

Regulation 22(1)(c) Consultation Statement of Breckland Council  
in support of  
Breckland Local Plan 2011 - 2036 (Partial update)  
(Regulation 22)

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## 1.0 Introduction

- 1.1 This Consultation Statement sets out how the Council has involved residents and key stakeholders in preparing the Partial Update to the Breckland Local Plan (2019) in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 1.2 This statement meets Regulation 22 (1)(c) and demonstrates that consultation on the preparation of the Partial Update of the Local Plan has been undertaken in accordance with the relevant Regulations and the adopted Statement of Community Involvement (SCI) 2022.
- 1.3 The SCI document sets out how the Council will consult and involve the public and statutory consultees in planning matters. Full details of the current adopted SCI can be viewed here: <https://www.breckland.gov.uk/local-plan/community-involvement>

## 2.0 Partial Update Timeline

- 2.1 This Consultation Statement describes how the Council has undertaken community participation and stakeholder involvement in the production of the Partial Update to the Local Plan, setting out how such efforts have shaped the Plan and the main issues raised by consultation / representations.
- 2.2 The Breckland Local Plan was adopted on 28 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 included a requirement for 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. This would be submitted for examination during November 2022. In the event that the review was not submitted for examination by this time, then the Council's policies that relate to the supply of housing, economic development and Gypsies and Travellers would be deemed to be out-of-date.

2.3 In June 2020 the Council’s Cabinet considered options available to it in terms of reviewing the Local Plan<sup>1</sup>. This included consideration of how to deal with the requirement of Policy INF 03.

2.4 The options considered were:

- Submit a ‘Partial Review’ by November 2022 (and meet the deadline set in INF03);
- Submit a ‘Full Review’ by November 2022 (and meet the deadline set in INF03);
- Complete a ‘Full Review’ by November 2024 (and miss the November 2022 deadline);
- Commence a ‘Full Review’ with a target date of adoption by November 2024; and, concurrently, incorporate, as a sub-set, the Local Plan Policy INF 03 policies review for submission by November 2022.
- Submit a ‘Partial Review’ by November 2022, and to then consecutively, undertake the ‘Full Review’ by November 2024;
- Submit an updated Plan by November 2022, and to then undertake a ‘Full Review’ within 5 years from the adoption of the updated Plan.

2.5 The Cabinet agreed that in light of the critical risks and issues presented to members that it was unrealistic to aim to produce a robust Plan for submission by November 2022 and that the Council should undertake a full review of the Plan with a target date of November 2024. The key risks and issues were summarised as follows:

- Uncertainty as to what the ‘standard method’ housing figure would be for Breckland, the methodology for which was being reviewed by the Government
- Agreeing a viable and deliverable Development Strategy with appropriate Council and community consultation that will accommodate any new housing requirement and that also delivers a 5 year housing land supply
- Uncertainty over the implications of any changes to national Planning Policy following the *Planning for the Future* Policy Paper (March 2020) and implications for both the content and process for preparing the new Plan
- The risk that if the Partial Review was not submitted for examination by November 2022, then the Council’s policies that relate to the supply of housing, economic development and gypsy and travelers will be deemed to be out-of-date

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<sup>1</sup> <https://democracy.breckland.gov.uk/documents/s56398/cabinet%20report%20LDS%20june%202020%20cabinet%20draft%20final.pdf>

and that para 11(d) of the NPPF would apply. That refers to the ‘tilted balance’ which is applied when ‘the policies which are most important for determining the application are out of date’

- The desire of the Council to include other key issues in the new Plan other than those required by the Partial Review. These included a revised development strategy based on the new standardised housing number with a stronger focus on the environment and in particular climate change.
- Uncertainty as to possible changes to National Planning Policy to address the planning implications of the Covid-19 outbreak and how these may be brought forward into plan making (changes to development strategies, future roles of town centres, increased permitted development rights, density requirements, localised food production and provision of local or temporary medical facilities) and any impact on the new Plan including the need for additional evidence base work. This is coupled with uncertainties over the Council’s ability to produce an effective Plan and to deliver required development and in particular that of new housing either as a consequence of lack of construction activity and/or a more general economic downturn as well as on processes including:
  - Whether there would be a need for a change in legislation around preparing local plans, in particular extending the period required to complete work, especially if public consultation is delayed or carried out using alternative methods or whether there would be any flexibility on the Local Plan Review timescales due to likely future delays in preparation processes, which would need to be addressed;
  - Whether the Government would relax rules around 5-year land supply, given the effective stalling on housebuilding that was in force at the time or ease expectations on the numbers of homes required to be built especially as one of the constraints on the construction industry was on people being able to buy/sell properties and move to a new house
  - The need for local planning authorities to consider new and alternative ways of undertaking public consultation including greater use of social media and digital tools.

