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# Report to Breckland District Council

**by Jonathan Manning BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Date: 25 October 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Breckland District Council Local Plan**

The Plan was submitted for examination on 30 November 2017

The examination hearings were held between 17 April and 20 September 2018

File Ref: PINS/F2605/429/5

## Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
DPA	Dwellings Per Annum
DtC	Duty to Co-operate
DCLG	Department for Communities and Local Government
GEA	General Employment Area
GTANA	Gypsy and Traveller Accommodation Need Assessment
HELAA	Housing and Economic Land Availability Assessment
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
IROPI	Imperative Reasons of Overriding Public Importance
LDS	Local Development Scheme
LSC	Local Service Centres
MM	Main Modification
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHMA	Strategic Housing Market Assessment
SAC	Special Areas of Conservation
SPA	Special Protection Area
SUE	Strategic Urban Extension
TA	Transport Assessments

## Non-Technical Summary

This report concludes that the Breckland District Council Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Breckland District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out Sustainability Appraisal (SA) of them. The MM schedule was subject to public consultation on three occasions for six weeks (18 February to 1 April 2019, 3 April to 15 May 2019 and 30 May to 12 July 2019).

I have recommended the inclusion of the MMs in the Plan after considering the representations made in response to all three consultations.

The Main Modifications can be summarised as follows:

- Insertion of Policy INF 03 that requires an immediate review of the Plan with regard to: Policy HOU 01 'Development Requirements'; Policy HOU 08 'Gypsies and Travellers'; Policy HOU 10 'Technical Design Standards for New Homes'; and Policy EC 01 'Economic Development';
- Insertion of climate change into the vision and strategic objectives;
- The removal of the stepped trajectory from Policy HOU 01 'Development Requirements';
- Modifications to the housing trajectory in Appendix 1 of the Plan to reflect the removal of the stepped trajectory and use of the Sedgefield method to address backlog and to update supply;
- Changes to Policy HOU 02 'Level and Location of Growth' to update its figures;
- Alterations to Policy HOU 03 'Development Outside of the Boundaries of Local Service Centres';
- The insertion of Appendix 5 to set out a housing target for settlements subject to Policy HOU 04 'Rural Settlements with Boundaries';
- Changes to Policies HOU 04 'Rural Settlements with Boundaries' and HOU 05 'Small Villages and Hamlets Outside of Settlement Boundaries';
- Alterations to Policies HOU 07 'Affordable Housing'; Policy HOU 08 'Provision for Travellers and Travelling Showpeople'; Policy HOU 09 'Specialist Housing'; Policy HOU 10 'Technical Design Standards for New Homes'; Policy HOU 11 'Residential Replacement, Extension and Alteration'; Policy HOU 12 'Conversion of Buildings in the Countryside'; Policy HOU13 'Agricultural Workers Exceptions'; and Policy HOU 14 'Affordable Housing Exceptions';
- Modifications to Policy EC 01 'Economic Development'; EC 02 'Snetterton Heath'; Policy EC 03 'General Employment Areas'; Policy EC 04 'Employment Development Outside General Employment Areas'; and Policy EC 07 'Tourism Related Development';
- Changes to Policy EC 05 'Town Centre and Retail Strategy' and its supporting text to update figures;
- Alterations to the housing and employment site allocations and their criteria and supporting text;
- Amendments to the Plan to refer appropriately to not superseded policies and allocations of other Plans;

- Changes to the development management policies, in terms of transport, the environment, communities and design; and
- Modifications to the Council's Implementation and Monitoring Strategy.

## Introduction

1. This report contains my assessment of the Breckland District Council Local Plan (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (the Framework) (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework (the revised Framework) was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the Framework 2012 will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the Framework 2012 and the versions of the PPG which were extant prior to the publication of the revised Framework in July 2018.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Breckland District Council Local Plan submitted in November 2017 (LP\_S\_1) is the basis for my examination. It is the same document as was published for consultation in August 2017.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in Appendix 1 to this report.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out SA of them. The MM schedule was subject to public consultation for six weeks between 18 February and 1 April 2019. This was followed by a further round of focused consultation on MM18, MM119 and MM148 between 3 April and 15 May 2019. This was as a result of the tracked change version of the Plan used on the Council's consultation portal not accurately reflecting the MM schedule in relation to these modifications. As a result of the responses from interested parties, it became clear that the tracked change version of the Plan used on the Council's portal also contained other errors. To ensure there was no prejudice caused to interested parties, the MM schedule was consulted upon again in full and the tracked change version of the Plan was removed from the consultation portal. The MM schedule also contained some minor changes and additions to address some comments that were received in the first two MM consultations. The third MM consultation ran from 30 May to 12 July 2019.

6. I have taken account of all the responses for each consultation in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have highlighted these amendments in the report.

### **Policies Map**

7. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Local Plan Policies Map' as set out in LP\_S\_2.
8. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
9. These further changes to the policies map were published for consultation alongside the MMs. In this report, I identify any amendments that are needed to those further changes in the light of the consultation responses.
10. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in 'Local Plan Policies Map' (LP\_S\_2) and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

### **Assessment of Duty to Co-operate**

11. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
12. The Council has provided as part of its evidence, a statement (LP\_S\_18A), which sets out how it considers the Duty to Co-operate (DtC) has been met. This sets out that the key strategic planning issues considered were: housing; economy; infrastructure; retail, leisure & other commercial uses; the natural environment; flood risk and water resources; transport; the historic environment; social matters; and cross boundary planning applications. In each case the Council has identified in detail how it has met the DtC.
13. I consider that the statement illustrates that the Council has made considerable efforts to engage with all relevant organisations and prescribed bodies throughout the Plan's preparation. It is clear that many of the changes made during the Plan's preparation prior to its submission were as a result of

consultation with relevant parties, to address their concerns in a constructive and active manner.

14. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## **Assessment of Soundness**

### **Main Issues**

15. Taking account of all the representations received, the written evidence and the discussions that took place at the examination hearing session, I have identified 13 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness and does not respond to every point raised by representors.

### **Issue 1 – Whether the objectively assessed need for housing and the housing requirement are justified.**

#### ***Objectively assessed need***

16. The objectively assessed need (OAN) for housing in Breckland has been established thorough the Central Norfolk Strategic Housing Market Area (the SHMA) (June 2017), a joint assessment for Norwich City, Broadland, Breckland, North Norfolk and South Norfolk. There have been no significant disputes in relation to the identified Housing Market Area (HMA) and I consider that it is appropriate. The SHMA states that the OAN for Breckland is 15,298 (612 dpa) homes over the Plan period (2011-2036).
17. In terms of the starting point for assessing the OAN for housing, the SHMA uses the Department for Communities and Local Government (DCLG) household projections (2014) in accordance with the requirements of the Government's Planning Practice Guidance (the PPG). This established a starting point estimate of overall housing need of 13,053 homes (or 522 dpa) for Breckland over the Plan period.

#### ***Migration assumptions***

18. The PPG recognises that the DCLG household projections may need sensitivity testing, specific to local circumstances, based on alternative assumptions in relation to the underlying demographic projections and household formation rates. The Council are of the view that a 10 year migration trend should be utilised as it is suggested that it provides a more realistic figure since it captures the highs and lows and does not depend on short term trends that may not re-occur. The 2014 DCLG projections indicate that Breckland's population will increase to 153,678 by 2026 and the use of a 10 year migration trend indicates a population growth to 154,146. This is a difference of 468, which I do not consider to be significant over the Plan period.
19. Given these matters, I consider that the use of a 10 year migration trend is appropriate in this case.

### *Market signals*

20. The SHMA considers market signals affecting the HMA and recommends an overall uplift of 10% over the demographic starting point. The SHMA sets out that the average house price and affordability ratio in the HMA is greater than the national average, but lower than in two of the three comparator areas considered in the SHMA.
21. It has been suggested that the uplift should be higher and that more locally based affordability issues, over a longer period of time, should have been considered. However, the SHMA also identifies that the HMA has significantly less overcrowded households and monthly rental costs than the national average. Further, dwelling growth rates in the HMA have been higher than the national average, which in my view, does not indicate an under-supply of dwellings. I consider that the approach to market signals at the HMA level accords with the approach advocated by the PPG.
22. The 10% uplift above the demographic starting point also incorporates an allowance of 42 dwellings per annum (dpa) (1.5%) for concealed families and homeless households who may not have been able to access appropriate affordable housing. I consider this to be appropriate based on the evidence within the SHMA. There was some debate over whether this is a response to market signals or an adjustment to the demographic starting point. Either way, I am mindful that some uplifts can serve more than one purpose and the uplift for concealed families and homeless households would also help to address house prices and affordability matters within Breckland. Given all of the above, I consider an overall uplift of 10% above the demographic starting point to be justified.
23. The PPG acknowledges that estimating the future need for housing is not an exact science and in some cases, it is necessary to make informed judgments. I consider that the Council followed the approach set out in the PPG and that the OAN figure of 15,298 (612 dpa) is justified based on the evidence.

### *Affordable housing*

24. The SHMA identifies a need for 4,408 affordable units over the Plan period in Breckland, which takes into account newly arising need and the existing backlog. I have no substantive reason to disagree with this assessment or the assumptions behind it and I consider that the SHMA complies with the guidance in the PPG on calculating affordable housing needs.
25. Based on the eligible developments (large site commitments, sites with a resolution to grant planning permission, not superseded site allocations and the Plan's allocations) set out in the housing trajectory and supported by the evidence in the Housing Topic Paper (EX.79), it is anticipated that these would deliver in the region of 3,000 affordable units based on the requirements of Policy HOU 07 between 2018/19 and the end of the Plan period. In addition, the Council's Annual Monitoring Report (AMR) 2018 at Figure 3.1 shows that between 2011/12 and 2017/2018 there have been 749 affordable units delivered. Although difficult to anticipate the quantity, it is also reasonable to assume that some windfall sites will also be eligible to make affordable housing provision. There could also be some delivery through Policy HOU 14 that relates to rural exception sites.

