

BRECKLAND DISTRICT COUNCIL

Report of: Cllr Gordon Bambridge - Executive Member for Growth

To: Overview and Scrutiny Commission – 6th July
Cabinet – 10th July
Full Council – 27th July

Author: Sarah Robertson, Senior Planning Policy Officer (Capita)

Subject: Breckland Local Plan Pre-Submission Publication Document

Purpose: The purpose of this report is to seek Members' agreement to publish the Local Plan Regulation 19 document, and then submit to the Secretary of State for an independent examination

Recommendation(s):

- 1) that Members endorse the Regulation 19 Pre-Submission Local Plan, Sustainability Appraisal and Habitats Regulations Assessment for a six week publication period;
- 2) to agree that, following statutory public consultation, delegate powers to the Strategic Planning Manager in consultation with the Leader and Executive Member for Growth to submit the Local Plan, subject to any minor modifications for examination provided that no substantive objections have been submitted;
- 3) to delegate to the Strategic Planning Manager in consultation with the Leader and Executive Member for Growth to make minor modifications and amendments to the draft Local Plan prior to commencement of the Statutory Public Consultation;
- 4) to delegate to the Strategic Planning Manager in consultation with the Leader and Executive Member for Growth to agree amendments to the Local Plan arising during the Examination in Public.

1.0 BACKGROUND

- 1.1 Members will be aware that Cabinet agreed the formation of a single Local Plan for Breckland at a meeting on the 8th January 2013. When adopted the Local Plan will set the strategic vision and framework for planning decisions within Breckland. Furthermore it will also allocate land to achieve these objectives. The Local Plan when adopted will cover the plan period 2011-2036.
- 1.2 Significant work has gone into the preparation of the new Local Plan for Breckland, which has led to the production of the document attached at Appendix A of this report. The Local Plan presented within this report has been shaped by both meetings of this council, and by public consultation. The preparation of this document has included 29 meetings of the Council's Local Plan Working Group (LPWG), which have included meetings held at venues across the District. Three regulation 18 consultations has occurred during the preparation of the document, which have generated over 5,000 comments on the plan from both members of the public and statutory consultees. These comments alongside a further 32 public events and numerous parish council meetings have all informed the preparation of the plan. In addition to the above 680 sites have been submitted to the Council for consideration for inclusion within the Local Plan for residential, employment and retail uses.

- 1.3 The Local Plan included within Appendix A of this report, represents the Regulation 19 version of the plan as set out within the Town and Country Planning (Local Planning) (England) Regulations 2012.

Local Plan

- 1.4 As noted above the Local Plan has been subject to significant consultation during its preparation. This report does not seek to go into significant detail on all aspects of the plan, as has been discussed at the meetings of the LPWG; instead this section of the report seeks to highlight key changes since the last Regulation 18 consultation.
- 1.5 **Revised Document Structure** – Earlier Regulation 18 consultations included separate documents for policies and site allocations. This Regulation 19 publication plan brings together both elements to provide a single comprehensive development plan. Revisions made to the structure of the document include bringing together comprehensive sections on Housing, the Environment, Economy and Communities. Site allocations are included within the relevant sections of the document
- 1.6 **Objectively Assessed Housing Need** - The Central Norfolk Strategic Housing Market Assessment (CNSHMA) forms the key evidence base for the housing target within the Local Plan. The CNSHMA has recently been updated by the five Central Norfolk authorities to reflect the updated population projections which have been release by Government. The updated CNSHMA has revised the objectively assessed need (OAN) for Breckland over the plan period 2011-2036. The previous CNSHMA set the OAN as 598 dwellings per annum equating to 14,925. The updated CNSHMA sets the new OAN as 612 dwellings per annum or 15,298 new homes over the plan period. The revised housing target reflects household formation rates in Breckland which have been high over the period 2011-2016.
- 1.7 The Local Plan plans to meet the whole OAN for the District through commitments, completions, new housing allocations and sites which have the decision to grant subject to s106. The total provision is 648 above OAN however this only provides a small buffer against which the Inspector with assess delivery.
- 1.8 **Housing Trajectory** – It has been necessary to revise the housing trajectory within the Local Plan, to reflect the updated CNSHMA. The housing trajectory includes a stepped approach to the housing requirement, whereby there is a lower housing requirement for the first five years of the plan, before increasing at the end of the plan. A stepped housing trajectory is considered to be appropriate within Breckland. The locational strategy includes the two Sustainable Urban Extensions (SUE's), one within Thetford which has the benefit of planning permission and the other within Attleborough. Paragraph 52 of the NPPF notes that:
- 'The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns.'*
- 1.9 The delivery periods for the two SUE's (as set out within the Infrastructure Delivery Plan) are shown to extend beyond the end of the plan period. This reflects likely build out rates within the sites. There are also significant infrastructure and land assembly requirements associated with the development of the SUE's, which means that their delivery is not anticipated to start until further into the plan period. A stepped housing trajectory allows for the slower initial delivery rates of the SUE's to be taken into account at the beginning of the plan period (following adoption) and increase as the SUE's begin to deliver.
- 1.10 In order to meet the housing target (and therefore meet the five year housing land supply) within the early years of the plan, it will be necessary to ensure the small and medium sites