2.6 In August 2020 the Government proposed a raft of substantial changes to the planning system in the *White Paper Planning for the Future*. The Government also proposed some changes to the current planning system ‘*Changes to the current planning system Consultation on changes to planning policy and regulations*’ and launched a concurrent consultation about that topic.

2.7 The consultation documents proposed fundamental changes to both the content of future local plans and to the way that they are to be prepared. Alongside proposals to make the planning system more accessible through increased use of

digitisation, a streamlined plan preparation process of 30 months, a national levy for developer contributions, an increased emphasis on design and beauty through local design guidance, the proposals also set out a new proposed methodology for the calculation of the new standardised housing number. For Breckland this calculation would have resulted in an annual housing figure of 1,077 dwellings.

- 2.8 As a result of these consultations Breckland paused work on the review of the Local Plan until there was greater certainty on the Plan making process and in particular on the housing figures. The Council did not want to embark on potentially expensive and abortive work on the review as the Review would not have progressed to a sufficiently advanced stage by the introduction of any reforms (suggested at the time to be November 2021) to trigger any transitional arrangements.
- 2.9 In December 2020, the Government published its response on local housing need, alongside a written ministerial statement. This confirmed that it would not be proceeding with the changes set out in the August consultation, a decision that changed the Housing figure for Breckland to 661 dwellings per annum.
- 2.10 In February 2021 the Council held an informal Local Plan Review update meeting with officers from the Ministry of Housing, Communities and Local Government. This meeting included a discussion on the approach being taken by North West Leicestershire District Council on a partial review of a single policy in its Local Plan and it was suggested that a similar approach could be considered as a way to progress a review. This was followed, in April 2021, with a Local Plan Advisory visit with the Planning Inspectorate where this approach was further explored. A number of options were discussed at the meeting concluding that, 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 Plan to be submitted by November 2024 (full update) appeared to be justified.
- 2.11 In May 2021 the Queen’s Speech confirmed the Government’s intentions to press ahead with a root-and-branch shake-up of the planning system with the inclusion of a forthcoming planning bill. The bill, which is expected to be brought before Parliament in the autumn of 2021, was being designed to enact planning reforms trailed in the earlier planning white paper, including fundamental changes to local plans so that they provided more certainty over the type, scale and design of development permitted on different categories of land. On September 17, 2021 (3 days before the Breckland Council Cabinet meeting), further delay and uncertainty was caused when the Government announced that work on the Bill was paused for further review.

- 2.12 In May 2021, the Government published a Written Ministerial Statement to set out the Government's plans for the delivery of First Homes defining the product as affordable housing. These changes came into effect in June 2021 and would have needed to have been considered in the Review of the Plan.
- 2.13 Officers at the Council worked on this proposal and submitted a Report to Cabinet in September 2021 (ratified in November 2021). This Report set out the changes that had 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 Local Plan review and its timetable. In summary these were as follows:
- Uncertainty and delays to the publication of the housing requirement and delays to work on the revised Strategic Housing Market Area Assessment (SHMAA)
  - The Review would not accord with the 2021 National Planning Policy Framework (NPPF) and 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 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
  - The needs for a clearer understanding of the implications of Covid 19, First Homes, planning reform and the Environment Bill.
- 2.14 Cabinet was advised that the circumstances were very different to those at the time the Local Plan was adopted. A particular issue was the lack of clarity regarding the housing need for Breckland. The Local Plan Inspector had, understandably, sought to try and ensure that the review was carried out speedily but at this time he was unaware of the delays and circumstances that have arisen subsequent to the Plan being adopted.
- 2.15 Policy INF 03 of the adopted Local Plan as currently worded represents a significant risk to the Council as having key elements of the Plan considered out-of-date would leave the Council vulnerable to unwanted applications and appeals.

The Council was advised that it needed to have a high degree of confidence that whatever it proposed would be supported at examination and that this would not be able to be submitted in November 2022. In addition and considering the unforeseen issues in 2020 pertaining to the delays in the publication of the new housing numbers, decisions to delay the joint SHMAA and the uncertainties arising from the proposed reforms to the planning system it would have not been possible to meet the November 2022 deadline even if a Partial Review had commenced immediately following the adoption of the current Plan in November 2019.

