



Breckland Local Plan Local Development Scheme

Ninth Revision (September 2018)

1. Introduction

Background

1.1 The Planning and Compulsory Purchase Act (2004) (as amended by the Localism Act 2011) requires local authorities to produce a Local Development Scheme setting out the range of planning policy documents to guide future development and changes. The suite of documents was previously referred to as the Local Development Framework (LDF), although the term has now been replaced by the more straightforward “Local Plan” by the Government in the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG), Councils still need to produce a Local Development Scheme (LDS) to reflect the latest position on the intended programme and timetable for producing the Local Plan and other relevant Local Development Documents.

Local Development Documents

1.2 Prior to the Localism Act (2011), Councils were encouraged to produce a range of plans covering strategic and more detailed planning policies, including site allocations. The Government have signalled through the NPPF and national PPG the preference for a single Local Plan to be produced by each local planning authority for their area. Section 3 provides further detail on the current suite of plans produced under the LDF system by the Council.

1.3 In Breckland, the Council is now working on a single Local Plan to replace the suite of plans produced as part of the Local Development Framework process. Councils can also produce Supplementary Planning Documents (SPDs) for topics/areas which require additional guidance to policies set out in the Local Plan. However, the NPPF states that *“supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery, and should not be used to add unnecessarily to the financial burdens of development.”* The Council also prepares two additional documents: a Statement of Community Involvement detailing how people will be involved in the planning system; and a Monitoring Report that considers how effectively the Local Plan policies are being implemented.

1.4 The Localism Act (2011) provides the opportunity for communities to prepare Neighbourhood Plans to guide further development that they may wish to see in their communities. Neighbourhood Plans, once adopted, form part of the Development Plan for the area and are used in the determination of Planning Applications. Neighbourhood Plans¹ are prepared by Town and Parish Councils to address key local priorities. Their key milestones are specific to each document. The regulations do not require neighbourhood plans to be included within the LDS.

What is a Local Development Scheme (LDS)?

1.5 The Local Development Scheme (LDS) is a programme for the production of the Local Plan and any associated documents that Breckland Council intend to produce over the next three years. This is the Council's ninth revision to its LDS and updates the previously adopted LDS (July 2017). This LDS takes into account the National Planning Policy Framework (NPPF) (March 2012); The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012; and the Planning Practice Guidance and

¹ The latest position on neighbourhood plans within Breckland can be found here: <http://www.breckland.gov.uk/article/2213/Neighbourhood-Plans>

attendant policy and ministerial statements that are relevant to the production of the Local Plan.

Key Issues in the Ninth Revision of the LDS

1.6 The eighth revision of the LDS was completed in May 2018 and presented an accurate representation of the stages of production of the Local Plan, based on the timetable for the Examination including scheduled hearing sessions at that time. The Inspector Jonathan Manning BSc (Hons) MA MRTPI conducting the independent Examination of the Local Plan requested that the Council supply a revised LDS which accurately reflects the timeline of the Local Plan.

1.7 It was requested that the LDS be supplied to the Inspector at the close of the scheduled hearing sessions with all other requested additional information and proposed modifications. Due to the quantity of additional information including separate topic papers requested during the hearing sessions, the deadline for submission for these items was extended at the request of the Council to 29th June 2018. The Inspector requested that additional material is subject to consultation and will be reconsidered at extra hearing sessions scheduled for 18th – 20th September (reserve session 21st September).

Making Your Views Known

1.8 The Council is required by the regulations to make the LDS available to the public. Copies are available for inspection at the Council's offices in Dereham and Thetford, as well as Customer Contact Centres in Dereham, Thetford, Attleborough, Swaffham and Watton. The LDS is also available to view on the Planning Policy pages of the Council's website [www.breckland.gov.uk].

2. Local Plan Structure and Schedule of Proposed Documents

Local Plan Structure

2.1 Under the planning system Breckland Council will be responsible for delivering the new district-wide Local Plan. Norfolk County Council will retain the duty of preparing a Minerals and Waste Local Plan, as well as being the highway and education authority.

2.2 The production of the Local Plan will follow the full statutory processes including the preparation of a Sustainability Appraisal, public participation and other regulatory requirements. The Local Plan will be subject to Examination by an independent Inspector if formal objections are received during the public consultation period. Objectors, who wish to, can have their objections heard orally at any hearing stages held during the Examination.

