the Local Plan included thresholds for the provision of accessible and adaptable dwellings as well as for wheelchair user dwellings. However, he considered that such requirements were not considered in the supporting viability assessment and that the Council had not provided any robust evidence to justify why it has selected such thresholds. Therefore, these were removed from the Policy. The Inspector noted that whilst

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<sup>8</sup> [https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report\\_of\\_the\\_Inspector\\_2019.pdf?m=637520995843570000](https://www.breckland.gov.uk/media/14546/Report-of-the-Inspector-2019/pdf/Report_of_the_Inspector_2019.pdf?m=637520995843570000)



these were optional standards the evidence suggested that an immediate review of the Plan was needed in this regard.

### *Economic Development*

- 4.5 During the Examination Hearings the Council accepted that the employment studies had not taken into account the fact that there is now an intention to finish dualling the A47 between Dereham and Easton by 2020 and the effect that this could have on the economic strategy of the Council. The Inspector considered that this could be a factor that could significantly affect the economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham for example, in the near future. On this basis, this aspect of the Plan was also agreed to form part of the immediate review.

## **5 WHAT HAS HAPPENED SO FAR?**

- 5.1 Following the adoption of the Plan in November 2019 a range of options that were available in respect of the Review of the Plan were considered by the Council's Cabinet in June 2020 (LPPR/04)<sup>9</sup>. The Cabinet explored the options of whether a full review would be preferable or whether it would be practical or reasonable to prepare a Partial Review alone, or as a sub-set of a full review and agreed that on balance, and in light of the critical risks and issues set out in the Report, to undertake a full review of the Local Plan. The Council also approved a Local Development Scheme setting out the timetable for the full Review<sup>10</sup>.
- 5.2 There are a number of changes which have occurred since the Local Plan was adopted and since the Council committed to undertake a full review of the Plan in June 2020 which had potential implications for the review of Policy INF 03 and its timetable. These are as follows:
- Significant changes in circumstances since the Local Plan was adopted, including the new approach to identifying housing requirements coupled with uncertainty regarding nationally produced household projections and a decision not to progress the joint review of the Strategic Housing Market Area Assessment (SHMAA) .
  - Significant changes to the 2021 NPPF<sup>11</sup> including the need for a minimum 15-year time horizon for strategic policies and at least 30 years for larger scale developments such as new settlements or significant extensions to existing villages and towns.
  - The A47 improvements near Dereham are yet to be commenced and have been delayed since they were considered by the Local Plan

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<sup>9</sup> <https://democracy.breckland.gov.uk/ieListDocuments.aspx?CIId=116&MIId=4613> (item 35/20)

<sup>10</sup> <https://democracy.breckland.gov.uk/ieListDocuments.aspx?CIId=116&MIId=4613> (item 35/20)

<sup>11</sup> NPPF, 2021

Inspector in 2018.

- The definition of Gypsy 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.

- 5.3 There are a number of other considerations that have emerged since the Council resolved to undertake a Full Review of the Plan in June 2020 including the need for a clearer understanding of the planning and viability implications of Covid 19, First Homes<sup>12</sup>, 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<sup>13</sup> to Parliament on 11 May 2022<sup>14</sup> and the Environment Bill including a clearer understanding of the implications of nutrient neutrality for allocations in local plans.
- 5.4 The Local Plan requirement is found in Policy HOU1 of the adopted Local Plan. This is 15,298 dwellings over the plan period or 612 dwellings per annum. The Plan also identifies (table page 39) a source of supply of 16,630, an 8.7% buffer (1,332 dwellings) over the requirement. It is therefore relevant to consider whether it is likely that the 8.7% buffer will be adequate to meet 643 dpa for the remaining years of the plan to March 2036 (15 years from 2021). 643 is 33 more than 612. Over 15 years that would represent a reduction in the buffer of 495 dwellings. In effect the buffer will reduce from 1,332 to 837 dwellings. It is therefore accepted that this increase in the housing requirement to 643 dwellings per annum does not raise any strategic issues that need to be considered as part of a Partial Review and that they can be considered as part of the Full Update of the Plan. It is also important to note that to date each authority has accommodated its own development needs either as individual local authorities or as part of a joint local plan. Breckland has neither been asked to accommodate any of a neighbouring local authorities' growth nor has it asked a neighbouring local authority to accommodate any of its own development requirement.
- 5.5 Due to the above, Breckland Council considers that submission by November 2022 is no longer feasible and is now proposing that the Partial Review will be limited to a review of Policy INF 03 only, but that a Full update of the Local Plan will also be undertaken to address not only the issues outlined above, but also to address other matters arising from changes in national policies. The Full Update will cover a longer period than the adopted Local Plan, going to 2046.