- 2.16 Cabinet was further advised that the Council was required to undertake a review of the whole plan every 5 years and that as well as the issues set out in the June 2020 Cabinet Report, there are several other considerations that necessitated a full review of the Plan including the implications of the new Planning and Environment bills. It was noted that whilst it was still unclear as to the detail of these and timings for implementation and that any progress on the Review was carefully considered to minimize risk of abortive and costly work being undertaken, it was considered that work could progress on the evidence base and earlier stages of the plan preparation, including Housing Needs, design coding and the Call for Sites consultation.
- 2.17 Cabinet was advised that officers considered that completing the Partial Review of the Plan within the timescales set out within Policy INF 03 were, and always were, unachievable and that informal meetings had been held with both the Ministry and the Planning Inspectorate (PINS) to discuss the Review.
- 2.18 The Cabinet considered 3 options as follows:
1. Undertake a 'single policy' Partial Review that seeks to amend the wording of Policy INF 03 and remove the date by which the Partial Review should be submitted for examination to reflect the submission date proposed for the Substantive Review;
  2. Undertake a Full Review of the Plan only;
  3. Undertake the Partial Review as set out in Policy INF03 and a full review of the Plan within 5 years in accordance with National Planning Policy Framework
- 2.19 Cabinet agreed to Option 1 that would be referred to as the 'Single Policy Partial Review' and to continue to work on a more Substantive Review to address the longer-term development needs of the district, including those issues set out in Policy INF 03.



- 2.20 In July 2022 the Council's Cabinet agreed to publish and invite representations upon the Local Plan Partial Update document together with the integrated assessment in accordance with Regulation 19 of the town and country planning (local planning) (England) regulations 2012.
- 2.21 The proposal agreed was to amend Policy INF 03 and paragraph 8.22 of the adopted Local Plan as set out in the box below. Changes that the Council are proposing to make 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 update 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 Update of the Plan is planned to be submitted for examination by December 2024.**

- 2.22 In accordance with the Council's Statement of Community Involvement, public consultation was agreed for a 6 week period between 11 August to 23 September 2022. Details of the responses received to this consultation is in Section 3 of this Statement.
- 2.23 The outcome of this consultation was reported to a meeting of the Council's Cabinet held on 26 September 2022. During the consultation the Council was informally advised that a developer was querying the legal process that was being followed for the Partial Update as the Council had not carried out a formal Regulation 18 stage of consultation. As a result of this informal representation the Council immediately sought advice from both the Planning Inspectorate and external legal support. Following this it was clarified that the current process being undertaken by the Council may not fully meet the regulations and in particular Regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 that requires that various bodies and stakeholders be notified that the council is preparing a plan. The Inspectorate considered that the Council should have clearly publicised its intentions, with appropriate supporting documentation, to comply with Regulation 18.
- 2.24 Previously it had been considered that the purpose of the overall Regulations had been met by virtue of the transparent decision making process on the approach taken by Cabinet in November 2021, the fact that the Partial Update is a very focused wording change to a single policy and that the questions set out in the consultation, that would be expected to form part of a Regulation 18 consultation, was set out at paragraph 3.2 of the Partial Review Consultation Paper. That stated that: *'We are asking for comments on our proposed approach, including the proposed wording to policy INF 03 and the Integrated Assessment'* and were included within the Regulation 19 papers.

- 2.25 Given this advice Cabinet was advised that it would be prudent to correct this issue at this stage and reduce the risk of later failure at the examination and further delays. Cabinet agreed the following<sup>2</sup>:
- Continue with the current 6 week consultation that was scheduled to end on September 23rd 2022;
  - Following the end of the consultation period produce a schedule of the responses received as part of this consultation (with the Council's response to those representations) and consider whether any changes needed to be made to the proposals currently set out in the Partial Update and agree these with the Deputy Chief Executive and Portfolio Holder for Planning;
  - Agree the content of, and timetable for, the further Regulation 19 public consultation with the Deputy Chief Executive and Portfolio Holder and publicise via emails and a press release that the previous Regulation 19 consultation (that had just ended) would be regarded as the Regulation 18 consultation (as the Partial Review Consultation Paper included both Regulation 18 and Regulation 19 questions) and that there would be an additional period of public consultation and gave the dates of this consultation period;
  - Update the Local Development Scheme
  - Inform the Planning Inspectorate of the revised process and timetable
- 2.26 In accordance with the Cabinet decision the new Regulation 19 consultation began on September 30 and ran until November 11 2022. Details of the responses received to this consultation is in Section 3 of this Statement.
- 2.27 The revised Local Development Scheme was agreed and placed on the Council's Website<sup>3</sup>. This sets out the timetable for the Partial Update as well as the concurrent Full Update of the Plan that considers that the Submission Draft of the Full Update of the Plan will be submitted in December 2024 in accordance with the proposed Partial Update.
- 2.28 At its meeting held on November 21 2022 the Council's Cabinet considered the responses received to this second consultation and agreed to submit the Plan and supporting documentation to the Secretary of State for examination.