within the market towns and local service centres come forward early in the plan.

- 1.11 **Design** – At the Cabinet meeting on 25th April, members considered further work on Design needed to be incorporated within the Local Plan. This was reported back to the most recent LPWG, the key changes being:
- Inclusion of a new design policy within the Plan GEN02 Promoting High Quality Design. This has been included as a strategic policy at the start of the plan emphasising the importance of high quality design in all development within Breckland.
 - Policy GEN 02 commits the Council to preparing a supplementary planning document on design following the adoption of the Local Plan.
 - The development management design policy has been updated, building on comments made by the development management team. It now includes additional requirements in relation to highway safety, parking and refuse, recycling and servicing facilities.

Sustainability Appraisal

- 1.12 Alongside the Local Plan document, the authority has to prepare a Sustainability Appraisal Report. This Report sets out a thorough baseline of Breckland data and evidence which demonstrates what is important and/or unique in Breckland in terms of the economy, society and the environment. The Report also considers the implications of other plans, policies and programmes and where there are land use dimensions which the Local Plan can help deliver. This baseline has informed 19 sustainability objectives against which all reasonable options have been assessed and from which preferred options have been identified. The Sustainability Appraisal Report will be a key consideration when the document is examined and provides scope to a Government Inspector to look at the potential outcomes of alternative site and settlement boundary options where there are representations that the Council should have taken forward another option. Importantly, the Report also incorporates the legal requirement for a Strategic Environmental Assessment (SEA), which is an obligatory appraisal of the environmental effects of the plan and the need to justify those policy options that have a negative effect on the environment.
- 1.13 The proposed Submission document is accompanied by a Sustainability Appraisal Report (SAR). The SAR considers the social, economic and environmental impacts of the Local Plan and provides an essential tool in ensuring the policies and allocations represent the most sustainable option. The SAR confirms that the approach taken in the Local Plan is the most sustainable.
- 1.14 The SAR will be presented as part of the proposed Submission publication; however Members are advised that due to the size of the document (>700 pages) it will only be made available electronically with a master hard copy available at the Council Offices.

Habitats Regulation Assessment

- 1.15 Regulation 85B of the Conservation of Habitats and Species Regulations 2010 requires plan making authorities to determine whether a plan is likely to have a significant effect upon any European site as defined by the Regulations. In considering the implications of the Local Plan document for European sites, an Appropriate Assessment has been undertaken in order to comply with the Habitats Regulations 2010.

Policies Maps

- 1.16 As part of the Local Plan it is necessary to revise the policies maps. Policies maps are an obligatory part of the adopted development plan comprising the area base map depicting allocated sites for a particular land use and development proposals and sets out the area(s) to which specific policies apply.
- 1.17 A full set of policies maps will be published alongside the Local Plan during the pre-submission period and then submitted to the Secretary of State.

Local Development Scheme (LDS)

- 1.18 Local Authorities are required to prepare a Local Development Scheme (LDS) through section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The Planning and Compulsory Purchase Act sets out the requirements for the LDS that they must specify:
- The documents which are to be local development documents
 - The subject matter and geographical area to which each document relates
 - The timetable for the preparation and revision of the documents
- 1.19 The proposed LDS can be seen at appendix C of this document. Members will be aware that this is not the first LDS which has been published by the Council. This is the seventh revision to the LDS since they were introduced in 2004. Local Authorities are required to monitor the progress of preparation of the Local Plan. The existing LDS was agreed at the Local Plan Working Group held 3rd February 2017 and is accurate with regard to the remaining stages of production for the Local Plan. However, due to the decision to delay the timescale for the Local Plan by six weeks at the Cabinet meeting held 25th April 2017, the timeline for each stage is no longer accurate. The decision to delay the Local Plan was taken to ensure that design featured more prominently in the Local Plan. Members have additionally made a commitment to producing a Supplementary Planning Document (SPD) on design, and therefore the LDS includes a paragraph to formalise that commitment. In summary, the LDS has been revised to reflect the current preparation timetable of the Local Plan, reference the SPD on Design, to ensure that the Local Plan is legally compliant.

