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# Examination Hearing Statement

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Breckland Local Plan Partial Review

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## 1. Introduction

- 1.1.1. This Statement has been prepared by Savills (UK) Limited on behalf of Pigeon Investment Management Ltd.

### **Background and Scope of this Hearing Statement**

- 1.1.2. Pigeon has a number of interests across the District Council's administrative area and as such has engaged throughout the Local Plan Partial Review process.

### **The Issue / Sub-Issues**

- 1.1.3. Consideration has been given to the Inspector's Matters, Issues and Questions. Under the main issue the Inspectors have then identified a series of sub-issues. This Statement is formatted in that manner.

## 2. Policy INF03

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

**11. How is the alternative wording to Policy INF03, justified, effective and consistent with national policy and guidance?**

- 2.1.1. From the information provided by Breckland and for the reasons highlighted in our earlier representations, it is unclear why the Council has not undertaken the immediate Partial Review required by Policy INF 03 and as such the proposed amendments to paragraph 8.22 and Policy INF 03 are evidently questionable not justified, effective or consistent with national policy.

**14. In the light of responses to the above timetabling issues are the dates indicated for the completion of a full review of the Breckland Local Plan (BLP) achievable?**

- 2.1.2. The Local Development Scheme identifies submission by December 2024. In theory it would be possible for the Council to achieve these timescales however given the delay in undertaking the requirements of the INF 03 for the Partial Review, which includes a consequence clause, it is questioned whether Breckland is able to prepare a Local Plan and necessary supporting evidence base to the standard required within the December 2024 timescale.

**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?**

- 2.1.3. Yes. It is sensible for Breckland to undertake a full review of the Local Plan to ensure that all policies are up to date and plan for the needs of the authority.

**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?**

- 2.1.4. No the Breckland Local Plan Partial Review is not effective as there are no stated consequences for non-compliance with the submission of a full Local Plan Review for Examination by December 2024. As such there is no incentive for Breckland Council to progress the full Local Plan Review in accordance with the stated timescales.

**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)?**

- 2.1.5. There is no justification for this approach. The proposed amendments to Policy INF03 to remove reference to relevant policies becoming out of date would result in ambiguity about the weight to be given to the relevant policies in the interim period. This is clearly at odds with the original Inspector's intentions.

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

- 2.1.6. The removal of a review of the four policies within Policy INF 03 namely: Policy HOU 01 'Development Requirements'; Policy HOU 08 'Gypsy and Traveller'; Policy HOU 10 'Technical Design Standards for New Homes'; and Policy EC 01 Economic Development' will further delay these matters being addressed within Breckland. It is important to remember that this is a clause upon which the 2019 Breckland Local Plan was adopted.
- 2.1.7. Another key consequence of the proposed amendments to Policy INF03 is that the Council seeks to remove the wording that clarifies the relevant policies are deemed out of date. This would result in ambiguity about the weight to be given to the relevant policies in the interim period. This is clearly at odds with the original Inspector's intentions.

### **Topic Areas**

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

- 2.1.8. The removal of a review of the four policies within Policy INF 03 namely: Policy HOU 01 'Development Requirements'; Policy HOU 08 'Gypsy and Traveller'; Policy HOU 10 'Technical Design Standards for New Homes'; and Policy EC 01 Economic Development' will further delay these matters being addressed within Breckland. It is important to remember that this is a clause upon which the 2019 Breckland Local Plan was adopted.
- 2.1.9. Another key consequence of the proposed amendments to Policy INF03 is that the Council seeks to remove the wording that clarifies the relevant policies are deemed out of date. This would result in ambiguity about the weight to be given to the relevant policies in the interim period. This is clearly at odds with the original Inspector's intentions.

### **Housing**

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

- 2.1.10. It is clear that the partial review is not an effective strategy to ensure the Council is planning to meet its housing need. Paragraph 33 of the NPPF makes it clear that *"...Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future."*
- 2.1.11. The Local Plan Inspector at the time, identified a need to review Policy HOU 01 as being the different ways of calculating the Local Plan housing requirement – the requirement in the adopted Plan being based on an objective assessment of need in a Strategic Housing Market Assessment ('SHMA') as opposed to the

'Standard Method' for calculating Local Housing Need. The former produced a figure of 612 dwellings per annum ('dpa') whereas the latter produced a figure of either 682 dpa (using the 2014-based household projections) or 770 dpa (using the 2016-based projections). The Government has since clarified that the 2014-based projections should continue to be used. The Local Housing Need as calculated using the latest affordability ratio is 660 dpa.