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<sup>2</sup> Note: Although the Cabinet meeting was 26 September, the agenda was published prior to the end of the 6 week consultation period on 23 September. This is reflected in the recommendations.

<sup>3</sup> <https://www.breckland.gov.uk/local-plan-review>

### **3 Summary of Consultation Process and Main Issues**

- 3.1 In accordance with the Regulations the Council uses and maintains a database of consultees. This includes details of statutory and non statutory agencies and organisations as well as individuals and those with a business interest in the District including developers and planning agents.
- 3.2 In August 2022 the Council procured the use of the separate Commonplace<sup>4</sup> platform to aid in community engagement. The Commonplace citizen engagement platform is designed to help the local community be involved in the plan-making process, engage them in conversation, analyse their feedback and collaborate on future ideas. Use of Commonplace as our online community engagement hub is considered to help build trust and transparency with local people.
- 3.3 The Council used this platform to further publicise both periods of public consultation undertaken on the Partial update. Since the site was launched there have been over 2,600 visitors and 400 new subscribers
- 3.4 Copies of the consultation documents were also placed on deposit at the Council's main office in Dereham and at the public libraries within Breckland District.
- 3.5 The documentation was also placed on the Council's Website with an online form to facilitate responses.
- 3.6 A Statutory Press Notice was placed for both consultation periods. These are in Appendix 1 of this Statement.

#### ***Regulation 18 Consultation***

- 3.7 A total of 46 responses were received to the first consultation from 17 separate organisations / individuals. A summary of these together with the Council's responses were published on the Council's Website<sup>5</sup>. Redacted copies of the full representations were also made available on the Council's dedicated Local Plan digital platform (Commonplace)<sup>6</sup>. Whilst

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<sup>4</sup> <https://brecklandlocalplan.commonplace.is/>

<sup>5</sup> <https://www.breckland.gov.uk/article/19939/Regulation-18-Consultation>

<sup>6</sup> <https://brecklandlocalplan.commonplace.is/>

these comments required some minor changes to the justification supporting the Partial Update and the Integrated Assessment, the Council did not consider that any changes to the proposed Policy INF 03 or supporting text were required.

3.8 Responses were received from:

<b>Individual / Organisation</b>	<b>Number of Respondents</b>
Parish Councils	2
Developers	1
Planning / Land Agents	4
Individuals	1
Statutory consultees	9
<b>Totals</b>	<b>17</b>

3.9 Responses presented a broad range of comments of which the key issues raised were: (Council response in *italics*)

***Immediate Review***

3.10 Comments received from developers, developers’ representatives and agents highlighted that an immediate Review using the Standard Method and allocating additional sites should have commenced at the point of adoption of the Local Plan. They referred to the government having clarified the use of the 2014 based household projections, and that delayed planning reform was not a reason to delay the immediate Review.

*The Council responds that it considers that it was unreasonable and unrealistic for the Partial Review to have been completed as envisaged by Policy INF 03 and that it is committed to a Full Update of the Local Plan which will include a holistic approach to the future planning of the District including an assessment of future housing need based on the Standard figure by way of a Housing and Economic Development Needs Assessment and beginning with consultation on issues and options in early 2023, and where appropriate the allocation of additional sites.*

- 3.11 Comments received from developers' representatives and agents suggested that a Partial review could have been used to bring forward additional specific housing site allocations and that the proposed amendment of Policy INF 03 was not justified as an immediate review was required to address the higher level of housing need in the future. Comments suggested that the housing requirement is not based on the Standard Method but on the 2017 Central Norfolk Strategic Housing Market Assessment (SHMA) and cannot be considered to represent the Objectively Assessed Need (OAN). The effect of the proposed update would be to re-adopt the same housing requirement of 612 dwelling per annum (dpa).

*The Council responds that the current Plan includes sufficient housing sites to meet both the housing need set out in the Plan and the latest Standard housing figure of 672 dwellings per annum. It has also commenced work on the Full Update of the Plan. The current housing figure (612 dpa) in the adopted Local Plan will remain in force whilst the Full update of the Plan is prepared. It does not mean that the Council would be re-adopting the 612 OAN housing figure until 2036 as the Full Update is timetabled to be adopted in 2026. In addition, paragraph 74 of the National Planning Policy Framework provides for where the housing requirement set out in the adopted Plan is more than 5 years old then the local housing need figure would be applied. The Council is committed to a Full Update of the Local Plan which will include a review of the housing requirement and where appropriate the allocation of additional sites.*

***Current wording of Policy INF 03 should be revised***

- 3.12 Comments received from developers' representatives and agents suggested that the current wording of Policy INF 03 should include a consequential clause, that policies would be out of date, in the event that the Full Update of the Plan is not submitted by December 2024.