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<sup>12</sup> NPPG First Homes, 2021

<sup>13</sup> <https://bills.parliament.uk/bills/3155>

<sup>14</sup> Planning For The Future, White Paper August 2021

- 5.6 This SOCG only relates to the Partial Review. There will be a separate SOCG in respect of the Full Update of the Plan.

## **6 WHAT ARE THE GOVERNANCE ARRANGEMENTS FOR THE COOPERATION PROCESS?**

- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>15</sup>
- 6.2 The authorities listed above, along with Natural England, Environment Agency, Anglian water, and new Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on its planning policy and Local Plan work. PWork is led by the Norfolk Strategic Planning Member Forum (NSPF).
- 6.3 The NSPF oversees the work of the NSPG and comprises of a councillor from each of the authorities. Both the Member Forum and Officer Support Group are made up of key planning policy officers from each planning authority in Norfolk as well as other key statutory agencies, responsible for overseeing policy development for strategic planning purposes. Both the NSPF and NSPG are governed by formal terms of reference.
- 6.4 The NSPF meets on a regular frequency (every 3 months), and its role is advisory. The NSPG meet on a monthly basis and is itself supported by further officer groups – a Steering Group and Technical Sub Groups. Any proposals or recommendations of the NSPF are not binding on the constituent member authorities. However, where there are matters pertaining to key strategic planning, for example, the preparation of a joint Plan or implications at a County wide level of future development, then any agreement at NSPF is subject to ratification at individual authority level.
- 6.5 In July 2022 the NSPG agreed to narrow the remit of the Group and that no further joint evidence base documents would be commissioned (apart from those related to ongoing workstreams relating to Green Infrastructure and Nutrient Neutrality). This further suggests that it is for Breckland to decide when and if to consider issues such as development including housing, economic development and Gypsy, Travellers and Travelling Showpeople and that there are no strategic issues that the authorities consider need addressing jointly at this time.

## **7 HOW HAVE THE AUTHORITIES BEEN ENGAGED IN THE LOCAL PLAN AND PARTIAL REVIEW?**

- 7.1 The NSPF has been kept informed of progress on the Partial Review of the Local

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<sup>15</sup> Norfolk Strategic Planning Framework, 2020

Plan through the Local Plan update item on the agenda at each meeting. The latest meeting was on 18 July 2022 where the Summary of Adopted and Emerging Local Plans, advised of the Partial review of the Local Plan and Full Update including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that they are committed to joint working on long term strategic planning to support growth across Norfolk, within its boundaries including:
- Housing
  - Economy
  - Infrastructure (inclusive of transport, health, and education)
  - Environment (inclusive of natural environment, flood risk and water resources, open spaces, and heritage)
- 8.2 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure.
- 8.3 There are no strategic implications the implications of the proposed A47 dualling between North Tuddenham and Easton, and in particular any impact on economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham, with regard to Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.4 There are no strategic implications on the development needs of Gypsy and Travellers and Travelling Showpeople, with regard to Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.5 There are no strategic implications on the issue of accessibility standards for new dwellings within Breckland District. Issues pertaining to thresholds for the provision of accessible and adaptable dwellings as well as for wheelchair user dwellings is an issue that Breckland can consider in isolation as part of the Full Update of the Local Plan.
- 8.6 This statement is provided without prejudice to other matters of detail that the parties may wish to raise during the subsequent Examination of the Breckland

Local Plan Partial Review. No key matters have been identified upon which the authorities do not agree in the context of the Partial Review.