2.3 The Council must keep this LDS under review in the light of any further changes. Once adopted, the LDS will be monitored on an annual basis. As part of the Monitoring Report the Council will set out:

- How well the Council is performing against the key milestones set out in the LDS;
- How the policies in the Local Plan are being implemented;
- The latest up-to-date list of background documents;
- The status of the old planning policy framework and how this has been affected by the production of the Local Plan;
- Whether the Local Plan or aspects of the plan need reviewing in advance of their scheduled time target;
- Any updates to the LDS as required.

Schedule of Proposed Documents

2.4 The documents that Breckland Council proposes to prepare are as follows:

- Local Plan (district wide)
- Policies Map
- Monitoring Report

Progress on the preparation of the Local Plan

2.5 The Council has made significant progress on the Local Plan to date, since the decision was taken in 2013 to commence the preparation of a single Local Plan. The following key milestones having already occurred:

- Issues and Options Consultation (regulation 18) – November 2014 to January 2015
- Preferred Directions Consultation (regulation 18) – January to February 2016
- Pre-Submission Publication (Regulation 19) – August 2017 to September 2017
- Submission (Regulation 22) – November 2017
- Examination in Public – April – June 2018

2.6 Figure 1 sets out the timetable for the preparation of the Local Plan. .

Figure 1 – Schedule of Proposed Documents

Local Development Document	2017					2018												2019			Comments						
	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March							
LDF (Core Strategy and Development Control Policies, Dec 09; Site Specifics, Jan 2012; Thetford Area Action Plan, July 2012)																						All documents will be replaced by the Local Plan once adopted (n.b non-superseded policies will remain extant)					
Local Plan	P	P	S																			M	M		R		It is expected that once this document is adopted it will be reviewed on a 3-5 year cycle
Policies Maps																											To be updated on adoption of the Local Plan

Key Milestones

	Preparation of the document
*	Public participation in the preparation of the Local Plan (Regulation 18)
P	Publication of the Local Plan (Regulation 19)
S	Submission of the Local Plan (Regulation 22)
M	Post Hearing Consultation (Modifications)
E	Examination in Public
R	Inspectors Report
A	Adoption
U	Update Policies Maps

Summary of revised changes to the Local Development Scheme

- In accordance with section 15 of the Planning and Compulsory Purchase act (as amended), this LDS has updated the previous timeline (May 18) as milestones were out of date.

Other Planning Policy Documents that Breckland Council will publish

2.7 The Local Plan will establish the Council's planning policies, which should be backed up by robust evidence base. This work will be published in the form of technical studies and papers and they will be produced either by the Council or independent consultancy bodies.

2.8 Each background document will be publicly available at the same time as the relevant stage of the Local Plan to which it relates, is submitted. It is not possible at this time to predict every background document that will be produced as the Council may need to prepare additional evidence in the course of preparing the Local Plan or to respond to changes in National Planning Policy. Consideration will be given on an annual basis as to the need for their review.

2.9 The Council has previously undertaken work on a Community Infrastructure Levy (CIL) for the District. Work was halted in July 2014 and a watching brief kept on amendments to the CIL process.

Design Supplementary Planning Document (SPD)

2.10 The Council is committed to producing a SPD on design. The document will guide the design of development in Breckland and aid the implementation of allocated sites in the Local Plan. The timetable for the production of the SPD is contingent on the progress of the remaining stages of the Local Plan, but it is anticipated that preparatory work on the SPD will begin after the Examination of the Local Plan.