26. Given this, it is likely that the Plan will not meet the full OAN for affordable housing, but it is likely to come close. Thus, some of those with affordable housing needs will continue to be dependent on the private rented sector, in some cases supported by housing benefit. The PPG states that an increase in total housing figures should be considered where it could help deliver the required number of affordable homes (ID 2a-029-20140306). The OAN has already applied an uplift to the demographic starting point based on the Government's household projections and is likely to provide for an overprovision in supply of some 12% over the housing requirement. Consequently, I do not consider that a further uplift to the housing figures would be justified in this particular case.

### *2016 household projections*

27. After the close of the hearing sessions, the 2016 household projections were published. The PPG sets out that *'Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued'* (Reference ID: 2a-016-20150227).
28. The Council has confirmed (EX.120) that the 2016 household projections have resulted in an increase in the number of expected households in Breckland than that anticipated in the 2014 household projections and consequently the demographic starting point has changed. The Council is of the view that this is a meaningful change and I agree.
29. I acknowledge that the Government has expressed concerns with regard to the 2016 household projections. However, this is largely on the basis that the 2016 household projections have resulted in lower projections compared with the 2014 household projections for many areas of the country. As identified above, this is not the case in Breckland. Further and notwithstanding that this Plan is being examined in the context of the transition arrangements, I consider that it is noteworthy that the OAN of 612 dpa is lower than the standard methodology figure (682 dpa) based on the 2014 household projections. Given the timing of the publication of the 2016 household projections in the context of the examination and the significant level of work that would be required to produce a new SHMA based on the 2016 household projections, I consider that the most appropriate and pragmatic course of action to allow the Plan to be adopted without undue delay, is to require an immediate review of the Plan to review the housing requirement in Policy HOU 01. **MM159** and **MM160** are therefore necessary for soundness in this regard.

### ***The housing requirement***

30. The Council is seeking to meet its identified need in full over the Plan period and the housing requirement within the Plan is consistent with the identified OAN. Some criticisms have been made that the Plan's housing requirement does not include an uplift for the additional employment that will be required as part of the 'City Deal'. The SHMA and the Council's evidence makes clear

that other authorities within the HMA (Broadland, Norwich and South Norfolk) are seeking to deliver such additional needs in full within their own Local Plans. Consequently, I consider that there is no need to increase the Council's housing requirement in this regard.

31. The Council is suggesting a stepped approach to the housing requirement set out in Policy HOU 01. The Council's justification for this approach is that there is reliance on two Strategic Urban Extensions (SUEs) at Thetford and Attleborough. However, the Plan's housing trajectory shows that the majority of supply to meet the identified housing requirement would be delivered towards the front end of the Plan period. Further and as discussed in main issue 4, the Council can demonstrate a five year housing land supply without the use of a stepped trajectory. Consequently, I am of the view that a stepped trajectory is not justified in this case and changes (**MM12** and **MM161**) are needed to remove it from Policy HOU 01 and the Plan's housing trajectory.

#### Conclusion on main issue 1

32. I consider that with the recommended modifications the Plan is sound in relation to this main issue.

#### **Issue 2 - Whether the settlement hierarchy and the spatial distribution of housing growth in the Plan is sound.**

33. The Plan sets out the settlement hierarchy in Policy GEN 03 and this identifies that there are five tiers. Further, Policy HOU 02 apportions the level of growth to each tier and the settlements contained within them. During the course of the examination and because of the additional work undertaken in relation to housing land supply, the Council has sought to update the completions and commitments within Policy HOU 02 up until 31 March 2018 rather than March 2017 as currently within the Plan. I consider this to be an appropriate course of action to ensure the Plan is up-to-date and effective and a change (**MM14**) is needed to Policy HOU 02 in this regard. This has resulted in growth in some settlements increasing, albeit not, in my view, significantly. In discussing growth for each settlement in this main issue, I am referring to the updated figures in Policy HOU 02 as it is proposed to be amended by MM14.

#### **Key Settlements**

34. Thetford and Attleborough are considered to be key settlements and are subject to SUEs. The Thetford SUE is allocated by the Thetford Area Action Plan (2012) and benefits from planning permission and the first phase is being implemented. The Plan relies on the Thetford SUE as a commitment. Policy HOU 02 as amended suggests that Thetford will deliver 3666 dwellings over the Plan period, taking into account all completions and commitments. Given the current range of services and that the SUE benefits from planning permission, which is being implemented, I consider the identification of Thetford as a key settlement to be justified.
35. The Attleborough SUE is allocated in the Plan by Policy GEN 04. It is anticipated in Policy HOU 02 (as amended) that the SUE will deliver 2,680 over the Plan period, with Attleborough delivering 4383 dwellings overall, when all completions and commitments are taken into account. The Attleborough SUE

has recently gained a resolution to grant planning permission subject to the agreement of a Section 106 Agreement. The principle of the Attleborough SUE is also set out within the made Attleborough Neighbourhood Plan, which forms part of the development plan. Given Attleborough's location close to the A11 and the level of existing services and facilities, it is easy to understand why it is considered appropriate for large scale expansion. Subsequently, I consider that it is appropriate to identify Attleborough as a key settlement.

36. The key settlements of Thetford and Attleborough equate to around 49% of the overall growth apportioned by Policy HOU 02 as amended. There have been numerous concerns with regard to the reliance on two settlements to deliver nearly half of all housing growth. However, for the reasons set out above, this is justified and I am mindful that SUEs can be a good and efficient way to deliver the necessary infrastructure requirements for significant housing growth. The Council will, however, need to monitor the delivery of these sites closely.

### ***Market towns***

37. The next tier is market towns, which include three settlements: Dereham, Swaffham and Watton. It is evident that these are existing settlements of notable scale and local services and facilities. The Council has looked at the ability of each individual settlement to accommodate additional growth. I am mindful that establishing growth levels in each individual settlement is not a simple exercise but is, instead, one that is informed by the exercise of planning judgement supported by appropriate evidence. Policy HOU 02 sets out that Dereham is expected to deliver 1,784 dwellings, Swaffham 1,553 dwellings and 1,636 dwellings in Watton over the Plan period. This represents approximately 30% of the overall housing growth. I consider such an allocation to be appropriate and the Plan seeks to deliver these needs through site allocations, which will be considered under main issue 3.

### ***Local service centres***

38. The third tier of the settlement hierarchy is Local Service Centres (LSC). This includes 18 settlements and the growth of these in total equates to 14% of the overall housing growth in the Plan as set out in Policy HOU 02 (as recommended in MM14). The Council has produced a LSC Topic Paper (LP\_H\_3). This appraised a significant number of settlements against set criteria. To be identified as a LSC, a settlement must have a primary school, shop/post office, a community facility, employment (approximately 20 businesses within the village, with at least two of these employing 10 or more people) and reasonable public transport (including the frequency of services and whether it is possible reach a higher order settlement for normal working hours). The LSC Topic Paper also sets out that walking distances to local services and facilities was also an important factor. Whilst other factors could have been included such as GP surgeries, I am content that the criteria offer a reasonable basis to consider the suitability of settlements to receive growth. Further, issues such as the local highway network, infrastructure and other such factors, are considered during the allocation of specific sites.
39. Yaxham and Clint Green is not identified in the Plan as a LSC and at the hearing sessions there was a notable level of discussion about its assessment

in the LSC Topic Paper. The Topic Paper identifies that Yaxham (including Clint Green) does meet the five criteria to be considered a LSC. This is disputed by several parties. Notwithstanding this, the Topic Paper sets out that due to the walking distance to some facilities from the residents in Clint Green it would not be appropriate to designate Yaxham and Clint Green as a LSC.

40. I agree that walking is an important consideration, particularly given the Framework's encouragement of sustainable modes of transport. I walked the route between Yaxham and Clint Green and the route is a significant distance along a narrow, in many places uneven surfaced footpath that in my view, would not encourage walking to the services in Yaxham from Clint Green and vice versa. For many residents, the distance to some facilities is well over the 1200 metre preferred distance based on the Institute for Highways and Transport Guidance for Journeys by Foot. Whilst I consider that longer distances can be considered appropriate where there is a comfortable walking environment, this is not the case here.
41. I have been provided with examples where some residents in other LSCs would be located more than 1200 metres from some facilities. However, in those cases, the settlements are not dispersed to the same extent as Yaxham and Clint Green. Further, I am mindful that such considerations do hinge on professional judgement and given my own observations on my site visit, I consider the Council's approach to be justified and Yaxham (including Clint Green) should not be designated a LSC.
42. In a similar manner, concern has been raised by the designation of Bawdeswell as a LSC. The Council's response to such concerns in LP\_S\_21 (Page 194) sets out that Norwich can be reached by bus for a normal working day. I am content that the criteria in terms of public transport is therefore met. Further, there is nothing to suggest that the local school cannot be expanded to accommodate additional pupils. There is a local shop, a community facility and the 2016 Inter-departmental Business Register shows that there are 23 businesses within the parish with 5 employing 10 or more people. I am therefore satisfied that Bawdeswell should be designated as a LSC.
43. I consider that the assessment of all other settlements has been appropriate. I am particularly mindful that such matters often require a planning judgement to be made, which can be finely balanced. However, I am content that the Council's assessment is justified.
44. As set out above, approximately 14% of the overall growth in the Plan is apportioned to LSCs by Policy HOU 02 (as amended). As part of the examination process, the Council has provided the methodology to show how the housing target for each LSC was calculated (Housing Topic Paper Table 20 (EX.79)). The Housing Topic Paper, at Paragraph 51, sets out that: *'each settlement will see new allocations at a level broadly equivalent to a 10% growth of the estimated number of dwellings at the start of the plan period (2011), adjusted downwards to ensure that the overall level of development remains within the overall 15% target for Local Service Centres'*.

