



# Examination of the Breckland Local Plan Review

**Hearing Statement in Response to Inspector's  
Matters, Issues and Questions for Examination**

March 2023



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## 1. POLICY INF03

### Issue 2: What is the justification for pursuing the BLPPR by means of an alternative timetable rather than a review of the four key policy areas set out in INF03 as required by the Inspector?

#### 15. Is there sufficient justification to revise the wording of INF03 to undertake an immediate full review of the BLP and to submit it by December 2024?

- 1.1.1 Gladman do not consider that there is sufficient justification to revise the wording of INF03 to undertake an immediate full review of the BLP. Whilst the consequential wording of INF03 is particularly robust, the Council were aware of its potential implications on adoption. Having not acted accordingly is not considered justification to seek to amend its wording to avoid the consequences. The Council should have proceeded with a partial review of the Local Plan that complies with Policy INF03 rather than now seek to circumvent the requirements of the policy.
- 1.1.2 Should this approach be considered suitable, it sets a concerning precedent for review mechanisms and trigger points and will allow LPAs to review a single policy and bypass the consequences of not doing what was required to make a local plan sound.
- 1.1.3 Fundamentally, many of the reasons put forward to justify the delay to the review are not sufficient, largely stating that there has been uncertainty regarding the standard method. Whilst Gladman sympathise with the ever changing goalposts of national policy, more could and should have been done to meet the requirements of the review policy. The potential changes to the standard method calculation suggested in the 2020 White Paper were quickly abandoned as a result of the political backlash and the partial review should have progressed as required.
- 1.1.4 The Council agree that a review of the housing requirement is required, as evidenced at the Local Plan examination and through the commencement of a full Local Plan Review. Therefore, revising the wording of the review policy, rather than undertaking the review as per the agreed timescales is seeking to avoid the

consequences of not having met such timescales; namely that the most relevant policies will become out-of-date. This is not a sufficient justification to revise the wording of INF03.

1.1.5 Another significant concern Gladman hold regarding the justification of the approach taken by the Council is that no alternative approach or strategy has been presented, by the renaming of the initial Regulation 19 to a Regulation 18 consultation, with a largely unchanged Regulation 19 consultation immediately after. The Council's response that *'This is reasonable as the consultation document at paragraph 3.2 states "We are asking for comments on our proposed approach". This is a question usually found in a Regulation 18 consultation document'* is woefully insufficient.

1.1.6 Neither consultation has presented an alternative approach. For example, one such alternative approach could have been to review the housing requirement as part of a partial review. Given that there is a marginal difference between the OAN and the LHN, this could have been a review option that satisfied the intended purpose of Policy INF03, whilst accommodating the most up to date housing figures far sooner than the full Local Plan Review that will not be adopted until 2027.

## **17. Is the BLPPR effective? – What would be the consequences if the Council do not adhere to the submission of the full Local Plan Review by December 2024?**

1.1.7 As proposed, the BLPPR is not effective. The changes to INF03 as drafted do not contain a trigger mechanism in the event that the Council does not adhere to the submission of the full Local Plan Review by December 2024. As such, Gladman have suggested the policy be modified to set out that, *"In the event that the reviewed plan is not submitted within the timescales set out above, then relevant policies of the Local Plan will be deemed to be out-of-date."*

## **18. What is the justification for seeking to delete the text which refers to policies becoming out of date (should the December 2024 date not be met ?**

1.1.8 The Council have responded that if the timescales are not met, then the Plan would automatically become five years old and subject to the consequences outlined in

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national planning policy, therefore it is not required to repeat national planning policy in local planning policy. Gladman disagree, the current wording of the review policies consequences go well beyond the plan being considered 'five years old'. The current wording should be retained.

**19. What, if any, are the implications of the substantive changes to Policy INF03 for the rest of the Plan?**

- 1.1.9 The substantive changes to Policy INF03 result in the removal of the Plan's ability to respond flexibly to changes in circumstances. The accumulated shortfall thus far, plus the reliance on large scale strategic allocations means that there is a significant likelihood of the five-year housing land supply falling or a delivery deficit occurring prior to the Full Review being adopted. Though the presumption in favour of sustainable development will act as a corrective trigger in this scenario, the plan-led system should be prudent and ensure that the provision of development in the district remains plan-led and there is suitable contingency to responds to changes in circumstance.

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## 2. TOPIC AREAS

### Housing

#### **20. What would be the consequences for the other policies referred to in Policy INF03 should the Council's rewording of INF03 be adopted?**

- 2.1.1 With INF03 as worded, the Council's housing requirement is currently considered to be out of date and as such, it is necessary to use the local housing needs assessment as determined by the standard method. This means that the annual housing need for the purpose of calculating the five year housing land supply is 672 dpa, and this would remain the same if the proposed rewording of INF03 was adopted.

#### **21. The purpose of the requirement for a partial review as contained in INF03 was, amongst other things, to address the issue of meeting housing need. As the partial review delays rather than addresses that requirement, on what basis can it be considered to be an effective strategy based on the evidence?**

- 2.1.2 It cannot be considered an effective strategy. It was considered necessary for the soundness of the local plan to ensure that there was a mechanism to address the potential shortfall unmet housing needs arising from the Council's Objective Assessment of Housing Needs. Rather than require the Council to reconsider housing needs and further delay the adoption of the plan the inspector outlined that an early review would be the most appropriate way forward and sufficient to ensure the plan was sound. However, as outlined earlier in these statements in order to make the review policy effective it was considered necessary to have a consequence should the Council not meet this policy. To remove these consequences means that a key policy required to make the whole plan sound is not effective and is not a positive approach to plan-making and housing delivery.

#### **23. To what extent has the BLPPR been positively prepared? The original intention of the policy was to expedite an immediate partial review to ensure that the Council would be able to maintain an appropriate supply of housing land, the alterations to the policy would effectively result in a four-year delay in reassessing the requirements**

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**of Policy HOU1 including the consideration of housing need and the subsequent strategy for meeting that need?**

2.1.3 It is not a positive approach to meeting housing needs and simply serves to circumvent the consequence deemed necessary to make the plan sound.

**24. Is the Statement of 5 year housing land supply statement of August 2022 submitted with the Plan review robust? What is the rationale for retaining 612 dwellings per annum for the remainder of plan period to 2036?**

2.1.4 Gladman make no comment on the sites that make up the five year land supply assessment at this time. However, on the basis of policy INF03 of the Local Plan HOU1 must be considered out of date and as such the housing land supply statement published in August 2022 is now inaccurate. The annual requirement in the assessment should be 672 dpa as of April 2023.

**25. What would the per annum figure be using the standard method for calculation? If different to the 612 figure why was that alternative not used for the most recent assessment?**

2.1.5 As above, it would be 672 dpa and would be applied for the five year period which started from April this year based on the Council's monitoring period.

**26. Would a 'consequences clause' within INF03 be justified and effective?**

2.1.6 Gladman consider that the current clause setting out the consequences of a failure to review should be maintained, though it is recognised that from November 2024, the plan will be older than five years and therefore the Council will be required to use the local housing needs assessment as the basis of their housing land supply calculation in any event,

**27. What would the consequences be for the removal of a review of the four policies until the full review due by December 2024?**

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2.1.7 The Council's policies would be temporarily considered up to date with a more robust housing land supply position until November 2024 when the plan reaches its fifth anniversary.