*The Council responds that it does not consider there is a need for the addition of a 'consequence clause'. Under current Regulation plans are required to be reviewed every 5 years and if this not achieved then policies may be deemed to be out of date. The timetable for the Review will be monitored and amended to reflect any changes that may be introduced as part of the Levelling Up and Regeneration Bill, as well as the level of available resources.*

***Timetable for the Full Update is not appropriate***

- 3.13 Comments received from developers' representatives and agents suggested that the timetable for the Full Update is not appropriate as it suggests a submission date of December 2024 when examination starts in 2026. Timescales are excessive and should be revised. No Change.

*The Council agrees and has published a revised Local Development Scheme and changed the projected timescales for examination and adoption to Q2 2025 – Q3 2026 and Q4 2026 respectfully.*

***Regulation 18 consultation process has not been undertaken***

- 3.14 Comments from a developer suggested that the Regulation 18 consultation process has not been undertaken for this review which sets a precedent for the robustness and credibility of the review mechanism.

*The Council agrees and as a result has implemented a revised consultation process – to consider the Regulation 19 consultation (the first consultation) as the Regulation 18 consultation and to undertake a second Regulation 19 consultation. Responses were dutifully considered and published before the second Regulation 19 consultation began. It was also agreed that responses made during both public consultation periods would be made available to the Inspector to avoid any prejudice.*

***Housing Land Supply***

- 3.15 Comments received from developers' representatives and agents suggested that there had been a substantial accumulated shortfall of delivery since the base date of the adopted Plan.

*The Council responds that it continues to demonstrate a surplus of delivery over need and a 5 year supply of housing land as set out in the latest land supply report.*

***Housing Standards***

- 3.16 Comments received from developers' representative suggested that changes to national housing standards was not a justification for amending Policy INF 03.

*The Council responds that this is just one of the issues included in Policy INF 03 and all of the requirements must be considered collectively. Whether or not to include locally derived standards in the Full Update will be a decision for the Council as part of that work.*

#### **A47 Improvements**

- 3.17 Comments received from developers' representative suggested that the A47 improvements are not a sound reason for amending Policy INF 03, and that other elements of the review could have been progressed.

*The Council responds that this is just one of the issues included in Policy INF 03 and all of the requirements must be considered collectively. It is considered more appropriate to consider this issue holistically along with other development needs in the area as there is a clear link between economic development and housing.*

#### **Changes in national policy**

- 3.18 Comments received from developers' representative suggested that changes in national policy were not a sound reason for amending Policy INF 03, as change and uncertainty are part of preparing and reviewing a local plan.

*The Council responds that national policy changes will be considered as part of the Full Update. The uncertainty over national planning reform and in particular the housing numbers has caused a significant amount of confusion including delays to a number of local plans across the country. Breckland is however, committed to a timely Full Update of the Plan.*



### ***Topic Paper (August 2022)***

- 3.19 Comments received from a developer's agent highlighted that paragraph 5.6 in the Council's published Topic Paper (August 2022) sets out 643 dpa is required using the Standard Method which is now out of date given the 2021 affordability data which suggests a dpa of 672.

*The Council agrees and has amended the Paper to include the 672 dwelling figure. This does not affect the proposal to undertake the Partial Update as proposed.*

### ***Lack of accessible open space and infrastructure***

- 3.20 Comments received from a parish council advocated that lack of accessible open space and other infrastructure in many parish council areas needs to be addressed through consultation.

*The Council responds that such issues are not relevant to the Partial Update and will be considered as part of the Full Update.*

### ***Regulation 19 Consultation***

- 3.21 A total of 42 responses were received to the second consultation from 18 separate organisations / individuals. A summary of these together with the Council's response were published on the Council's Website. Redacted copies of the full representations were also made available on the Council's dedicated Local Plan digital platform (Commonplace)<sup>7</sup>. Whilst these comments required some minor changes to the Integrated Assessment, the Council did not consider that any changes to the proposed Policy INF 03 or supporting text were required prior to the Partial Update being submitted for examination.

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<sup>7</sup> <https://brecklandlocalplan.commonplace.is/>

3.22 Responses were received from:

<b>Individual / Organisation</b>	<b>Number of Respondents</b>
Parish Councils/ Neighbourhood Plan Groups	1
Planning / Land Agents /Developers	6
Individuals	3
Statutory consultees / other agencies	6
District Councils	2
Totals	<b>18</b>

3.23 Responses presented a broad range of comments of which the key issues raised were: (Council response in *italics*):

***Immediate Review***

3.24 Many of the reasons that have been put forward are not sufficient to have delayed the review to this extent and if the Council is not sufficiently proactive then the amended wording will only serve to delay the inevitability of policies being considered out of date.