**22. Why was it not possible to identify additional sites through an immediate review of the housing requirement using the Standard Method (SM) with additional sites identified to meet that need? If this was considered, for what reasons was it discounted?**

- 2.1.12. The Local Housing Need as calculated using the latest affordability ratio is 660 dpa. It is clear that there is a need to plan for additional housing when compared to the adopted annual requirement of 612 dpa.
- 2.1.13. The Local Development Scheme identifies that Breckland undertook Call for Sites from June 2022, this was subsequently extended to December 2022.
- 2.1.14. It is unclear why the Council did not seek to undertake a Call for Sites at an earlier stage. It is considered that the Council's approach is not justified.

**23. To what extent has the BLPPR been positively prepared? The original intention of the policy was to expedite an immediate partial review to ensure that the Council would be able to maintain an appropriate supply of housing land, the alterations to the policy would effectively result in a four-year delay in reassessing the requirements of Policy HOU1 including the consideration of housing need and the subsequent strategy for meeting that need.**

- 2.1.15. Whilst it is acknowledged, outside of the scope of this Examination the Council is undertaking a full review of the Local Plan, the Council's timescales, as set out in the Local Development Scheme, identify possible adoption in Q4 of 2026 therefore leading to a four-year delay in updating Policy HOU1.
- 2.1.16. As such it is considered that the Breckland Local Plan Partial Review has not been positively prepared and seeks to give full weight to current policies within the Local Plan despite not complying with the requirements of the National Planning Policy Framework. This is a particular concern given that Breckland has previously experienced issues in demonstrating an adequate supply of housing.

**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?**

- 2.1.17. The Statement of Five-Year Housing Land Supply (Examination Document: LPR/PU/SUB/008) is not considered to be robust as it does not accurately reflect the implications of Policy INF03 within the adopted Local Plan.
- 2.1.18. The Planning Practice Guidance states:

***“What housing requirement figure should authorities use when calculating their 5 year housing land supply?”***

*Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where:*

- *the plan was adopted in the last 5 years, or*
- *the strategic housing policies have been reviewed within the last 5 years and found not to need updating.*

*In other circumstances the 5 year housing land supply will be measured against the area's local housing need calculated using the standard method.*

*Paragraph: 005 Reference ID: 68-005-20190722 Revision date: 22 July 2019."*

- 2.1.19. The consequence of non-compliance with the timescales of Policy INF03 is that the Local Plan is out of date, including Policy HOU1. As the housing requirement is now out of date, it is necessary to calculate the requirement for the housing land supply using the standard method for Local Housing Need.

**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?**

- 2.1.20. The Local Housing Need as calculated using the latest affordability ratio, published in March 2023, is 660 dwellings per annum.

- 2.1.21. It is clear that there is a need to plan for additional housing when compared to the adopted annual requirement of 612 dpa.

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

- 2.1.22. Yes, the use of a consequences clause similar to that within the original wording of Policy INF 03 would be justified in so far as it should act as an incentive for Breckland Council to progress the full Local Plan Review in accordance with timescales.

- 2.1.23. The use of a consequences clause would trigger the presumption of favour of sustainable development in the event of non-compliance and therefore would be effective to ensure that the housing is brought forward to respond to housing need.

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

- 2.1.24. The removal of a review of the four policies within Policy INF 03 namely: Policy HOU 01 'Development Requirements'; Policy HOU 08 'Gypsy and Traveller'; Policy HOU 10 'Technical Design Standards for New Homes'; and Policy EC 01 Economic Development' will further delay these matters being addressed within Breckland. It is important to remember that this is a clause upon which the 2019 Breckland Local Plan was adopted.

- 2.1.25. Another key consequence of the proposed amendments to Policy INF03 is that the Council seeks to remove the wording that clarifies the relevant policies are deemed out of date. This would result in ambiguity about the weight to be given to the relevant policies in the interim period. This is clearly at odds with the original Inspector's intentions.