3. Transitional Arrangements

3.1 The current documents that make up the Local Plan provide the planning policy framework for Breckland at the local level. In due course they will be replaced by the emerging single Local Plan. The new Local Plan will also include a list of all policies that are superseded and those that are not superseded. Until that time, the existing statutory planning policy framework includes:

- National Planning Policy Framework (NPPF)
- Norfolk Minerals and Waste Development Management Policies (2011)
- Norfolk Minerals Site Specific Allocations DPD (2013)
- Norfolk Waste Site Specific Allocations DPD (2013)
- Core Strategy and Development Control Policies DPD (2009)
- Site Specific Policies and Proposals DPD (2012)
- Thetford Area Action Plan (2012)
- Saved Policies of the Breckland District Local Plan 1999

3.2 The Council's suite of documents within the Local Plan remains adopted until they are replaced by the emerging single Local Plan. There are four policies from the previous plan (1999) that remain saved by virtue of their inclusion within the adopted Core Strategy DPD, Site Specific Policies and Proposals DPD and the Thetford Area Action Plan DPD. The Thetford Area Action Plan was adopted post adoption of the NPPF and as such, is fully in conformity with this document and benefits from full weight in the planning process. The Core Strategy and Site Specific Policies and Proposals DPDs were adopted prior to the publication of the NPPF and as such policies within them are afforded due weight depending on their level of conformity (NPPF Annex 1: Implementations).

4. Resources

4.1 The preparation of the Local Plan is overseen by a working group of the Council's Cabinet. This will report to Cabinet and then to the full Council as appropriate. The working group, which meets in public, considered drafts of documents and made recommendations. Revised drafts of any document are agreed for consultation through the Council's Cabinet and through meetings of The Council.

4.2 On 30th June 2009 Breckland Council transferred its planning service to Capita as a 15 year contract which will cover both the development management and planning policy functions of the Council. Capita is contracted to deliver the Planning Policy services to Breckland Council in accordance with milestones agreed with the Council on an annual basis, as part of an on-going Contract Review process. Since Breckland's Planning Policy team was transferred to Capita, the Local Planning Authority function now rests with the Council's own Planning Management team. The Strategic Planning Manager also fulfils the role of client liaison officer.

4.3 The day-to-day preparation of the Local Plan will be the responsibility of Planning Policy Team under Capita Breckland. The team is part of a wider planning office at Breckland and within Capita. Breckland Council retains budgetary responsibility for financing the work needed to prepare a sound Local Plan.

5. Risks

5.1 Producing a Local Plan document within a set timetable is not without risk. A number of risks to delivery against the milestones have been identified and are set out below. As far as is practicable these risks have been taken into account in producing the timetable.

1. Staff Resources

5.2 In common with many rural planning authorities, the planning policy team at Breckland is relatively small. Staff turnover, the national lack of qualified planners and increasing need for staff to specialise all pose medium risks to the timetable if one or more members of the team were to leave the team. The loss of staff with significant local knowledge may take time to replace. Therefore, staff retention and replacement are priorities for the service and this aspect will be managed to ensure that the timetable for the Local Plan is not put at risk. As the Council's planning service is delivered by Capita, there is potential scope to use resources elsewhere within the company to minimise this element of risk should it arise.

2. Delay or suspension of the examination dependant on the outcome of hearing sessions

5.3 Whilst the Council has submitted a plan which is considered to be sound, it is not uncommon for discussion at hearing sessions to trigger requests from the Inspector for additional work to be undertaken to support the consideration of issues raised. In most cases this can be produced within the programmed timetable which would not affect the timeline projected in the LDS. However, this is dependant on the scale and nature of the work requested and also the time required to produce it. The Inspector may suggest additional time to consider the work produced, if requested, and this may result in the identification of a further hearing session/s to ensure the issue is explored in a public forum. A further reserve session is programmed, however any additional sessions would be subject to the availability of the Inspector, participants and available suitable locations to hold the sessions.

3. Changes to national planning policy

5.4 Further changes to National Planning Policy could give rise to a need to review or amend the timetable. The previous planning system was amended on several occasions which altered the formal stages of document preparation. The current system is less tightly regulated than its predecessor and as such should limit the potential for the need for further amendment, However recent announcements and ministerial statements indicate that there are potential changes envisaged to the planning system and the implications will need to be assessed at the appropriate time.

5.5 At this stage in the Examination, the potential risk is relatively small as most matters have been examined and only a few key issues require reconsideration. The revised NPPF has been published, however a transitional period applies and therefore this should not impact adoption of the plan. The Inspector questioned the implications of a recent legal case 'People Over Wind' for which the Council have prepared a response as part of the submitted work in June. It is not possible to predict cases which may impact the plan process but the risk is considered to be minimal at this stage in the plan process.