Proposed Local Plan Timetable

- 1.20 The future milestones for the Local Plan, as set out within the LDS, are as follows:
- Pre-submission Publication (regulation 19): w/c August 21st – October 2017
 - Submission to the Planning Inspectorate: October 2017
 - Examination in Public: January 2018
 - Adoption: April 2018
- 1.21 Following the submission of the document to the Planning Inspectorate, the timetable for the examination will be dependent on them. Performance on the deliver of local development documents against the LDS will be kept under review through the Annual Monitoring Report.

Duty to Co-Operate

- 1.22 The Localism Act (2011) introduced the 'Duty to Co-operate' which is a legal requirement that applies to all Local Planning Authorities, County Councils, National Park Authorities and a number of public bodies including the Environment Agency, Highways England, Historic England, Natural England and the Equality and Human Rights Commission.

- 1.23 Local Planning Authorities are expected to demonstrate evidence of having effectively co-operated with key partners on cross-boundary strategic policy impacts when their local plans are submitted for examination. It is important that co-operation is a continuous process of engagement. This requirement has become more important than previously when strategic cross-boundary issues were considered through the now revoked Regional Plan process, with this responsibility now resting at the local level.
- 1.24 A Duty to Co-operate Statement has been prepared and circulated to all duty to co-operate bodies. This will be submitted to the Secretary of State as part of the Local Plan examination supporting documentation.

Supporting Evidence

- 1.25 Members will be aware that significant supporting evidence is required to accompany the Local Plan and provide robust justification for policies in order to ensure a successful Examination and the Local Plan being found 'sound'. The evidence base around, housing, employment and retail, the environment and infrastructure will all be submitted to the Secretary of State alongside the Local Plan. In addition to this, the Planning Policy Team is also preparing a number of topic papers which seek to explain the process behind key local issues. These will also form part of the evidence base, and include:
- Local Service Centre Topic Paper
 - Housing Topic Paper
 - Site Selection Topic Paper
 - Optional Technical Standards (Housing) Topic Paper
- 1.26 Furthermore, supplementary work on Employment Land is also currently being completed and the Infrastructure Delivery Plan is intended to be a live document which will be updated as new information is available.

Publication of the Local Plan

- 1.27 This report seeks Members' agreement to publish. The publication period does not represent a wide ranging consultation on the Local Plan. Instead, the publication of the Regulation 19 version of the Local Plan seeks views on whether the plan is sound. Paragraph 182 of the NPPF sets out the tests of soundness, which are that the plan is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework
- 1.28 It is therefore important to distinguish that this is not a widespread public consultation but should be seen as a "final check" with those bodies which have a role in delivering the

Local Plan, including Town and Parish Councils.

- 1.29 The Local Planning regulations require that the following documents are made available during the six week period:
- Local Plan Pre-Submission Document
 - Sustainability Appraisal Report
 - Habitats Regulation Assessment
 - Policies Maps
 - A statement setting out:
 - Who was invited to be involved in the plan preparation
 - How they were invited to be involved in the plan preparation
 - A summary of the main issues and how they have been addressed.
 - Any other supporting documents relevant to the preparation of the Development Document
- 1.30 The publication of the Local Plan will be carried out in accordance with the Council's adopted Statement of Community Involvement. The publication period will be carried out as requires the authority to:
- Notify all general and specific consultees of the publication period (including Town and Parish Councils)
 - Notify all people who have requested to be included on the Council's consultation database
 - Place an advert within the Eastern Daily Press advertising the publication.

Submission and Examination of the Local Plan

- 1.31 Following the 6 week publication period, the authority is required to produce a summary of the main issues raised by the representations. Any very significant issues raised by representations that go to the heart of the soundness of the plan should come to light during this summation process (Regulation 22).
- 1.32 The nature of representations received will determine the course of action that the Council takes and this is reflected in the recommendation of this report. If there are no representations which cause the authority to question whether the plan is sound then the document can be submitted to Secretary of State and subjected to examination. However, should the Council receive representations that may warrant a modification to the document then there are two courses of action. Under the Regulations, the authority can make small focussed changes which would need to be re-appraised and consulted on before being submitted. Should the publication period draw fundamental comments which the Council considers are valid and that they go to the heart of the soundness then extensive changes may be required which would likely necessitate undertaking further evidence gathering and consultation.