45. The Council, in response to my questions on the additional work undertaken, provided further clarification (CSA1) that these calculations were made in 2016 to inform the Preferred Site Options and Settlement Boundaries consultation (LP\_S\_12). They were based on 2011 census data and a household multiplier of 2.3 people per household, taking into account any completions between 2011 and 2016. These figures were then reduced by a proportionate amount to ensure that collectively the service centres did not exceed 15% of the overall growth. Further, these figures were considered the starting point. The proposed allocations and commitments (planning permissions) between 2011 and 2016 were considered on top of any allocation. The Council set out at the hearing sessions that this was done because additional supply from the LSCs was required on top of any existing commitments to meet the identified housing need.
46. I understand that between the Preferred Site Options and Settlement Boundaries consultation (LP/S/12) and the Pre-Submission consultation (LP\_S\_1) additional completions and commitments between 2016 and March 2017 were then removed from the target figure for each LSC. This is why, in the introductory text for the site allocations for each LSC, the overall figures to be delivered over the Plan period are in many cases higher than the figures set out in Table 20 of the Housing Topic Paper. Overall, I consider the Council's approach, although overly complicated for what could have been a straightforward task, is reasonable and sound.
47. In addition, as part of the additional work undertaken by the Council and its suggested update to Policy HOU 02 further completions and commitments have been taken into account between March 2017 and 31 March 2018. This results in changes (**MM13, MM34, MM46, MM53, MM58, MM61, MM64, MM67, MM70, MM72, MM75, MM78, MM81, MM82, MM84, MM87, MM93, MM99, MM102, MM107** and **MM110**) being required to the figures in the introductory text for all of the settlements, including the SUEs, market towns or LSCs. I consider these are necessary to ensure the Plan is up-to-date and effective. I acknowledge that it could be argued where additional planning permissions have been permitted between March 2017 and 31 March 2018 the level of housing target for each LSC could be reduced and/or allocations removed. However, I am mindful that such matters are somewhat fluid and can change on a daily basis and the housing requirement in Policy HOU 01 is a minimum. Furthermore, additional supply will provide a buffer for any other sites that, for whatever reason, may not be delivered. I consider the approach to be justified.
48. The Plan seeks to allocate sites to meet the identified needs for each LSC as set out in Policy HOU 02 (as amended). These allocations will be considered under main issue 3. However, in some cases, the Council were not able to identify sufficient sites to meet the identified need. On this basis, Policy HOU 03 allows development outside of the settlement boundaries of the applicable LSCs (Kenninghall, Litcham, Necton, North Elmham and Old Buckenham), where sufficient site allocations have not been identified or there are not sufficient completions and commitments to meet the settlement target. I consider this to be a justified approach to meeting these needs, but the Council will need to monitor the situation carefully.

49. Policy HOU 03 includes several criteria that must be met and this includes that the development would not lead to the number of dwellings in the settlement exceeding the housing target. However, I am mindful that the housing requirement set out in Policy HOU 01 is a minimum. Further, there may be instances where a development exceeding the settlement housing target could deliver much needed additional benefits. Consequently, for the Plan to be positively prepared, I consider a change (**MM15**) is needed to say that the housing target should not be significantly exceeded.
50. For the Plan to be effective an amendment (**MM15**) is needed to Policy HOU 03 so that it refers to other relevant development plan policies rather than just this Plan's policies. Further, Policy HOU 03 sets out that opportunities for self-build dwellings which meet the criteria in the policy will be considered in accordance with national guidance. At the hearing sessions the Council were not able to set out what national guidance Policy HOU 03 was seeking to rely upon. Subsequently, I consider a change (**MM15**) is needed to set out that opportunities for self-build dwellings will be supported in accordance with national policy. This change is also applicable to Policies HOU 04 (**MM17**) and HOU 05 (**MM19**).

### ***Villages with and without boundaries***

51. Policy HOU 02 (as amended) seeks to deliver 234 additional homes from villages with settlement boundaries and recognises that there are 1,013 existing completions or commitments in villages with and without boundaries. Together, this represents approximately 7% of the overall growth set out within the Plan. I consider this to be appropriate, given that they possess fewer local service and facilities than LSC. The 234 additional homes from villages with settlement boundaries is based on a 5% growth of each settlement, which forms a criterion in Policy HOU 04. The Council has suggested that an appendix be added to the Plan which shows the methodology used to calculate the 5% growth and a housing target for each settlement. I consider this is necessary for Policy HOU 04 to be effective (**MM16** and **MM167**), otherwise it is unclear how the 5% growth would be calculated by a decision maker during the determination of a planning application.
52. The calculation is based on the number of dwellings in the settlement, including any planning permissions up to 31 March 2018. To calculate the 5% growth, the Council has used its own monitoring information and Geographic Information System mapping tools. I see no reason to disagree with the calculations set out in MM167. It has been suggested that the calculation should not have been constrained to those dwellings inside the settlement boundary. However, it is not clear how this would be implemented in terms of how far from the settlement dwellings would be counted. The consideration of settlement boundaries allows a consistent approach to be applied to all villages. Further, it is not an exact science and I am content that the methodology offers an appropriate way to distribute growth to these settlements.
53. Criterion 2 of Policy HOU 04 sets out that the 5% growth should be calculated from the number of dwellings in the settlement at the time of the adoption of the Plan. I consider this to be appropriate as any planning permissions

granted between 31 March 2018 and adoption should be taken into account to ensure the calculation is as up-to-date as possible and can be monitored by the Council. I see no reason why this should not include both full and outline planning permissions.

54. A concern has been raised that should any of the settlements identified by Policy HOU 04 not meet their housing target within the Plan period, there is currently no flexibility to allow those settlements which have reached their identified limit to be able to accommodate such a shortfall. However, this could be said for all elements of the supply and would need to be monitored by the Council carefully and I am mindful that the Council has committed to an immediate review of the Policy HOU 01 in any event.
55. Policy HOU 04 allows development adjacent to settlement boundaries as long as certain criteria are met. Criterion 1 requires the developments to be a minor development of up to 5 dwellings. I consider this restriction to be unnecessary given that the Council has sought to introduce a housing target for each settlement. Given the thresholds for affordable housing in Policy HOU 07 (as amended), for open space in Policy ENV04 (as amended) and developer contributions for necessary infrastructure in INF02 (as amended), this criterion would stop the delivery of any affordable housing, open space and necessary infrastructure in villages with settlement boundaries. This would be contrary to national policy and would result in the Plan not being positively prepared. Further, the Council has not been able to provide any robust evidence to justify a threshold of 5 dwellings as opposed to any other figure. A change (**MM17**) is therefore needed to Policy HOU 04 to remove this restriction.
56. I acknowledge that there are strong views that the removal of this criterion would leave villages open to more development. However, this would not be the case, because through MM167, there would be a housing target for each settlement. This would ensure that there would not be any material difference in growth expected from these villages, but it would allow for fewer but larger developments, if this was demonstrated to be appropriate. This would have the potential to deliver affordable housing and other community benefits, such as open space, which would also benefit existing residents. There are also other criteria that require the design and scale to be appropriate to the settlement, that coalescence is avoided and the design contributes to preserving and where possible enhancing, the historic nature and connectivity of communities. These will ensure that any larger developments are acceptable in such regards.
57. In a similar manner to my views on Policy HOU 03, it must be acknowledged that the housing requirement set out in Policy HOU 01 is a minimum. There may be feasible instances where a development exceeding the settlement housing target could deliver much needed additional benefits. Consequently, for the Plan to be positively prepared, I consider a change (**MM17**) is needed to say that the housing target should not be significantly exceeded to allow some flexibility. This will be a matter of judgement for the decision maker and does not in my view result in the policy being ambiguous.
58. Criterion 3 of Policy HOU 04 requires the proposal to provide a significant community benefit. The supporting text sets out that this could represent: local support, such as the views of the Parish Council or robust surveys of local

opinion; provision of a community facility, asset or financial contributions towards such facilities; the demonstration of a local social or economic need; and conformity with the policies of a made Neighbourhood Plan or delivering a community aspiration set out in a Neighbourhood Plan.

59. Taking these in turn, I consider that the requirement to demonstrate local support could place an unreasonable restriction on development, which would run contrary to national policy. Further, the views of the Parish Council and local residents are taken into account when a planning application is determined in any event.
60. Given the likely size of developments that would come forward under Policy HOU 04, it is unlikely that it is feasible in all circumstances to deliver a community facility, asset or make a financial contribution.
61. The housing needs of the District over the Plan period have already been established in Policy HOU 01 and distributed appropriately by Policy HOU 02. In term of a local housing need, this could only relate to affordable housing and Policy HOU 14 deals with rural exception sites, which could feasibly address such needs. The demonstration of accordance with the policies and aspirations of a made Neighbourhood Plan is already set out in statute, as they form part of the development plan.
62. Having regard to the above, I consider that criterion 3 of Policy HOU 04 is contrary to national policy, not positively prepared and it is unnecessary. Amendments to Policy HOU 04 (**MM17**) to remove this criterion and its supporting text (**MM18**) are required for soundness. I consider the other criteria in Policy HOU 04 to be sound and in accordance with national policy.
63. There has been some concern that the housing target for Yaxham and Clint Green has been calculated together, as set out in MM167. I have not been provided with any substantive evidence to suggest that the consideration of Yaxham and Clint Green together is unreasonable or unsound. The two are evidently closely linked and clearly dependant on each other for local services and facilities, for example the primary school, and both are covered by the same made Neighbourhood Plan. Further, I am mindful that Yaxham and Clint Green have been considered together in the supporting evidence to the Plan such as the LSC Topic Paper and that treating them separately would not in any event affect the overall level of housing required under Policy HOU 04 at Yaxham and Clint Green. However, for consistency across the Plan's policies, I consider that Policy HOU 02 (as amended by MM14) should refer to 'Yaxham & Clint Green' as is the case in the other Plan policies (rather than Yaxham (including Clint Green)) to ensure consistency.
64. Turning to Policy HOU 05, which addresses housing proposals in villages without boundaries. The policy sets out that development will be limited, apart from in exceptional circumstances, and if all of the criteria of the policy are met. The Council has clarified that the exceptional circumstances would be where all the criteria is met. However, I consider as currently worded this is ambiguous and a change is needed (**MM19**) for the Plan to be effective.
65. The second criterion of the policy requires the proposal to be a minor development of up to 3 units. Similarly, to Policy HOU 04, I consider there is no justification or evidence to support a threshold of 3 dwellings, which would

run contrary to national policy. There are other criteria in the policy that requires development to: comprise of sensitive infilling and rounding off of a cluster of dwellings; for it to be appropriate to the design and scale of the settlement; to not harm or undermine a visually important gap that contributes to the character and distinctiveness of the rural scene. I consider that these in their own right would ensure that housing developments will be appropriate in scale to the settlement. An amendment (**MM19**) is therefore necessary to amend criterion 2 to remove the 3 unit threshold.