**9 HOW WILL THIS STATEMENT BE MONITORED AND KEPT UP TO DATE?**

- 9.1 In the event that there are changes in circumstances from those outlined in this SOCG, then these will be brought to the attention of the NSPG and any amendments will be agreed accordingly.
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Signed

**Authority**      **Mid Suffolk District Council**

**Date**            **23<sup>rd</sup> September 2022**

**Dear Jan,**

**Thank you for consulting Norfolk County Council on the above SoGC. I can confirm that Norfolk County Council are happy to sign-up to the SoGC subject to the amendments in the attached document (tracked change by Richard Doleman).**

**If you have an queries, please feel free to get back to me.**

**Kind regards,**

**Joe**

**Joe Wyatt, Strategic Planning Apprentice  
Community and Environmental Services  
County Hall, Martineau Lane, Norwich, NR1 2DH**

**Breckland Local Plan (Single Policy) Partial Review**

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

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**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
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## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036.
- 3.2 Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. **The Policy required the Council to submit this Review for examination by November**



2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be out-of-date.

#### **4 WHAT HAS HAPPENED SO FAR?**

4.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03. These changes in circumstance 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).
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- 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 a significant part of Breckland, including Dereham cannot proceed if it increases levels of nutrients.
- The implementation of the Environment Act (2021).

#### **5 WHAT ARE WE NOW PROPOSING?**

5.1 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', and
- 2) Continue to work on a full update of the Local Plan to address the longer-term development needs of the district.

- 5.2 The 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.
- 5.3 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 A17 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.



## **6 WHAT ARE THE GOVERNANCE ARRANGEMENTS FOR THE COOPERATION PROCESS?**

- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>16</sup>.
- 6.2 The authorities listed above, along with Natural England, Environment Agency, Anglian Water, and new Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on its planning policy and Local Plan work. Work is led by the Member Forum (MF).
- 6.3 The MF oversees the work of the NSPG and comprises of a elected Member from each of the authorities. Both the MF and Officer Support Group are made up of key planning policy officers from each planning authority in Norfolk as well as other key statutory agencies, responsible for overseeing policy development for strategic planning purposes. Both the MF and NSPG are governed by formal terms of reference.
- 6.4 The MF meets on a regular frequency (every 3 months), and its role is advisory. The NSPG meet on a monthly basis and is itself supported by further officer groups – a Steering Group and Technical Sub Groups. Any proposals or recommendations of the MF are not binding on the constituent member authorities. However, where there are matters pertaining to key strategic planning, for example, the preparation of a joint Plan or implications at a County wide level of future development, then any agreement at the MF is subject to ratification at individual authority level.
- 6.5 In July 2022 the NSPG agreed to narrow the remit of the Group, and that for the foreseeable future no further joint evidence base documents would be commissioned (apart from those related to ongoing workstreams relating to Green Infrastructure and Nutrient Neutrality). This further suggests that it is for Breckland to decide when and if to consider issues such as development including housing, economic development and Gypsy, Travellers and Travelling Showpeople, and that there are no strategic issues that the authorities consider need addressing jointly at this time.

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<sup>16</sup> Norfolk Strategic Planning Framework, 2020

## **7 HOW HAVE THE AUTHORITIES BEEN ENGAGED IN THE LOCAL PLAN AND PARTIAL REVIEW?**

- 7.1 The MF has been kept informed of progress on the Partial Review of the Local Plan through the Local Plan update item on the agenda at each meeting. The latest meeting was on 18 July 2022, where the 'Summary of Adopted and Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS RELATED TO THE PARTIAL UPDATE WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure. All the local planning authorities are able to accommodate all identified growth needs within their respective administrative areas and no discussions have taken place for any development needs to be accommodated by a neighbouring authority<sup>17</sup>. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.2 There are no strategic implications in of the proposed A47 dualling between North Tuddenham and Easton with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03. This includes any impact on economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham, regarding Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.3 There are no strategic implications on the development needs of Gypsy and Travellers and Travelling Showpeople, with regard to Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.4 There are no strategic implications on the issue of accessibility standards for new dwellings within Breckland District. Issues pertaining to thresholds for the provision of accessible and adaptable dwellings as well as for wheelchair user dwellings is an issue that Breckland can consider in isolation as part of the Full Update of the Local Plan. In July 2022 the Government launched a consultation on various options to raise the accessibility of new homes and in particular how the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations) and the wheelchair user standard (known as M4(3)) are currently used as optional technical standards.

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<sup>17</sup> the Broads Authority have a Duty to Cooperate agreement with GYBC regarding some of their housing need, but this is not deemed to affect Breckland DC.

8.5 The authorities agree that they are committed to joint working on long term strategic planning to support growth across Norfolk, within its boundaries including:

- Housing
- Economy
- Infrastructure (inclusive of transport, health, and education), and
- Environment (inclusive of natural environment, flood risk and water resources, open spaces, and heritage).