*The Council responds that the decision to undertake the Partial Update of the Local Plan as proposed is based on a number of different factors. These are explained in the papers accompanying the Consultation. Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) and paragraph 33 of the current National Planning Policy Framework requires policies in local plans to be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. December 2024 is 5 years from the date of adoption. If this date is not achieved, then the Council is aware of the consequences that it could face under the current Regulations.*

***Current wording of Policy INF 03 should be revised***

3.25 The policy could be strengthened further to ensure the Council maintains the progress they state they will.

*The proposed date for submission of the Full Update of the Local Plan of December 2024 is 5 years from the adoption of the current Plan and only 2 years away. This is the most realistic timeframe for the Full Update based on the work required and available resources and the current regulatory procedure. This is reflected in the Local Development Scheme*

***Current wording of Policy INF 03 should be revised***

- 3.26 The text of both the proposed para. 8.22 and Policy INF 03 state the Council's commitment and planned intention to submit the full review of the Local Plan by December 2024. A specific date for submission of the full update should be stated, rather than just "December 2024". In support of this date there is a need for far more extensive evidence and a more detailed programme of work. A contingency of at least 3 months should be allowed to account for those risks and when combined with other risks and slippages identified in the LDS, the earliest submission date of the full review should be 31 January 2026.

*The Council responds that It is not possible to give a specific date as dates for executive committee meetings have not been set for that time period. To specify a month for a period over 2 years away is considered to be reasonable and reflects the approach used in the existing wording of Policy INF 03. The Council is currently working on the Full Update of the Plan and has made progress in accordance with the agreed Local Development Scheme. This has been prepared in accordance with good practice and is not intended to set out every detailed workstream required for each milestone. Whilst the Council cannot be completely certain that the Review will be completed in accordance with the agreed Local Development Scheme it will be kept under review and, if necessary, changes made. A submission date of January 2026 would result in the existing plan being more than 5 years old and as such at risk of being considered out of date.*

***Fall Back position***

- 3.27 The Council has not presented a full-back plan for the full review in the event that an examiner rejects the partial review, and thus if the partial review is rejected, further delay to the full review will inevitably follow.

*The Council responds that If the Partial Update of the Plan fails at examination the Council will need to consider its position. However, work on the Full Update can continue as it is not directly impacted by the outcome of the Partial update.*

***Consistency with the Integrated Assessment***

- 3.28 A number of detailed comments have been made on the need for the dates in the Integrated Assessment (IA) to be consistent with those proposed in the Partial Update.

*The Council agrees and some changes have been made to the IA in order to ensure consistency with the dates proposed in the Partial Update.*

### ***Gypsy and Travellers***

- 3.29 Comments received from developers' representative suggested that the review could have begun in June 2021 after the High Court judgement on the definition of Gypsy Travellers was reversed.

*The Council responds that the adopted Local Plan does identify sites to meet the needs of Gypsies and travellers as well as a criteria based development management policy against which to consider planning applications. The Council intends to resolve any issues, including an updated evidence base as part of the Full Update of the Local Plan. The uncertainty regarding the definition remains uncertain following, in October 2022, the decision of the Court of Appeal that rejected the Government's use of the planning definition and that whilst this decision does not automatically get rid of the PPTS definition, and the Government is likely to seek permission to appeal to the Supreme Court the ruling brings into question the definition and continues to add to the uncertainty that the Council would have faced had it undertaken the Partial Update of the Local Plan as envisaged by Policy INF 03. For example, it would leave any new evidence base that the Council had commissioned along with any allocations / policy development in the new Plan subject to challenge.*

*The Council has made some changes to the Topic Paper to include reference to this latest judgement.*

### ***A47 improvements***

- 3.30 Comments received from developers' representative suggested that the A47 improvements are not a sound reason for amending Policy INF 03, and that other elements of the review could have been progressed.