66. Criterion 3 requires demonstrable support from the Parish Council. Given that the policy states all criteria must be met, this in effect passes decision making responsibility in the first instance to the Parish Council. If the Parish Council do not support the proposal the scheme would automatically conflict with Policy HOU 05 and therefore run contrary to the development plan. There is no provision in statute or the Framework for such an approach to decision making. I therefore consider that this criterion is unsound as it is contrary to national policy and should be removed (**MM19**). Again, this has generated strong concern, however, as already set out above, the views of Parish Councils are quite rightly taken into account during the consideration of planning applications in any event. Further, the fact that the wording of policy HOU 05 has been subject to considerable consultation with local communities during its preparation does not mean the Council's approach set out in Policy HOU 05 is sound.
67. During the main modification consultation it was suggested that New Buckenham should be considered a village with a boundary. Given the level of services and facilities in New Buckenham, as evidenced in the Local Service Topic Paper (L\_H\_3), I consider the Council's approach to be reasonable. I am also mindful that Policy HOU 05 would allow, in the right circumstances, some growth in New Buckenham. If there are demonstrable local needs in terms of affordable and specialist housing these could be addressed through Policy HOU 14 in terms of rural exception sites. In addition, the community of New Buckenham or indeed any other village could prepare a Neighbourhood Plan if it considered additional housing growth was appropriate for their area.

### ***Development within settlement boundaries***

68. The Plan at Policy GEN 05 sets out that within defined settlement boundaries development will be acceptable subject to compliance with national and other local plan policies. However, I am mindful that there may be wider development plan policies, such as those in Neighbourhood Plans which may be applicable. As a result, a change (**MM11**) to Policy GEN 05 is needed to refer to compliance with relevant development plan policies.
69. Policy GEN 05 goes on to state that outside of the defined settlement boundaries development is restricted to preserve the countryside. I am not of the view that this reflects the core planning policies of the Framework. Amendments (**MM10** and **MM11**) are therefore needed to refer to recognising the intrinsic character and beauty of the countryside in Policy GEN 05 and its supporting text. **MM11** also includes some other changes to properly refer to the title of other policies. This ensures the Plan is effective.

## Conclusion on main issue 2

70. Overall, I am satisfied that the settlement hierarchy and distribution of housing growth is justified and accords with the Framework's core planning principle of focussing significant development in locations which are, or can be made sustainable. Whilst some are of the view that more development should be diverted to the more rural communities to ensure their viability and vitality, I am mindful that Policy HOU 02 allows for the housing targets to be exceeded if a Neighbourhood Plan is produced. This would allow those communities who feel that the delivery of more housing would be of benefit to their community to be able to do so.
71. The SA (LP\_S\_3) at Page 157 concludes that the proposed approach that distributes growth across the sustainable settlements in the District should provide the most sustainable development by taking into account the suitability of areas to accommodate development, offering opportunities to support the local economy in more rural areas and not reducing the easy access to open spaces in and around Key Settlements and Market Towns. Given my above findings, I agree with this conclusion and consider that the Plan's spatial strategy for housing represents the most appropriate one.
72. I consider that with the recommended modifications the Plan is sound in relation to this main issue.

## **Issue 3 – Whether the residential allocations and settlement boundaries are justified and sound.**

### ***Site Selection***

73. The Council's approach to site selection for promoted housing sites is set out in the Site Selection Topic Paper (LP\_H\_4). Sites promoted for housing were also assessed through the SA (LP\_S\_3) and the Housing and Economic Land Availability Assessment (HELAA) (LP\_H\_8). I consider the five stage methodology adopted in the Site Selection Topic Paper to be robust and it provides a suitable framework to assess promoted sites. Further, I consider that reasonable alternatives for each settlement in terms of sites, were assessed appropriately in the SA (LP\_S\_3).
74. There have inevitably been some concerns raised with regard to the scoring and ranking of some promoted sites, particularly in relation to those that have not been selected for allocation in the Plan. However, I am mindful that these matters require professional judgement to be applied during the assessment in the topic paper and in the SA. I am content that none of those judgements are unreasonable.
75. Overall, I am satisfied that the Council's approach to site selection and the appraisal of reasonable alternatives through the SA, has been robust and is sound, including those sites in Dereham. Further, I consider that for each settlement the site allocations represent the most appropriate option(s) from the sites assessed.

### **Attleborough SUE**

76. The Attleborough SUE is a large site that is proposed to deliver up to 2,680 dwellings over the Plan period, 4000 in total and is allocated in the Plan through Policy GEN 4.
77. Whilst Policy GEN 4 refers to the findings of the Historic Characterisation Study, the site and surrounding area does have some constraints in this regard. To ensure that any future planning applications on the site have suitable regard to the historic environment in accordance with national policy, changes are needed (**MM6** and **MM7**) to Policy GEN 4 and the supporting text.
78. Policy GEN 4 currently sets out that there is ongoing discussion between the Council, the developer and Anglian Water Services to determine an appropriate, deliverable solution for wastewater improvements to be delivered following the development of 1,800 homes on the site. However, this trigger point of 1,800 is supported by limited evidence and the need for improvements could vary once further evidence is gathered. To ensure the Plan is effective a change is needed (**MM7**) to address this matter and instead require such provision to be made at an appropriate time. Further, given the large scale of the proposed development, a change (**MM7**) is also needed for the Plan to be effective and in accordance with national policy, to require a Utilities Statement to be submitted in support of any application on the site, in accordance with the Water Cycle Study and that this should also include the consideration of the foul sewerage network.
79. Policy GEN 4 does not currently include any reference to the need to provide improved or additional healthcare services to serve the SUE. To ensure compliance with national policy, an amendment (**MM7**) is necessary to address this matter.
80. Policy GEN 4 is not supported by a site allocation map showing the site boundary. In order for the Plan to be effective, an amendment (**MM8**) to add a map is needed. The promoter of the Attleborough SUE has set out in their response to the MM consultation that the boundary proposed on the map has some minor drafting errors. The Council may wish to correct these through an additional modification and reflect these on the adopted policies map.
81. The Council is seeking to alter the boundary of the Attleborough SUE on the map that would be inserted into the Plan through MM8 (and subsequently the policies map), to align with planning application Ref: 3PL/2017/0996/O, which has been approved subject to the signing of a Section 106 Agreement. This has raised concern from Norfolk County Council who own land that would be removed from the SUE boundary and on which they are seeking to promote housing development.
82. The Council set out at the hearing sessions that at the time of drafting the Plan, the SUE boundary was generously drawn, as it was uncertain what land would form the planning application being put forward by the site promoter. The site now has a resolution to grant planning permission, subject to the signing of a Section 106 Agreement.
83. In my view, the intentions of Policy GEN 4 are clear that it seeks to deliver a comprehensive development. Norfolk County Council confirmed that it had

not sought any discussions with the promoter of the SUE to include their land within the SUE and were seeking to deliver its site separately from it. I consider that to allow piecemeal development on the edges of the SUE development would run contrary to and undermine the clear intentions of Policy GEN 4. Further, additional housing is not needed at the current time to meet the identified housing need in this Plan. Given the above, I consider that the proposed change to the boundary of the SUE is necessary for soundness, to ensure that the Plan is effective and the Council will need to make this change to the policies map on adoption. Changes (**MM6** and **MM7**) to Policy GEN 4 and its supporting text are also necessary to amend the site area figure in the site description.

84. Norfolk County Council did have the opportunity to appear at the additional hearing sessions and provide comments during the MM consultations. Consequently, they have had a full and fair opportunity to raise their concerns. On this basis, I consider their interests have not been prejudiced.
85. The Council, through the additional work undertaken on housing land supply and further discussions with the site promoter, has sought to revise the number of dwellings that are likely to be delivered by the Attleborough SUE over the Plan period, as set out in Policy HOU 02 (as amended). Alterations (**MM6** and **MM7**) are needed to Policy GEN 4 and its supporting text to reflect these changes and to ensure the Plan is effective.

### ***Site Allocations***

86. In the interests of brevity, I have sought to address common themes across all or many of the site allocations initially here, rather than address them repeatedly under each individual site allocation.
87. I have found below under main issue 10 that Policy ENV 04, which relates to open space is unsound and requires several changes to address these soundness concerns. This includes removing the detailed breakdown of requirements in terms of children's play areas. As a result, in order for the relevant site allocation policies to be sound, the criterion in each which refers to these specific requirements needs to be changed (**MM36, MM38, MM40, MM42, MM44, MM47, MM48, MM49, MM50, MM51, MM52, MM54, MM56, MM62, MM65, MM68, MM73, MM85, MM108** and **MM111**) to instead cross refer to the requirements of Policy ENV 04 itself. This will ensure the Plan is effective.
88. There are many site allocation policies in the Plan that require through a criterion that a pre-application enquiry is made to Anglian Water Services to demonstrate that sufficient capacity is available to transfer wastewater for treatment and also sets out that where insufficient capacity exists financial contributions might be sought.
89. Developers contribute directly to Anglian Water for the provision of water supply and wastewater network improvements through the provisions set out in the Water Industry Act 1991. The suggestion here that financial contributions might be sought could suggest that the Council will seek to secure financial contributions through the Plan. This would not be in accordance with national policy. Further, I am not of the view that a planning

policy can require a pre-application enquiry to be made. For these reasons, I consider that this criterion is unsound.