8.6 This statement is provided without prejudice to other matters of detail that the parties may wish to raise during the subsequent Examination of the Breckland Local Plan Partial Review. No key matters have been identified upon which the authorities do not agree in the context of the Partial Review.

8.7 This SOCG only relates to the Partial Review. There will be a separate SOCG in respect of the Full Update of the Plan.

## **9 HOW WILL THIS STATEMENT BE MONITORED AND KEPT UP TO DATE?**

9.1 In the event that there are changes in circumstances from those outlined in this SOCG, then these will be brought to the attention of the NSPG and any amendments will be agreed accordingly.

9.2 Breckland Council is committed to engaging positively with its neighbours to address strategic planning matters through the Duty to Cooperate requirement and to ensure that there is co-operation on strategic matters that cross administrative boundaries. Breckland is a member of the Norfolk Strategic Planning Group, a key role of which is to identify and manage the spatial planning issues that impact on more than one local planning authority area and support better integration and alignment of strategic spatial and investment priorities.

Signed

Authority

Date

**Breckland Local Plan (Single Policy) Partial Review**

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
- 2.2 The SOCG has been prepared by Breckland District Council and circulated to the following authorities for agreement:
  - Breckland District Council
  - Broadland District Council
  - Great Yarmouth District Council
  - South Norfolk District Council
  - Norwich City Council
  - Kings Lynn and West Norfolk Borough Council
  - North Norfolk District Council
  - Broads Authority
  - Norfolk County Council
  - West Suffolk District Council
  - Mid Suffolk District Council

## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036.
- 3.2 Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. **The Policy required the Council to submit this Review for examination by November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be**

out-of-date.

## **4 WHAT HAS HAPPENED SO FAR?**

4.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03. These changes in circumstance 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.
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- The implementation of the Environment Act (2021).

## **5 WHAT ARE WE NOW PROPOSING?**

5.1 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', and
- 2) Continue to work on a full update of the Local Plan to address the longer-term development needs of the district.

5.2 The 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.



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Para 8.22

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~~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**

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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.~~
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- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>1</sup>.
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Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

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Signed



Cllr Andrew Brown, Portfolio Holder for Planning & Enforcement

**Authority** North Norfolk District Council

**Date** 19 December, 2022

Breckland Local Plan (Single Policy) Partial Review

STATEMENT OF COMMON GROUND

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
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## **5 WHAT ARE WE NOW PROPOSING?**

5.1 In light of the issues set out above, the Council is now proposing to:

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5.2 The 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.

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- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>1</sup>.
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<sup>1</sup> Norfolk Strategic Planning Framework, 2020

Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS RELATED TO THE PARTIAL UPDATE WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure. All the local planning authorities are able to accommodate all identified growth needs within their respective administrative areas and no discussions have taken place for any development needs to be accommodated by a neighbouring authority<sup>2</sup>. Any strategic implications can be considered as part of the Full Update of the Plan.
- 8.2 There are no strategic implications in of the proposed A47 dualling between North Tuddenham and Easton with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03. This includes any impact on economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham, regarding Breckland District Council not considering the issue as part of a Partial Review of the Plan as set out in Policy INF 03. Any strategic implications can be considered as part of the Full Update of the Plan.
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**Signed** Joy Brown

**Authority** Norwich City Council

**Date** 14/12/2022

Breckland Local Plan (Single Policy) Partial Review

STATEMENT OF COMMON GROUND

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

**North Norfolk District Council**

**Norfolk County Council**

**South Norfolk District Council**

**West Suffolk District Council**

**Mid Suffolk District Council**

**October 2022**

## **1 WHAT IS THE PURPOSE OF A STATEMENT OF COMMON GROUND?**

- 1.1 The Localism Act 2011 and the NPPF places a duty on local planning authorities and other bodies to co-operate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive engagement on the preparation of development plan documents and other activities in relation to sustainable development and use of land.
- 1.2 A Statement of Common Ground (SOCG) is a written record to demonstrate how the duty to co-operate has been met as part of the plan making process.
- 1.3 This SOCG has been prepared in relation to the Breckland Local Plan Partial Review.