*The Council responds that this is just one of the issues included in Policy INF 03 and all of the requirements must be considered collectively. It is considered more appropriate to consider this issue holistically along with other development needs in the area as there is a clear link between economic development and housing.*

*The Council has made some changes to the Topic Paper to include reference to the latest announcement.*

### **Other Issues**

- 3.31 Statutory consultees (Norfolk County Council, South Norfolk and Broadland district councils, Sport England, Natural England and the Environment Agency do not object to the proposed review of Policy Inf03.
- 3.32 A number of detailed comments have been made on the timetable for the Full Update of the Plan as set out in the Local Development Scheme. Other responses relate to the issues that the Council will need to address as part of the Full Update of the Plan including for example, the need for new housing and employment, a bypass for Swaffham and detailed comments on the Local Development Scheme

*The Council responds that these are not directly relevant to the Partial update and will be considered as part of the Full Update of the Plan.*

## **4.0 Duty to Cooperate**

- 4.1 The Localism Act 2011 sets out that local authorities must cooperate with prescribed bodies and neighbouring local authorities to maximise the effectiveness of local plans. They must engage constructively, actively and on an ongoing basis on strategic matters relating to sustainable development. A strategic matter is defined as sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas. Breckland Council has a Duty to Cooperate (DTC) with Norfolk County Council and a range of adjoining authorities on strategic planning matters to maximise the effectiveness of respective local plans. The

DTC also requires the Council to cooperate with other prescribed bodies and statutory consultees, such as Natural England and the Environment Agency.

- 4.2 The Council is actively discussing the Partial Update with the neighbouring authorities and is seeking to agree a Statement of Common Ground that will support the Council's position that there are no cross boundary strategic matters that require to be addressed under the Partial Update. The Council will continue to engage proactively with these bodies throughout the Full Update of Plan.

## **5.0 Conclusion**

- 5.1 The Council considers that the Council has undertaken appropriate consultation on the Partial Update in accordance with the Statement of Community Involvement. 2 separate consultation periods were undertaken and were well publicised through the use of both digital and traditional methods. The Council was transparent in publicising both representations received and the Council's response to these.

## Appendix 1: Public Notices

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**Legal and Public Notices**

**Goods Vehicle Operator's Licence**

RFP Distribution Ltd 7 Rutherford Way, Thetford, Norfolk, IP24 1HA is applying for a licence to use SA Burrell Way Trade Park, Thetford, Norfolk, IP24 3RW as an operating centre for 25 goods vehicles and 4 trailers. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillesley House, 386 Hillesley Lane, Leeds LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

**BRECKLAND DISTRICT COUNCIL PLANNING AND COMPULSORY PURCHASE ACT 2004 AND REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012 - PUBLICATION DRAFT LOCAL PLAN AND SUSTAINABILITY APPRAISAL INCORPORATING THE STRATEGIC ENVIRONMENTAL ASSESSMENT NOTICE OF REGULATION 19 CONSULTATION**  
Breckland District Council is consulting on its Publication Draft Local Plan (Partial Review) and Strategic Environmental Assessment (SEA) for the Breckland District Council area. The primary role of the document is to assess Policy NP 10 to determine the requirement for an immediate partial review and the consequences that would be deemed to follow should that partial review not take place.  
How to comment: to make comments on the Partial Review please use one of the following methods, providing your name and contact details:  
EMAIL: [https://www.breckland.gov.uk/local-plan-review](mailto:https://www.breckland.gov.uk/local-plan-review)  
EMAIL: [Planning@breckland.gov.uk](mailto:Planning@breckland.gov.uk)  
PRINTED FORM: Available from Elizabeth House reception or your local library.  
The consultation documents and response forms are available at Breckland District Council, Hillesley in the district and have been published on the Council's website: [www.breckland.gov.uk](http://www.breckland.gov.uk)  
Representations are invited between the 11 August 2022 and 16:59 on the 25 September 2022. Breckland Council, Elizabeth House, Wapole Lane, Dereham, Norfolk, NR19 1EE

**ROAD TRAFFIC REGULATION ACT 1984: SECTION 14 TEMPORARY CLOSURE OF THE UB852 CHEDGRAVE ROAD AND THE FAIRWAY, LOWESTOFT**  
Suffolk County Council intends to make an order closing the following roads in the following phases:  
1. UB852 Chedgrave Road, Lowestoft  
2. UB852 The Fairway, Lowestoft.  
This is to facilitate highway reconstruction works. Other co-ordinated works may also take place during this period.  
Access will be open for pedestrians and cyclists.  
The diversion routes will be:  
1. Higham Drive, Denton Drive, The Fairway and vice versa  
2. Broadwaters Road, Langley Gardens, Higham Drive, Denton Drive and vice versa  
It is intended that the closure will operate from 19/08/2022 - 28/10/2022 unless the order is made in force for 18 months or longer if extended by the Minister.  
Enquiries should be made to Suffolk Highways. Tel: 0345 806 6171.  
Date: 09/08/2022  
07973 188442.  
Legal Advice: Head of Legal Services, Suffolk County Council, Constantine House, 5 Constantine Road, Ipswich IP1 2DH

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#### Legal and Public Notices

##### PATRICIA MARGARET FARLEY (Deceased)

Pursuant to the Trustee Act 1925 any persons having a claim against or an interest in the Estate of the above named, late of Mesching House Greyhound Lane Bishops Cleeve, NR19 2HT, who died on 15/03/2022, are required to send written particulars thereof to the undersigned on or before 30/11/2022, after which date the Estate will be distributed having regard only to the claims and interests of which they have had notice.