90. To overcome these concerns a number of MMs have been put forward by the Council to the site allocations criterion and their supporting text. These were drafted in accordance with discussions with Anglian Water Services, as agreed in their Statement of Common Ground (SCG5).
91. The MMs draw on the findings of the Water Cycle Study and where there are notable constraints (Dereham, Watton and Garboldisham) require developers to provide a utilities statement to show how suitable capacity will be delivered. Further, where site allocations are subject to an Amber RAG status for capacity in the foul sewerage network in Chapter 5.4 of the Water Cycle Study, the MMs require planning applications to have regard to the findings of the Water Cycle Study and that applications will need to demonstrate appropriate solutions have been identified.
92. The requirement to provide a utilities statement has raised concern in a response to the MM consultations. I acknowledge that Anglian Water Services is the statutory water and sewerage undertaker for the District and there is a statutory duty for them to make provision for essential water supplies and the collection, treatment and disposal of used water. However, the PPG (Paragraph: 020 Reference ID: 34-020-20140306) sets out that *'If there are concerns arising from a planning application about the capacity of wastewater infrastructure, applicants will be asked to provide information about how the proposed development will be drained and wastewater dealt with'*.
93. In addition, the Council has set out that the Council's Local List for the purpose of the Town and Country Planning (Development Management Procedure) (England) Order 2015, advises that a utilities statement accompanies certain applications, such as large scale major development or where there are known deficiencies in existing infrastructure systems that may be exacerbated by proposed development. These can therefore be requested by the Council of support planning applications. Given the above, I consider that the requirement for a utilities statement to be appropriate and I do not consider that it would place an unreasonable strain on developers or affect the viability of schemes.
94. Overall, I consider that the proposed changes (**MM36, MM37, MM38, MM39, MM40, MM41, MM42, MM43, MM44, MM45, MM47, MM48, MM49, MM50, MM51, MM52, MM54, MM55, MM56, MM57, MM59, MM60, MM62, MM63, MM65, MM66, MM68, MM69, MM73, MM74, MM76, MM77, MM79, MM80, MM85, MM86, MM89, MM90, MM91, MM92, MM95, MM96, MM97, MM98, MM100, MM101, MM104, MM105, MM106, MM108, MM109, MM111** and **MM112**) to the site allocations criterion and where applicable their related supporting text are necessary to ensure that matters associated with wastewater treatment are suitably addressed in planning applications, in accordance with the Water Cycle Study. This will ensure the Plan is effective and accords with national policy.
95. The start of each site allocation policy sets out that development will be permitted subject to compliance with the criteria in the policy and other local plan policies. However, this does not acknowledge that new development will

need to comply with the development plan as a whole, including policies contained in neighbourhood plans. Subsequently, changes to each site allocation policy are needed to address this matter for the Plan to be effective (**MM36, MM38, MM40, MM42, MM44, MM47, MM48, MM49, MM50, MM51, MM52, MM54, MM56, MM59, MM62, MM65, MM68, MM73, MM76, MM79, MM85, MM89, MM91, MM95, MM97, MM100, MM104, MM105, MM108 and MM111**).

### *Market Towns*

#### Dereham

96. The Plan proposes five allocations in Dereham. A number of concerns have been raised in relation to transport and the ability of Dereham to accommodate the proposed level of additional houses in the Plan. The Plan is supported by the Local Plan Transport Study: Dereham, 2016 (LP\_V\_3) (the Dereham Transport Study). The appropriateness and robustness of the study was considered at the hearing sessions. Whilst there were concerns raised in relation to some of the assumptions and the methodology adopted, I am mindful of the strategic nature of the study and the difficulty in accurately predicting traffic flows associated with site allocations which could be implemented much later in the Plan period. It is therefore not an exact science. An interested party noted that traffic associated with the Saturday am peak had not been considered in the Dereham Transport Study. However, the Council provided an addendum dated 7 March 2017 that considered this and other concerns that had been raised when it provided its hearing statement (CS.14) on this matter.
97. Overall, and bearing in mind the strategic purpose of the study and the need for proportionate evidence, I consider the Dereham Transport Study and its addendum to be a reasonable basis to inform the Plan and consider the likely effects of the site allocations on Dereham. I consider it is relevant to note that Norfolk County Council as highway authority share this view.
98. The Tavern Lane, Yaxham Road, Greens Road junction and the ability to provide suitable mitigation has raised particular concerns. The study considered two options to improve capacity at the junction. The first was the introduction of short-term measures, which I understand from a representation made to the third MM consultation have now been implemented. The second option to address long-term capacity issues at the junction involved a new signalised roundabout. It has been brought to my attention through comments made at the third MM consultation that in March 2019 Norfolk County Council published a report 'Dereham Network Improvement Strategy' which set out that a new signalised roundabout was now not considered deliverable by the highway authority.
99. I am mindful that this has been brought to my attention at a very late stage in the examination and I have not been provided with a copy of the Dereham Network Improvement Strategy. However, each of the five Dereham allocations includes a criterion 'Development should contribute towards required highway improvements in Dereham having regard to the Dereham Transport Study'. It was discussed at the hearing sessions that in the future new evidence may be commissioned and that this should be taken into

account. I agree and a change is needed (**MM36, MM38, MM40, MM42** and **MM44**) to each allocation to refer to the need to take into account any future evidence, which could include the Dereham Network Improvement Strategy.

100. Further, given the clear issues of congestion in Dereham, I consider that an alteration is also needed (**MM36, MM38, MM40, MM42** and **MM44**) to refer to the fact that a further transport assessment is likely to be required to support planning applications for each allocation, in accordance with national policy. Whilst this has generated concern, I consider that this re-iterates and makes clear the requirements of Policy TR 02 (as modified by MM115) of the Plan, which complies with the Framework.
101. I accept that the admission in the Dereham Network Improvement Strategy, 2019 that the new signalised roundabout junction at Tavern Lane is not deliverable does question the ability of Dereham to accommodate the traffic associated with the site allocations. However, I am mindful that three of the five allocations do benefit from a resolution to grant planning permission subject to a Section 106 Agreement. It has therefore been demonstrated through the development management process that each of these sites can be delivered without having unacceptable impacts on the local highway network. Further, it appears clear that Norfolk County Council are seeking improvements to transport related Infrastructure in Dereham.
102. Given all of this and the clear need for new housing in the District, I consider that it would be premature and impractical to remove the site allocations from the Plan. However, it is clear that future planning applications on these sites will need to demonstrate that they would not result in unacceptably cumulative impacts on the local highway network and the MMs set out above, along with the requirements of Policy TR 02 (as modified by MM115) will ensure that this is undertaken and properly assessed. Further, Policy TR 01 (as modified by MM114) seeks to ensure that proposals are accessible by sustainable modes of transport and make suitable provision for improved public transport.
103. It is also important to note that the Council has committed to an early review of the Plan to review Policy HOU 01 the housing requirement. This is likely to require a need to review all or most aspects of the Council's approach to meeting its housing needs, including the site allocations. Nonetheless, the Council will need to monitor this situation closely and take appropriate action if planning applications associated with the site allocations in Dereham are not coming forward due to highway issues.
104. Dereham Allocations 1, 3, 4 and 5 refer to the need to consider water efficiency measures in their criteria. However, this matter is addressed through Policy HOU 10 and therefore to ensure the Plan is effective, a change (**MM36, MM40, MM42** and **MM44**) is needed to remove this criterion.
105. Turning to each of the allocations, Dereham Allocation 1, seeks to deliver approximately 60 dwellings at land to the west of Etling View. A modification (**MM36**) is needed to ensure that any future planning applications suitably consider the historic environment, in accordance with national policy. I do not consider it necessary to list the nearby designated and non-designated heritage assets or require an archaeological assessment within the policy

criteria. The modification along with Policies ENV 07 and ENV 08 (as modified) will ensure that such features are suitably considered during any future planning applications. This matter is also relevant to all other site allocations, where a similar modification is needed for soundness.

106. The Council has proposed to amend the site boundary of Dereham Allocation 1 to reflect that of the development which benefits from a resolution to grant planning permission subject to a Section 106 Agreement on the site. The change would also result in the regularisation of the settlement boundary to the east of the site to ensure consistency. I consider the change (**MM35**) to Map 3.1 of the Plan to be appropriate and necessary for the Plan to be effective. The Council will also need to reflect these changes on the policies map. During the MM consultations these changes raised concern that it could affect the amenity of Shilling Lane. However, this change would not affect the layout of the development being promoted on the site and Dereham Allocation 1 includes a criterion that states: *'The open space requirements should be set out in a manner which maximises opportunities to enhance biodiversity corridors including the setting of Shilling Lane'*.
107. Many consultation responses were received raising a large number of matters associated with the site. I have had regard to these concerns. However, having considered this evidence and visited the site, I consider that a suitable and acceptable development could be delivered on the site through the criteria of Dereham Allocation 1 (as modified). This view is supported through the site benefitting from a resolution to grant planning permission subject to a Section 106 Agreement.
108. Dereham Allocation 2 seeks to allocate approximately 130 dwellings at land to the west of Shipdham Road. A change (**MM38**) is needed to the policy criteria, to ensure that any future planning applications suitably consider the historic environment, in accordance with national policy.
109. Dereham Allocation 2 is located in close proximity to Dereham Allocation 5. Consequently, I consider that an amendment (**MM38**) is needed to ensure that cumulative impacts from both sites are considered in any future planning applications. This will ensure compliance with national policy.
110. The River Tud Valley is a notable feature in close proximity to the allocation and a change (**MM39**) is needed to the supporting text to set out that its proximity should inform the consideration of drainage associated with criterion 6 (as modified) and in more general terms planning applications should have regard to it. I consider this necessary to accord with national policy.
111. Concerns have been expressed that the site (as well as Dereham Allocation 5) is some 2 km away from the town centre. Whilst this is noted, there are suitable footpaths that have street lighting from the site's entrance to the town centre, which would allow safe access by foot. Further, Shipdham Road is subject to a 30 mph speed limit at the entrance to the sites. Given this and having visited the sites, I consider that cycling is likely to be a feasible option for accessing the town centre for relatively competent cyclists. In addition, whilst the sites are some distance from the town centre it is in close proximity to the schools in Toftwood and the Rashes Green Employment Area. I am

satisfied that both Dereham Allocations 2 and 5 offer sufficient access to local services and facilities.