## **2 WHAT ADMINISTRATIVE AREAS ARE COVERED BY THE SOCG?**

- 2.1 Whilst the Local Plan Partial Review only relates to the administrative area of Breckland, the SOCG refers to matters of strategic importance which affect all of Norfolk.
- 2.2 The SOCG has been prepared by Breckland District Council and circulated to the following authorities for agreement:
  - Breckland District Council
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  - Great Yarmouth District Council
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  - Norwich City Council
  - Kings Lynn and West Norfolk Borough Council
  - North Norfolk District Council
  - Broads Authority
  - Norfolk County Council
  - West Suffolk District Council
  - Mid Suffolk District Council

## **3 INTRODUCTION TO THE PARTIAL REVIEW**

- 3.1 The Breckland Local Plan was adopted in November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036.
- 3.2 Policy INF 03 in the Plan committed the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. **The Policy required the Council to submit this Review for examination by November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be**

out-of-date.

## **4 WHAT HAS HAPPENED SO FAR?**

4.1 The Council considers that circumstances have changed since the Local Plan Inspector made his recommendations to the District Council and since the Local Plan was adopted. It now considers that it would have been neither possible, desirable nor practical to have completed the immediate review as set out in Policy INF 03. These changes in circumstance 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 a significant part of Breckland, including Dereham cannot proceed if it increases levels of nutrients.
- The implementation of the Environment Act (2021).

## **5 WHAT ARE WE NOW PROPOSING?**

5.1 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', and
- 2) Continue to work on a full update of the Local Plan to address the longer-term development needs of the district.

5.2 The 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.

- 5.3 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.~~
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- ~~☐ 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.

## **6 WHAT ARE THE GOVERNANCE ARRANGEMENTS FOR THE COOPERATION PROCESS?**

- 6.1 There is a strong history of joint working and co-operation amongst the authorities through a Norfolk Strategic Planning Group (NSPG), that is responsible for a number of jointly funded and prepared evidence base and policy documents as well as the joint preparation and agreement of a Norfolk Strategic Planning Framework<sup>1</sup>.
- 6.2 The authorities listed above, along with Natural England, Environment Agency, Anglian Water, and new Anglia Local Enterprise Partnership, work collaboratively to address strategic issues across the area. The meetings also include liaison with Suffolk Councils and relevant updates on its planning policy and Local Plan work. Work is led by the Member Forum (MF).
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- 6.5 In July 2022 the NSPG agreed to narrow the remit of the Group, and that for the foreseeable future no further joint evidence base documents would be commissioned (apart from those related to ongoing workstreams relating to Green Infrastructure and Nutrient Neutrality). This further suggests that it is for Breckland to decide when and if to consider issues such as development including housing, economic development and Gypsy, Travellers and Travelling Showpeople, and that there are no strategic issues that the authorities consider need addressing jointly at this time.

## **7 HOW HAVE THE AUTHORITIES BEEN ENGAGED IN THE LOCAL PLAN AND PARTIAL REVIEW?**

- 7.1 The MF has been kept informed of progress on the Partial Review of the Local Plan through the Local Plan update item on the agenda at each meeting. The latest meeting was on 18 July 2022, where the ‘Summary of Adopted and

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Emerging Local Plans' advised of the Breckland Local Plan Partial Review and the Full Update, including a Call for Sites and subsequent consultation.

## **8 WHAT ARE THE KEY STRATEGIC MATTERS RELATED TO THE PARTIAL UPDATE WHICH THE AUTHORITIES AGREE UPON?**

- 8.1 The authorities agree that there are no strategic implications for neighbouring local planning authorities with regard to Breckland Council not preparing the Partial Review of the Plan as set out in Policy INF 03 in respect of the new housing figure. All the local planning authorities are able to accommodate all identified growth needs within their respective administrative areas and no discussions have taken place for any development needs to be accommodated by a neighbouring authority<sup>2</sup>. Any strategic implications can be considered as part of the Full Update of the Plan.
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Signed



**pp Councillor Fran Whymark**

**Portfolio Holder for Communities, Housing and Planning  
Broadland District Council**

and

**pp Councillor John Fuller**

**Portfolio Holder for External Affairs and Policy  
South Norfolk Council**

**Date: 13 March 2023**

**Breckland Local Plan (Single Policy) Partial Review**

**STATEMENT OF COMMON GROUND**

**between**

**Breckland District Council**

**and**

**Broadland District Council**

**Broads Authority**

**Great Yarmouth District Council**

**Norwich City Council**

**Kings Lynn and West Norfolk Borough Council**

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**October 2022**

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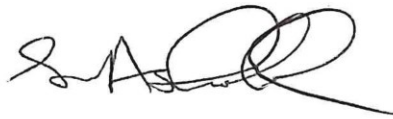
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Signed