**Carverstone Wills**  
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##### NORFOLK COUNTY COUNCIL NOTICE OF APPLICATION FOR PLANNING PERMISSION MAY AFFECT THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA

**Town and Country Planning (Development Management Procedure) (England) Order 2015  
NOTICE UNDER ARTICLE 15  
Planning (Listed Buildings and Conservation Areas) Act 1990  
NOTICE UNDER SECTION 73  
REF: FUL/2022/0029**

##### SOUTH NORFOLK COUNCIL

##### TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015, NOTICE UNDER ARTICLE 13, PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

The following applications have been submitted to the Council:

**2022/1618/2022/1619 BERTH APTON**, Mid Farm Barn, Great Pt Lane – Alterations to first floor to barn to provide a 5th bedroom, alterations to outbuildings to provide a guest annex with PV panels to roof, new opening doors to west facing glazed screen, new door opening replacing window to east elevation and diversion of entrance drive to form natural organic pool in garden **Reason(s)**: Listed Building and/or curtilage.

**2022/1551 WYMONDHAM**, 5 Town Green – Installation of a conservation rooflight, to front of building, replacing the original glass tile rooflight with the top hung conservation rooflight (Retrospective) **Reason(s)**: Affects a Conservation Area, Listed Building and/or curtilage.

**2022/1734 DISS**, 22A St Nicholas Street – Variation of condition 2 of 2010/2699 – Changes to lower ground level decking and insertion of internal rear boundary hedges **Reason(s)**: Affects a Conservation Area, Listed Building and/or curtilage.

**2022/1803 HEMPNALL**, Spring Farm, Spring Lane – Erection of glasshouses, polytunnels, general purpose agricultural storage/coldstore building, biomass building, water storage tanks, thermal water tanks, drainage and landscaping **Reason(s)**: Listed Building and/or curtilage, Major development, Affects public right of way.

**2022/1692 FORNCETT**, The Granary, Northfield Road – New undercover BBQ and seating area **Reason(s)**: Listed Building and/or curtilage.

**2022/1621 WYMONDHAM**, The Old Farmhouse, The Loke – Installation of solar photovoltaic panels to rear of existing garage **Reason(s)**: Listed Building and/or curtilage.

**2022/1798 WYMONDHAM**, 6 Town Green – Restoration of boiler flue (Retrospective) **Reason(s)**: Listed Building and/or curtilage, Affects a Conservation Area.

**2022/1696 TIBENHAM**, Sycamore Farm, Pistoia Green Lane – Rebuild/repair of chimney stack, installing a new flue for new eco wood burner and re-fitting for dormer windows **Reason(s)**: Listed Building and/or curtilage.

**2022/1616 BRESSINGHAM**, The Highlands, High Road – Fit a perforate board to west gable of property **Reason(s)**: Listed Building and/or curtilage.

##### BRECKLAND DISTRICT COUNCIL PLANNING AND COMPULSORY PURCHASE ACT 2004 AND REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATION 2012 –

##### PUBLICATION DRAFT LOCAL PLAN AND SUSTAINABILITY APPRAISAL INCORPORATING THE STRATEGIC ENVIRONMENTAL ASSESSMENT NOTICE OF REGULATION 19 CONSULTATION

Breckland District Council is consulting on its Publication Draft Local Plan (Partial Review) and Integrated Assessment under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The primary role of the document is to amend Policy INF 03 to delete the requirement for an 'immediate partial review' and the consequences that would be deemed to follow should that partial review not take place.

HOW TO COMMENT, to make comments on the Partial Review please use one of the following methods, providing your name and contact details.

ONLINE: <https://www.breckland.gov.uk/local-plan-review>

EMAIL: [Planning.policyteam@breckland.gov.uk](mailto:Planning.policyteam@breckland.gov.uk)

PRINTED FORM: Available from Elizabeth House reception or your local library

The consultation document and response forms are available at Breckland District Council, libraries in the district and have been published on the Council's website [www.breckland.gov.uk](http://www.breckland.gov.uk)

Representations are invited between the 30 September 2022 and 16:59 on the 11 November 2022.

Breckland Council, Elizabeth House, Walpole Loke, Dereham, Norfolk, NR19 1EE