112. It has been suggested that the loss of existing employment land on the site should be replaced elsewhere so there is no net reduction. However, there is no substantive evidence to suggest that this is necessary and it does not form part of a General Employment Area (GEA).
113. Dereham Allocation 3 seeks to deliver some 210 dwellings at land off Swanton Road. The site benefits from a resolution to grant planning permission subject to a Section 106 Agreement for 216 dwellings. To ensure that the Plan is effective, I consider that a change (**MM40**) is needed to update the figure in the allocation to reflect that being proposed in the planning application.
114. The site is in close proximity to the Mid-Norfolk Railway Line, which is a notable feature and important biodiversity corridor in the area. To ensure compliance with national policy, a change (**MM40**) is needed to add a criterion to the allocation setting out that opportunities to connect the site with the wider green infrastructure network should be explored, in particular connections to the Mid-Norfolk Railway Line. I acknowledge that there is no public access to the rail line, however, such connections could be achieved in other ways, such as biodiversity enhancement.
115. The schedule of MMs consulted upon during the first consultation included an alteration to criterion 5 to insert the requirement for development proposals to have regard to the proximity of the site to the Neatherd Moor. This was omitted from the MM schedule consulted upon in the third consultation in error. Notwithstanding this, all parties had an appropriate opportunity to comment upon this change during the first consultation. I consider this change (**MM40**) is necessary given the ecological and amenity importance of the Neatherd Moor as a County Wildlife Site and Local Nature Reserve, to ensure compliance with national policy. This requirement would not adversely affect the deliverability or viability of the site.
116. I consider that Dereham Allocation 3 has good access to local services and facilities in the surrounding area and is in close proximity to the town centre. Policies ENV 07 and ENV 08 (as modified) will ensure that the historic environment is suitably considered during any future planning applications on the site and I do not consider it necessary to set out the need for an archaeological assessment within the policy criteria.
117. Dereham Allocation 4 seeks to deliver approximately 60 dwellings. A change (**MM42**) is needed to ensure that any future planning applications suitably consider the historic environment, in accordance with national policy. I consider that Dereham Allocation 4 has good access to local services and facilities in the surrounding area and is in reasonable proximity to the town centre.
118. Dereham Allocation 5 seeks to deliver approximately 290 dwellings on land to the east of Shipdham Road. The site benefits from a resolution to grant planning permission, subject to a Section 106 Agreement. An alteration to criterion 6 is needed (**MM44**) to ensure that any future planning applications suitably consider the historic environment, in accordance with national policy.

119. In a similar manner to Dereham Allocation 2, I consider that an amendment (**MM44**) is needed to add a criterion to ensure that cumulative impacts from both sites are considered in any future planning applications. There is no evidence to suggest that Dereham Allocation 5 would have any unacceptable impacts on the social cohesion of the area.
120. The River Tud runs to the south of the site and part of the site lies within its flood plain. To comply with national policy in terms of flood risk, a new criterion and supporting text (**MM44** and **MM45**) is needed to set out a site specific flood risk assessment will be required for this site to address the risk of flooding and in more general terms that planning applications should have suitable regard to this important feature.
121. The Breckland Site Specific Policies and Proposals DPD at Policy D2 includes an allocation at Greenfields Road, Dereham for 220 dwellings. The Council is not seeking to supersede this allocation. It has been suggested by the site promoter that the site should be reallocated in the Plan for 279 dwellings to reflect the development being proposed through a planning application. I do not consider this necessary, as indications of dwelling numbers in allocations should not be seen as a ceiling, particularly given that housing requirements in Plans are minimums. Further, I understand that full planning permission has now been granted on the site.

#### Swaffham

122. The Plan allocates six sites within Swaffham. I consider that with the MMs already set out above that Swaffham Allocations 1 and 2 are sound. To ensure that future planning applications have suitable regard to the historic environment, in accordance with national policy, a change (**MM49** and **MM51**) is needed to Swaffham Allocations 3 and 5 to ensure that due regard is had to the findings of the Historic Characterisation Study. In a similar manner, changes (**MM50** and **MM52**) are required to Swaffham Allocations 4 and 6, to ensure that nearby designated and non-designated heritage assets are appropriately considered in any future planning application. This will also ensure compliance with national policy.

#### Watton

123. The Plan seeks to deliver two site allocations in Watton. In terms of Watton Allocation 1, an amendment (**MM54**) to criterion 10 is required to ensure the historic environment is suitably considered by any future planning applications in compliance with national policy. A change (**MM56**) to criterion 9 for Watton Allocation 2 is also required for the same reason.
124. To ensure that the Plan is effective a change (**MM56**) is needed to criterion 2 of Watton Allocation 2, to set out that transport mitigation measures should be delivered where this is necessary. Further, an amendment (**MM56**) to criterion 5 is needed in recognition that a landscaping buffer might not be the only appropriate means of protecting the amenity of residents from the adjacent business park. This will ensure the Plan is effective.

*Local Service Centres*

125. A modification (**MM59**) to criterion 2 of Ashill Allocation 1 is required to ensure the historic environment, is suitably considered by any future planning applications in compliance with national policy.
126. The Plan seeks to meet the housing allocation for Banham through the allocation of one site for 42 dwellings. This is made up of three parcels of land. One of these parcels (land south of Greyhound Lane) is at risk of flooding and is therefore being proposed in the Plan for use as open space only, associated with the allocation. The site promoter is of the view that built development should not be ruled out on this parcel of land and it should also be included in the settlement boundary. However, it is clear from the discussion at the hearing sessions that at least 42 dwellings can be accommodated on the two land parcels adjacent to Gaymer Close. Given this and the flood risk associated with land south of Greyhound Lane, I consider the Council's approach to be justified and sound. However, to make this clear to the reader of the site allocation policy a change (**MM62**) is needed to clearly set out the land parcels that are allocated for residential development.
127. There is also some confusion with regard to the requirements for open space within the criteria of Banham Allocation 1. An alteration is needed (**MM62**) to address this matter and to refer to the requirements of Policy ENV04. This will ensure the Plan is effective.
128. Criterion 1 of Banham Allocation 1 requires vehicular access through Wayland Way and a footpath link to Greyhound Lane. The site promoter has suggested that it may be feasible to provide a secondary or alternative vehicular access onto Greyhound Lane, which may be more preferable from a highway safety perspective. I accept this view and a change (**MM62**) is needed to address this matter and to ensure the Plan is justified and effective.
129. A modification (**MM62**) to criterion 5 of the Banham Allocation 1 is required to ensure the historic environment, with particular regard to the Conservation Area, is suitably considered by any future planning applications in compliance with national policy.
130. On a related matter, it became clear at the hearing sessions that a site had been promoted in Banham (Grove Road) that had not been considered through the site selection process by error. The Council agreed to undertake the necessary assessments, including SA to ensure that the site was treated fairly, as part of the additional work. I consider that this assessment was robust, based on the evidence available at the time. The assessments confirmed that although the site scored equally to Banham Allocation 1, it did not score better against the relevant criteria. On this basis, I am content that Banham Allocation 1 is justified. It was suggested that the site should be allocated in addition to Banham Allocation 1. However, Banham Allocation 1 is sufficient to meet the identified housing growth for Banham and it would be in accordance with the spatial strategy.
131. It has also been suggested that the Banham settlement boundary should be extended to the west to incorporate Banham Zoo and some commercial development. I observed on my site visit that development to the west of the settlement boundary, whilst including some local facilities, does become much

more sporadic and rural in nature. Further, to include the Zoo in the settlement boundary could have the potential to open large areas of greenfield land up to residential or commercial development, given that Policy GEN 5 sets out that the principle of development in such areas is accepted. I consider that this would be inappropriate given the rural location of the Zoo. Consequently, I consider the Banham settlement boundary to be justified. Further, I am of the view that the future development needs of the Zoo, would be suitably considered under Policy EC07 'Tourist Related Development' of the Plan.

132. It has been suggested that land adjacent to Kenninghall Road, which benefits from outline planning permission for up to 43 dwellings should be allocated in the Plan. However, the Council has included this site within the Banham settlement boundary as it is a commitment. I consider this to be an appropriate approach and there is no need to allocate the site in the Plan.
133. An amendment (**MM68**) is needed to Garboldisham Allocation 1, to insert a criterion that ensures the historic environment is suitably considered by any future planning applications in compliance with national policy.
134. No site allocations have been made in Great Ellingham as there have been sufficient existing permissions to meet its housing allocation. Whilst site promoters have sought to suggest further sites should be allocated in Great Ellingham, I am content that this is not necessary as there are sufficient existing permissions to meet its housing allocation in Policy HOU 02. The Council has proposed to amend Map 3.7 in the Plan (**MM71**), to alter the Great Ellingham settlement boundary. This is to reflect recently permitted development and I consider this to be necessary for the Plan to be sound. The Council will need to reflect this change on the policies map at adoption.
135. The Plan allocates Harling Allocation 1 for at least 85 dwellings. A number of alterations and additions (**MM73**) are needed to Harling Allocation 1 to ensure that there will be no adverse impacts in terms of highway and pedestrian safety, in accordance with national policy. The Council had proposed to include a criterion that required the development to ensure the retention of the public right of way (Harling FP2). However, during the MM consultation it has been brought to my attention that the public right of way is located within the adjacent land and will not be affected by the allocation. Consequently, I have not included this criterion.
136. There is a foul pumping station close to Harling Allocation 1 and to ensure that the living conditions of future residents are protected a criterion is needed (**MM73**) to ensure that the design and layout of the site takes into account the location of the pumping station. This will ensure that Harling Allocation 1 is consistent with national policy. Further, a modification (**MM73**) is needed to insert a criterion that ensures the historic environment is suitably considered by any future planning applications in compliance with national policy.
137. To ensure that the Plan is effective the supporting text to Hockering Allocation 1 needs to be altered (**MM77**) to correctly refer to the size of the site and to indicate that part of the site has outline planning permission for 12 dwellings. Particular concerns have been raised in relation to wastewater treatment. I

consider criterion 5 of Hockering Allocation 1, as amended by MM77, will ensure such matters are suitably addressed during any planning application.