Authority

Borough Council of King's Lynn and

Date

West Norfolk

24/3/23



**Appendix 2:**  
**Local Plan Advisory Visit: Breckland Council**

1. I held a virtual advisory visit with Officers from Breckland Council on 15 April 2021 about the revision of their local plan (LP or Plan). The Officers present were Simon Wood, Andy Day and Robert Walker.

2. In this note I have used the terms from the legislation and the National Planning Policy Framework (the Framework) in relation to 'reviewing' or 'revising/updating' a plan. 'Reviewing' a plan (or a plan review) means the local planning authority (LPA) assessing its existing adopted plan in order to decide either that it is fully up-to-date, or that factors such as changes in local circumstances and/or to national policy mean that it needs revising or updating. 'Revising' or 'updating' a plan means making any changes to the plan that have been identified as necessary as a result of reviewing it. This may involve producing a new version of the plan.

### **Current position with the LP**

3. The Council adopted its LP in November 2019. The LP has a timeframe of 2011-2036. The LP included a policy (INF 03) which required that a partial update of the Plan be undertaken and that the update be submitted for examination by November 2022. The update was to consider the following:

- a. The housing requirement (Policy HOU 01)
- b. The needs of non-travelling ethnic gypsies and travellers and identifying suitable provision (Policy HOU 08)
- c. Optional standards for accessibility (Policy HOU 10)
- d. Economic development and the effects of the dualling of the A47 on the strategy (Policy EC 01).

4. However, the Council consider that circumstances have changed since 2019 and that it would be appropriate to take into account the above matters as part of a full updating of the Plan rather than through a partial updating. That said, it is accepted that there would also be a need to seek an earlier updating of Policy INF 03 because it contained triggers which would mean that policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be out-of-date by November 2022 if the policy remained as it was.

### **Changed circumstances**

5. The LP was examined under the 2012 Framework due to the transitional provisions within paragraph 214 of the 2019 Framework. Therefore, the housing requirement was based on objectively assessed needs derived from a Strategic Housing Market Assessment using the 2014 household projections as a starting point. The need for the review clause was because the 2016 household projections were published during the examination (after the hearings) and these resulted in an increase in the number of expected households in Breckland than that anticipated in the 2014 household projections and consequently the demographic starting point had changed.

6. However, since November 2019, factors such as the Government's consultation on the standard methodology, the Covid 19 pandemic and planning reform agenda have emerged. This has caused the Council uncertainty. At the same time the use of the standard methodology for assessing local housing need (LHN) has become embedded in national policy, calculated using the 2014 household projections. The current LHN figure for Breckland of 661 dwellings per annum (dpa) is not substantially above the LP figure of 612 dpa. In addition, the Council has considered the implications of revising the housing requirement and how that would affect the overall strategy of the Plan, housing allocations and housing land supply. In the Council's view there are wider implications which point towards the need for a full update.

7. In the circumstances there would appear to be justification for retaining the LP housing requirement of 612 dpa until such time as the LP is updated in full, provided there is a commitment to submit a revised LP for examination within 5 years i.e. by November 2024. Such an approach would not be at odds with paragraphs 33 and 73 of the 2019 Framework.

8. The evidence base that underpinned the LP in terms of gypsies and travellers is some 5 years old. The Council is of the view that the evidence base should be updated and that a new LP should be prepared which would look at the needs of both gypsies and travellers that meet the Planning Policy for Traveller Sites (PPTS) definition, and those ethnic gypsies and travellers who do not, and make provision for those needs as a whole. The Council considered that there is some uncertainty about whether the PPTS definition will remain as it is, due to a recent High Court challenge. In addition, the Council noted that identifying sufficient additional pitches to meet currently identified needs would not be a quick or straightforward process and may be difficult to achieve by November 2022.

9. I expressed some concern that such an approach could be seen as deferring the challenging issue of finding more sites for gypsies and travellers. However, provided there is a commitment to assessing and meeting needs in full, including positive provision of sites, as part of the new LP, then, all things considered, the approach could be justified.