### Technical Design Standards

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

- 2.1.26. Draft Breckland Policy HOU 10 related to water efficiency, internal spaces within a home (Nationally Described Space Standards) and provision for Accessible and adaptable homes.
- 2.1.27. In respect of water efficiency, the standard proposed within Policy HOU 10 is an optional requirement within Building Regulations.
- 2.1.28. In respect of Nationally Described Space Standards and Accessible Homes there has not been any change in position. If the Council still wishes to pursue such a policy requirement, appropriate justification needs to be provided demonstrating that planning for such standards would not have an unacceptable impact upon viability of proposals, this is not considered to be an onerous requirement.
- 2.1.29. Within the submitted Reg 19 representations, we highlight that the Draft Topic Paper explains that the Council considers that as the accessibility standards are optional “... *the timing of when and if this [review] is completed is a decision for the Council and can be done through a full review and should not be required to be submitted by November 2022.*”
- 2.1.30. In summary, and notwithstanding the Council’s optionality, it is unclear why the review of Policy HOU 10, as required by Policy INF 03, has not been undertaken.

### Economic Development and the Effect of the A47 Dualling

#### **32. What is the progress of the dualling of the A47?**

- 2.1.31. There are various stretches of the A47 improvements which have reached differing stages of completion. Consideration has been given to the available information on the National Highways website.

##### A47 – Wansford to Sutton Section

- 2.1.32. The Development Consent Order for the dualling of the A47 from Wansford to Sutton was made on 17<sup>th</sup> February 2023 and came into force on 10<sup>th</sup> March 2023. This stretch of road is approximately 2.5km and creates a new slip road off the A1 south joining the A47 east.

##### A47/ A141 Guyhirn Junction

- 2.1.33. Works have been completed to improve the A47 Guyhirn Junction which included increasing the size of the roundabout to ease congestion.

##### A47 Blofield to North Burlingham

- 2.1.34. A Development Consent Order for A47 Blofield to North Burlingham was taken on 22 June 2022. A Judicial Review Challenge was lodged and a High Court hearing was held in December 2022 and a decision is awaited.



### A47 North Tuddenham to Easton

- 2.1.35. A Development Consent Order for A47 North Tuddenham to Easton was submitted in March 2021 and a decision was made to grant on 12<sup>th</sup> August 2022. A Judicial Review Challenge was lodged and a High Court hearing was held in December 2022 and a decision is awaited.

### A47/A11 Thickthorn Junction

- 2.1.36. This relates to improvements to the junction between the A47 and the A11 by adding 2 new link roads to ease congestion in the area.
- 2.1.37. A Development Consent Order for A47 – A11 Thickthorn Junction was taken on 14 October 2022. A Judicial Review Challenge was lodged and a High Court hearing was held in December 2022 and a decision is awaited.

### A47 Great Yarmouth

- 2.1.39. The Development Consent Order was originally issued in September 2020 and was subsequently updated in November 2020. According to the Highways England website works are reported to start soon.

## **33. Why was it not possible for the Council to consider the economic implications of the construction of the A47?**

- 2.1.40. Draft Breckland Policy EC01 identified the need to allocate employment land. Some allocations were identified through other policy documents. At the time Policy EC01 was prepared it had not taken into account the intended dualling of the A47 and the Inspector conducting the Examination required this to be addressed as part of the review under Policy INF03.
- 2.1.41. Whilst it is acknowledged that the intended completion of the A47 improvements has been delayed, the application information for the various Development Consent Orders has been in the public domain. This could have been used as a basis for the Council's assessment of economic implications of the A47.
- 2.1.42. It is therefore unclear, and therefore not justified why the Council has not undertaken a review of Policy EC 01 'Economic Development' at this stage.

## **34. What progress has been made towards the delivery of the employment allocations identified in Policy EC 01?**

- 2.1.43. Pigeon has had to bring a new electrical power supply to the site in Thetford (Policy TH30). The employment allocation is scheduled to be delivered as per the phasing in the agreed masterplan.

### **General Questions**

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

- 2.1.44. As highlighted in previous representations it would appear that the Council has never resolved to undertake an immediate Partial Review of the adopted Local Plan as required by Policy INF 03. With regard to the

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reasons why it has not done so, it has noted the passing of time that has left it unable to do so, and also concluded that doing so was not the “*most cost effective option*”, thus leading it to propose an alternative approach.

- 2.1.45. It remains unclear why the Council has not undertaken the immediate Partial Review required by Policy INF 03 and as such the proposed amendments to paragraph 8.22 and Policy INF 03 are evidently questionable regarding them being not positively prepared, justified, effective or consistent with national policy.