138. To ensure that Kenninghall Allocation 1 is consistent with national policy in terms of the historic environment, a change is needed (**MM79**) to criterion 1. Transport related concerns have been raised in relation to this site. However, there is no substantive evidence before me to suggest that sufficient access cannot be suitably achieved at the site or that there would be any impact on highway safety. I am also mindful that Norfolk County Council has not raised any concerns in this regard.
139. The Plan does not allocate any sites within Litcham as no suitable sites were put forward to the Council. Instead the Plan relies on 22 dwellings being delivered through Policy HOU03. The promoter of a site (Land West of Pound Lane) in Litcham has sought through the examination to demonstrate that their site is suitable for housing, including the provision of highway evidence. The Council and Norfolk County Council as the highway authority retain concerns about the adequacy of access to the site.
140. Further, Norfolk County Council has stated: *"Access is considered to be unachievable onto the B1145. The Highway Authority would object to this site in being in the local plan. Further evidence submitted by Create has been reviewed. There continues to be sustained objection. The recorded vehicle speeds do not accord with Manual for Streets and the proposed visibility splays are inadequate. In light of the recorded speeds visibility splays of 2.4m x 120 would be required. In addition to substandard visibility the existing footway provision along B1145 is limited in width and not adequate to cater for further development and the objection to allocation remains"*. I share these concerns and consider the omission of the site to be justified. Further, I also consider that the settlement boundary for Litcham is justified.
141. In a similar manner, Land at Wellingham Road in Litcham has been promoted, which raised concerns with regard to highway safety. Norfolk County Council set out that the local road network is narrow and inadequate and that there is no footway on Wellington Road or Weasenham Road. It also added that to provide a footway is likely to be out of scale with the allocation. Despite the evidence provided by the site promoter, I share the concerns of the County Council and consider the omission of the site to also be justified.
142. Notwithstanding the above, if the site promoters in each case can demonstrate that suitable access can be achieved and the sites are suitable in all other regards, the sites could come forward through Policy HOU03, given that they are both adjacent to the settlement boundary.
143. The Plan does not allocate any sites at Mattishall and currently seeks to rely on the delivery of 42 dwellings through Policy HOU03. However, after the Plan was prepared, a development was granted planning permission on appeal, which results in Mattishall delivering sufficient dwellings to meet its allocation. A change (**MM82**) is required to make this clear in the Plan to ensure that it is effective. In addition, the Council has proposed (**MM83**) to revise Map 3.11 in the Plan to illustrate a revised settlement boundary for Mattishall to incorporate the permitted development. I consider that this is

necessary for the Plan to be effective. The Council will also need to reflect this change on the policies map on adoption.

144. An alteration (**MM85**) to Narborough Allocation 1 is necessary to insert a criterion that ensures the historic environment is suitably considered by any future planning applications in compliance with national policy. In addition, a change (**MM85**) is needed to remove the last paragraph of Narborough Allocation 1 to ensure that it is consistent with the modifications recommended in relation to Policy ENV04. This will ensure the Plan is effective.
145. The Plan allocates two sites at Necton. A modification (**MM89**) to Necton Allocation 2 (as named in the Plan, the Council will be altering this reference to Necton Allocation 1 through an additional modification) to change the dwellings proposed from 40 to 46 to reflect that planning permission for 46 dwellings has been granted, is required. This will ensure the Plan is effective. Further, to also ensure that Necton Allocation 2 is effective a change is needed (**MM89**) to correct an error that mistakenly refers to Chalk Lane rather than North Pickenham Road. To ensure that Necton Allocation 2 is consistent with national policy in terms of the historic environment, a change is needed (**MM89**) to criterion 3. An alteration (**MM88**) to Map 3.13 is needed to correct an error with the boundary of Necton Allocation 2. This will ensure the Plan is effective.
146. To ensure that Necton Allocation 3 (as named in the Plan, the Council will be altering this reference to Necton Allocation 2 through a minor modification) is consistent with national policy, in terms of the historic environment, a change is needed (**MM91**) to criterion 3.
147. The two site allocations do not meet Necton's allocated housing number and the Plan (as proposed to be amended) relies on the delivery of 18 dwellings through Policy HOU03. A site promotor has suggested that Land at School Road should be allocated in the Plan. However, the Council has set out that the site was assessed through the Sequential Test, which highlighted that part of the site is situated within flood zone 3b and that 95% of the site is subject to surface water flooding. No evidence has been provided to suggest that such constraints can be suitably overcome. On this basis, I consider the omission of the site to be justified.
148. There are two site allocations at North Elmham. To ensure that North Elmham Allocation 1 and 2 are both consistent with national policy, in terms of the historic environment, a change is needed (**MM95 and MM97**). An alteration to Map 3.14 of the Plan is needed (**MM94**) to ensure that the site allocations are included in the settlement boundary. This will also need to be reflected on the policies map on adoption. The change will ensure the Plan is effective.
149. To reflect the sensitive location of Old Buckenham Allocation 1, a change (**MM100**) is needed to ensure that the development is appropriate in terms of its height, scale and density. This will ensure good design, in accordance with national policy. In addition, in order for Old Buckenham Allocation 1 to be consistent with national policy, in terms of the historic environment, a change is needed (**MM100**) to criterion 2.

150. The Council were not able to identify sufficient sites to meet the provision allocated to Old Buckenham and are relying on 17 dwellings being delivered through Policy HOU03. There have been some concerns raised in this regard. However, it can be seen from Map 3.15 of the Plan that there are large areas of land adjacent to the settlement boundary and I understand that there has been some windfall development in recent years. In my view, it is not therefore out of the question that a suitable site for 17 dwellings could come forward over the Plan period.
151. The identified housing requirement for Shipdham is met by two allocations. Shipdham Allocation 1 is allocated for 25 dwellings in the Plan. However, the site benefits from a decision to grant planning permission for 23 dwellings, subject to the completion of a Section 106 Agreement. In order for the Plan to be effective, a change (**MM104**) is needed to alter the allocation to 23 dwellings. A change (**MM103**) to Map 3.16 of the Plan is also needed, for the Plan to be effective, to accurately reflect the site boundaries of the allocated sites. Again this will need to be reflected on the policies map on adoption for the Plan to be effective.
152. To ensure that matters associated with the historic environment are suitably considered in both Shipdham Allocation 1 and 2, in accordance with national policy, an additional criterion is needed (**MM104** and **MM105**).
153. I acknowledge the concerns raised in relation to whether Shipdham has suitable infrastructure to accommodate the proposed level of housing and in terms of the effect on the local highway network. I consider that Shipdham has been appropriately assessed in the Local Service Centre Topic Paper and there is no substantive evidence before me to suggest that there would be an unacceptable impact on highway safety. It is also relevant to note that Norfolk County Council as highway authority has not raised any concerns.
154. To ensure that Sporle Allocation 1 is consistent with national policy in terms of the historic environment, a change is needed (**MM108**) to criterion 5.
155. In order for matters associated with the historic environment to be suitably considered in Swanton Morley Allocation 1, in accordance with national policy, an additional criterion is needed (**MM111**). Further, given the proximity of another development to the site a criterion is needed (**MM111**) to ensure that any future planning applications have regard to any potential cumulative effects. This will ensure compliance with national policy.

### ***Settlement Boundaries of Rural Settlements***

156. There have been some suggestions that the Beetley and Hockham settlement boundaries should be extended to include land that some parties feel is suitable for development. However, I do not consider this necessary and I have found the Council's spatial strategy and site selection process sound subject to the discussed modifications in those sections. I consider the Beetley and Hockham settlement boundaries to be sound in this regard. However, for the Plan to be effective a change (**MM163**) to Map 7 is needed to correct an error on the Hockham settlement boundary to include residential curtilages of properties in Kingshill.

157. An alteration to Map 5 is needed (**MM162**) to show the correct Gressenhall settlement boundary. Further, a change is needed (**MM164**) to Map 13 to include new built development to the west of Cley Lane at Saham Toney. These changes will ensure the Plan is effective.
158. I consider that a change is needed to the Yaxham and Clint Green settlement boundary (**MM165**) to include recently permitted development. This will ensure that the Plan is up-to-date, consistent in its approach and therefore effective. The effect that this would have on the housing numbers required in Yaxham and Clint Green has raised concerns. However, the inclusion of recently permitted development in the settlement boundary would result in the requirement for only 1 additional dwelling over the Plan period based on the methodology in new Appendix 5 of the Plan (as modified), which I consider to be acceptable. Concern has also been raised that developments with outline planning permission should not be included. However, I consider that there is no logical reason why they should not be included, as the principle of development has been established.
159. The Council will need to ensure that the above corrections are all also reflected on the adopted policies map.
160. Several concerns have been raised that some of the settlement boundary maps illustrate the settlement boundaries of other nearby settlements on them. Whilst this is noted, it will be clear to decision makers what the settlement boundary for each settlement comprises and is therefore not a soundness issue.
161. I have had regard to the concerns raised with regard to all other settlement boundaries and I am not of the view that they raise any soundness concerns that would warrant their alteration. I therefore consider all other settlement boundaries to be justified.
162. On a related matter the Council has not included some schools within settlement boundaries, where they are located on the edge of the settlement. This has raised concern that the suitable expansion of such schools could be affected. The Council has set out that to extend the settlement boundary around such schools has the potential to increase pressure on the grounds of the schools for alternative uses and could suggest that new dwellings are acceptable in such areas. Further, it was also stated that their location outside of the settlement boundary does not impact on the ability to expand the school or make alterations to the existing buildings for their existing use. I accept this view and consider the Council's approach to be sound.

### Conclusion on main issue 3

163. I consider that the approach to site selection to be robust and sound. Further, it is concluded that with the recommended modifications the Plan's site allocations and settlement boundaries are sound.