10. The Council sought to include provision for the optional standards for accessible and adaptable dwellings in the LP. However, the proposed Policy HOU 10 was not supported by viability evidence. The Council acknowledges that there is a need to deliver such dwellings in Breckland but whether or not the introduction of the optional standards forms part of a partial update of the LP or a new LP is primarily a matter for the Council. It was noted that Footnote 46 of the Framework and the Planning Practice Guidance (PPG) are now more supportive but there would still be a need to consider the impact of using these standards as part of a whole Local Plan viability assessment. In this respect a full updating of the Plan would allow the implications of the optional standards, and other new or revised policies, on the viability of allocations and their delivery to be fully considered.

11. The need to revise the employment strategy and allocations was because the evidence base of the LP had not considered the intention to finish dualling the A47 by 2020. However, the implementation of the improvements to the A47 has been delayed such that they are unlikely to be completed until 2024-25. The Council consider that this timescale would dovetail with a full updating of the Plan. This would allow the new LP to take into account the implications of improved infrastructure on both employment and housing allocations on the basis that there should be synergy between the two.

12. In addition to the above issues, the Council noted the introduction of new plan making requirements and national policy through the 2019 Framework and the accompanying updates to the PPG. If a partial update had been submitted without considering these changes, alongside Policy INF 03, the revised plan may not have been found sound. In the Council's view, to undertake a more wide-ranging update of the Plan by November 2022 would have not been feasible, having regard to the changed circumstances and uncertainties set out above.

### **Options**

13. A number of options were discussed at the meeting. However, having regard to the changed circumstances, the approach of submitting an update of Policy INF 03 for examination by November 2022 (partial update) alongside the commencement of a full updating of the LP to be submitted by November 2024 (full update) appeared to be justified.

14. In taking forward these options, the Council should publicise its intentions, making it clear that it has reviewed whether policies in its LP need updating and has decided that they do, in accordance with paragraph 33 of the Framework. It should be made clear that the approach will be twin tracked, considering Policy INF 03 in the shorter term and the LP as a whole by 2024.

15. Effectively in relation to Policy INF 03, the publication of its intentions with appropriate supporting documentation and an updated Local Development Scheme will form the Regulation 18 stage - in which the LPA is required to notify various bodies and persons of the subject of a local plan which they propose to prepare, and to invite representations from them on what a plan with that subject ought to contain. At this stage consideration should be given to how Policy INF 03 would be modified. A Regulation 19 stage would follow on from that.

16. In terms of the update to Policy INF 03 we discussed how the policy should reflect the need to submit a new LP for examination by November 2024 and the other commitments set out above.

17. The Council made reference to the North West Leicestershire (NW Leics) Local Plan Partial 'Review'. The Inspector's report and accompanying Main Modifications indicate that the triggers for an update of the Plan in Policy S1 were modified to take into account progress on Leicester's LP and other plans in the Housing Market Area (HMA). NW Leics had committed to meeting unmet needs from Leicester City and other LPAs in the HMA. This is different to the position in Breckland where there is not a requirement to meet unmet needs from elsewhere.

That said, the focused nature of the LP Partial 'Review' for NW Leics (7 pages) is helpful in showing that the document supporting a single policy update should be proportionate.

### **Concluding remarks**

18. The advisory meeting and this note have been based on an initial and light touch assessment of documents provided by the Council and with a particular focus on the questions raised by the LPA. It is not binding on the Inspector(s) who will subsequently be appointed to carry out the independent examination who will take into account the evidence base and representations made at the Regulation 19 consultation stage.

**Mark Dakeyne**

**INSPECTOR**

**19 April 2021**

## **Local Plan Advisory Meeting**

### **Breckland Council**

1. I held a virtual advisory meeting with Officers from Breckland Council on 24 August 2022 about the revision of their local plan (LP or Plan). The Officers present were Andrew Darcy, Planning Policy Manager and Simon Wood, Director of Planning and Building Control. This meeting followed an advisory meeting in April 2021. These notes should be read in conjunction with the notes from that meeting which are attached, albeit I have repeated some of the background and advice from that note for completeness.
2. In this note I have used the terms from the legislation and the National Planning Policy Framework (the Framework) in relation to 'reviewing' or 'revising/updating' a plan. 'Reviewing' a plan (or a plan review) means the local planning authority (LPA) assessing its existing adopted plan in order to decide either that it is fully up-to-date, or that factors such as changes in local circumstances and/or to national policy mean that it needs revising or updating. 'Revising' or 'updating' a plan means making any changes to the plan that have been identified as necessary as a result of reviewing it. This may involve producing a new version of the plan.