Conclusions

- 1.33 The Local Plan has been subject to significant levels of consultation through-out its preparation. The plan presented within Appendix A is considered to represent a justified and effective plan which will help the District meet its own objectively assessed needs.

2.0 **OPTIONS**

- 2.1 Option A: Members agree that the Council publishes the Local Plan document in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Members further agree to submit the Local Plan to the Secretary of State for an Examination in Public by a Government appointed Inspector. Where minor modifications are needed prior to the submission of the Local Plan and/or any amendments to the Local Plan arising during the Examination in Public, Members agree that these be delegated to the Strategic Planning Manager in consultation with the Leader and Executive Member for Growth.
- 2.2 Option B: Members do not agree that the Council publishes the Local Plan document, nor agree to submit the Local Plan document to the Secretary of State for an Examination in Public by a Government appointed Inspector.

2.0 **REASONS FOR RECOMMENDATION(S)**

- 3.1 Members are asked to approve Option A in order to allow the timely progression of a sound Local Plan development framework for the District.

4.0 **EXPECTED BENEFITS**

- 4.1 The expected benefits associated with Option A are that it will allow for the Council to progress with the adoption of a Local Plan to setting the strategic planning priorities for the District. Furthermore, the Local Plan also will set the housing trajectory for the District and thereby help to maintain a five year housing land supply.

5.0 **IMPLICATIONS**

5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 The Strategic Environmental Assessment (SEA) considers the environmental implications of the proposals within the Local plan. The SEA is incorporated into the Sustainability Appraisal. Furthermore there is also a specific section and policies within the plan relating to the environment.

5.2 **Constitution & Legal**

- 5.2.1 The legal framework and requirement for the production of a Local Plan is set out within the Planning and Compulsory Purchase Act 2004, the Town and Country Planning (Local Planning) (England) Regulations (2012), the National Planning Policy Framework and National planning Practice Guidance

5.3 **Contracts**

- 5.3.1 It is the opinion of the report author that there are no implications.

5.4 **Corporate Priorities**

- 5.4.1 The Local Plan aligns with corporate priority: Supporting Breckland to develop and thrive; providing the right services at the right time and in the right way; developing the local economy to be vibrant with continued growth and enabling stronger, more independent communities. The production also aligns with the priority of enabling effective planning and delivery of housing solutions to meet local needs.

5.5 **Crime and Disorder**

5.5.1 The reduction and prevention of crime is included within the sustainability appraisal as one of the objectives. All of the policies within the plan have been assessed against the objective. Further to this Policy COM01 Design, requires all new development within Breckland should be designed to reduce opportunities for crime and antisocial behaviour, creating safe, secure and accessible environments.

5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

5.7 **Financial**

5.7.1 There will be financial implications on the Local Authority for the examination of the Local Plan. This will include the cost of holding the public examination presided over by an independent Planning Inspector from the Planning Inspectorate.

5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

5.9 **Risk Management**

5.9.1 It is the opinion of the Report Author that there are no implications.

5.10 **Safeguarding**

5.10.1 It is the opinion of the Report Author that there are no implications.

5.11 **Staffing**

5.11.1 It is the opinion of the Report Author that there are no implications.

5.12 **Stakeholders / Consultation / Timescales**

5.12.1 The publication of the Local Plan will be for a six week period. Stakeholders and members of the public will be able to comment on the soundness of the plan during this period. The soundness comments will be submitted to the Planning Inspectorate for the Inspector appointed to consider the Local Plan to take into account. The timetable for the Examination in Public of the Local Plan will be dependant upon the Planning Inspectorate.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 The Local Plan affects all wards in Breckland

7.0 **ACRONYMS**

7.1 CNSHMA: Central Norfolk Strategic Housing Market Assessment

7.2 LPWG: Local Plan Working Group

7.3 NPPF: National Planning Policy Framework

7.4 OAN: Objectively Assessed Need

7.5 SAR: Sustainability Appraisal Report

7.6 SEA: Strategic Environmental Assessment

Background papers:-

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Key Decision: Yes

Exempt Decision: No

This report refers to a Mandatory Service**Appendices attached to this report:**

Appendix A	Local Plan Pre-Submission Publication Document
Appendix B	Sustainability Appraisal Report
Appendix C	Local Development Scheme
Appendix D	Duty to Co-operate Statement
Appendix E	Habitats Regulation Assessment
Appendix F	Consultation Statement
Appendix G	Consultation Statement Appendices
Appendix H	Local Plan Policies Maps