### **Background to Partial Update**

3. The Council adopted its LP in November 2019. The LP has a timeframe of 2011-2036. The LP included a policy (INF 03) which required that a partial update of the Plan be undertaken and that the update be submitted for examination by November 2022. The update was to consider the following:
  - a. The housing requirement (Policy HOU 01)
  - b. The needs of non-travelling ethnic gypsies and travellers and identifying suitable provision (Policy HOU 08)
  - c. Optional standards for accessibility (Policy HOU 10)
  - d. Economic development and the effects of the dualling of the A47 on the strategy (Policy EC 01).
4. However, the Council consider that circumstances have changed since 2019 and that it would be appropriate to take into account the above matters as part of a full updating of the Plan rather than through a partial updating. That said, it is accepted that there is also a need to seek an earlier updating of Policy INF 03 because it contained triggers which would mean that policies relating to the supply of housing, economic development and gypsy and travellers would be deemed to be out-of-date if the policy remained as it was. The changed circumstances were set out in my earlier note. By way of update the following are noted:



- a. **Housing requirement** – the standard method currently indicates a need for 643 dwellings per annum (dpa) compared to the LP requirement of 612 dpa. There is sufficient supply, including over the next 5 years, to meet both figures due to the extent of the buffer built into the LP and the prevalence of windfall sites in the District. The Council intend to commission a housing needs assessment as part of the full update of the LP to ascertain whether there should be any uplift on the standard method figure having regard to paragraph 61 of the Framework and the advice within Planning Practice Guidance (PPG).
- b. **Gypsies and travellers** – the Council will commission an updated assessment of needs as part of the full update of the Plan.
- c. **Optional standards for accessible and adaptable dwellings** – if there is an identified need then the full update should include policies relating to the optional standards.
- d. **Employment strategy** – the dualling of the A47 is likely to commence in mid-2023 which would fit in with the timeline of the full LP update.

### Partial Update

5. As previously advised, having regard to the changed circumstances, the principle of the approach of submitting an update of Policy INF 03 for examination by November 2022 (partial update) alongside the commencement of a full updating of the LP to be submitted by the end of 2024 (full update) appears to be justified.

### Process

6. Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states that a LPA **must** notify certain bodies or persons of the subject of the LP which the LPA propose to prepare. PPG advises that *‘updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication....’*. As advised in the previous note, the Council should have publicised its intentions, with appropriate supporting documentation to comply with Regulation 18. The fact that Council meetings in the public domain have referred to the intentions does not meet the requirement for notification.
7. The Council made reference to the North West Leicestershire Local Plan Partial ‘Review’. However, in that case, the Council did carry out Regulation 18 consultation in early 2018<sup>18</sup> with further consultation in the summer and autumn of 2018. This fed into the decision to limit the extent of the ‘Partial Review’. I

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<sup>18</sup> See [https://www.nwleics.gov.uk/pages/examination\\_library](https://www.nwleics.gov.uk/pages/examination_library) (Document Ref: LP/01)

also made reference to the Wyre Local Plan 'Partial Review' where a Regulation 18 notification was undertaken<sup>19</sup>

8. You may wish to seek legal advice on this issue prior to submission of the Partial Update for examination, including how to resolve the lack of notification at Regulation 18 stage now that the Plan has reached Regulation 19 stage.

### **Timetable**

9. Subject to my comments on the process above, I would envisage that the examination for a partial update to a LP relating to a single policy could be completed in 6 months (submission to Inspector's report). However, the period would be likely to be longer if Main Modifications to the policy were required.

### **Concluding remarks**

10. The advisory meeting and this note have been based on an initial and light touch assessment of documentation and with a particular focus on the questions raised by the LPA. It is not binding on the Inspector(s) who will subsequently be appointed to carry out the independent examination who will take into account the evidence base and representations made at the Regulation 19 consultation stage.

Mark Dakeyne

INSPECTOR

24 August 2022

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<sup>19</sup> See <https://www.wyre.gov.uk/planning-policy/local-plan-partial-review-2011-2031-1/2>