**Issue 4 - Whether there is a reasonable prospect of a five year supply of deliverable housing sites on adoption, and whether the policies and allocations in the Plan will ensure that the housing requirement is met.**

***Components of supply***

164. The Plan at Appendix 1 sets out the housing trajectory. The Council accepted at the hearing sessions that this contained limited information and additional work was required. This was delivered in the form of the Housing Topic Paper (EX.79), which considered all aspects of supply, including the anticipated trajectory of the delivery from all sites that form a component of the supply relied upon to meet the housing requirement. The Housing Topic Paper includes an amended housing trajectory and a change (**MM161**) is needed to the Plan to include it. This will ensure the Plan is effective and positively prepared.
165. A major component of the Council's projected supply over the Plan period is from the allocated SUE at Attleborough (2680 dwellings) and the Thetford SUE as adopted in the Breckland District Council Core Strategy and Development Control Policies DPD and the Thetford Area Action Plan DPD, 2012 (3250 dwellings). At their peak in delivery over the Plan period set out in the updated trajectories in the Housing Topic Paper, Attleborough would deliver up to 200 dpa and Thetford would deliver up to 250 dpa. To seek to justify these delivery rates, the Council has produced evidence in the Housing Topic Paper. It is clear from this that such delivery rates have not occurred in Breckland before and the Council accept that such rates would represent a step change in delivery. However, I am particularly mindful that the Council has not sought to deliver sites of this scale in the past.
166. The Council has provided evidence of delivery in the wider County of up to 339 dpa at the Queen's Hills, Costessey site. This was in the year 2007/08 and a representor provided evidence (RSA.9b) from the South Norfolk Residential Land Availability Report 2014/15 which showed in 2014/15 some 205 dwellings were completed. This also shows that 1,420 dwellings have been completed between full permission being granted in 2007 and 2014/15. This would suggest that on average the development delivered around 180 to 200 dpa in this time period. In addition, details of another development at Whitehouse Farm, Sprowston in the Broadland district has been provided. This showed that between three developers 195 dpa were delivered in 2016/17 and 2017/18.
167. Whilst I acknowledge that those sites are in different Districts to those proposed in this case, they do nonetheless suggest that the SUEs could reasonably deliver around 200 dpa. My attention has also been drawn to a report '*Start to Finish: How Quickly do Large-Scale Housing Sites Deliver?, Lichfields, November 2016*' that sets out that average delivery on strategic scale sites similar to the SUEs deliver on average 161 dpa and that annual delivery tends to fluctuate a lot during the lifetime of a development. The average dpa anticipated from the Attleborough SUE is 167, with fluctuations over the Plan period, which is very similar to that suggested in the report.
168. In terms of Thetford, the peak delivery at 250 dpa and an average of 191 dpa over the Plan period, is in my view optimistic, but not significantly above that

experienced elsewhere in the County or that suggested in the above Lichfields Report. Further, as set out below, the Council has a reasonable overprovision in supply over that necessary to meet the housing requirement, which could accommodate any under delivery from the Thetford SUE. In any event, I am very mindful that the Council has committed to an immediate/early review of Policy HOU 01. Delivery assumptions associated with both SUEs can be monitored over the next few years and any adjustments to anticipated delivery could be made during the Plan review.

169. The site promoters in each case are actively promoting the sites and it was confirmed to me that the first phase of the Thetford SUE is currently being developed by Hopkins Homes. In addition, I understand that the hybrid application for outline consent for the Attleborough SUE and full permission for phase 1 has recently received a resolution to grant planning permission subject to a Section 106 agreement. The site promoter and the Council confirmed at the hearing sessions that negotiations on the Section 106 agreement have been ongoing for some time and any lengthy delays are not expected and I see no reason to disagree. Given these matters, I consider that the anticipated start of completions in 2020/21 for Attleborough (for 60 dwellings) and 2019/20 for Thetford (for 45 dwellings) to be reasonable.
170. Turning to other sources of supply, the Plan relies on: large sites (10 or more dwellings); small sites (9 or less dwellings) that have planning permission; sites with a resolution to grant planning permission subject to a Section 106 agreement; site allocations in the Plan; and 'not superseded' allocations in the Site Specific Policies and Proposals DPD. There is no reason for me to disagree with the assumptions made in terms of delivery from these sites and I consider appropriate lapse rates have been applied in terms of large and small sites based on past evidence in Breckland.
171. The final elements of supply are windfall allowances from within settlement boundaries and from Policies HOU 03 and HOU 04. The Housing Topic Paper illustrates that over the past seven years an average of 298 dpa has been delivered through windfall development in settlement boundaries. The housing trajectory has assumed an annual delivery of 50 dwellings over the plan period. I consider this to be conservative and the trajectory could feasibly have included a greater amount. However, a conservative approach in this regard does not make the Plan unsound.
172. Policies HOU 03 and HOU 04 allow sites to be delivered outside of settlement boundaries where certain criteria are met. Policy HOU 02 (as amended in the recommended MM14) anticipates the delivery of 325 dwellings from these two policies. The housing trajectory divides this equally over the Plan period, which I consider to be appropriate.
173. Overall, the Plan at Policy HOU 02 (with the recommended MM14) anticipates the delivery of 16,630 dwellings against a housing requirement of 15,298, an over provision of 8.7%. If other factors such as windfall allowances are taken into account, as set out in the housing trajectory, this increases to an overprovision of around 12%. In order to ensure flexibility and contingency for any sites that might underdeliver, I consider this to be appropriate.

### ***Five year housing land supply***

174. The Council has accepted that there has been a persistent history of under delivery of housing and that a 20% buffer should be applied to the five year housing land supply calculation. The Council is suggesting that the unmet need should be measured against the SHMA OAN figure of 612 dpa from 2011. I consider this to be appropriate, given the SHMA resets the clock for any unmet need prior to 2011.
175. The Council are seeking to address the previous shortfall in housing delivery since 2011 over the rest of the Plan period (the Liverpool method). The Council are of the view that the Liverpool method is justified when having regard to the scale and type of development advocated through the Plan. As I have already set out above, although the Plan does rely on two SUEs for a significant amount of its supply, the housing trajectory shows that the majority of supply will be delivered towards the front half of the Plan period. Further to this, the PPG includes a preference for the use of the Sedgefield methodology (meeting previous shortfall over the first five years). The Housing Topic Paper sets out that against a housing requirement of 612 dpa (not stepped) and the Sedgefield method the Council can demonstrate a 5.24 year housing land supply. Given this, there is no justification for adopting the Liverpool method. A change (**MM161**) is therefore needed to the housing trajectory in the Plan to address this matter in order for the plan to accord with national policy and be positively prepared.
176. I consider that the Council has been very conservative in its windfall allowance and it was confirmed at the September 2018 hearing sessions that several windfall sites had gained planning permission since the production of the Housing Topic Paper. Therefore, I consider that the Council's five year housing land supply is likely to have improved, albeit probably modestly. It should also be borne in mind an immediate/early review of Policy HOU01 is considered necessary in relation to the housing requirement, where supply and the Council's five year housing land supply will be reconsidered in the near future.

#### Conclusion on main issue 4

177. I consider that the Council can demonstrate a five year housing land supply on adoption of the Plan and with the recommended modifications the Plan is sound in relation to this main issue.

### **Issue 5 - Whether the Plan's approach to the delivery of affordable housing is sound.**

#### ***Threshold for and amount of affordable housing***

178. Policy HOU 07 sets out that developments of 11 or more units (or exceeding a Gross Internal Area of 1000 square metres) will be required to make provision for affordable dwellings. This complies with the guidance in the PPG. However, I am mindful that the Framework 2019 requires major developments (10 or more dwellings or the site has an area of 0.5 hectares or more) to make provision for affordable units. Whilst this Plan is being examined under the transition arrangements, I consider that it would be appropriate to modify

Policy HOU 07 in this regard (**MM22**) so that it is consistent with national policy going forward.

179. Policy HOU 07 of the Plan sets out that 25% of qualifying developments should be affordable units. This is based on the Plan Wide Viability Assessment (LP\_V\_2). The viability assessment demonstrates that higher levels of affordable housing provision would make most developments unviable. I have no reason to question the assumptions which have informed the viability assessment or its conclusions. I consider 25% to be an appropriate and robust figure. Further, Policy HOU 07 does allow the viability of a scheme to be considered through an open book assessment should a figure of 25% make it unviable.

### ***Policy HOU 07 – Affordable Housing***

180. Policy HOU 07 includes a number of criteria. Criterion iv sets out that affordable rented housing should be provided on-site and be maintained as affordable housing in perpetuity. However, this does not comply with latest definition of affordable housing set out in the Framework, 2019. I consider that to ensure compliance with national policy moving forward it is appropriate to amend this criterion to set out that provision will be made to secure the affordable housing and to ensure it is available at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision (**MM22**). I consider that in order for Policy HOU 07 to be effective, it should make clear that the policy will use the definition of affordable housing set out in the Framework (**MM22**).

181. Policy HOU 07 includes guidance on commuted sums and states that in exceptional circumstances, off-site contributions in lieu of built units on site will be considered. However, it is not clear what the exceptional circumstances constitute. To ensure the policy is effective, a change is necessary (**MM22**) to remove reference to exceptional circumstances and to make clear when an off-site contribution would be considered acceptable. Further, the supporting text to Policy HOU 07 sets out that a commuted sum of £50,000 per equivalent whole dwelling, as recommended in the viability assessment, should be paid for off-site provision. I consider that this should be set out in Policy HOU 07 itself for it to be effective (**MM21** and **MM22**).

182. Criterion iii sets out that the size, mix, type and tenure of affordable homes will need to meet the identified housing need of Breckland as established in the SHMA. For Policy HOU 07 to be effective, I consider that a modification is needed (**MM22**) to the policy in order to set out the tenure split (70% affordable rented to 30% shared ownership/intermediate products) identified in the SHMA.

183. It was suggested during the MM consultation that the tenure split should be changed to reflect the revised definition in the Framework, 2019. However, I am mindful that the SHMA is based, evidenced and prepared on the basis of the definition of affordable housing in the Framework 2012. The SHMA does not therefore consider the differing range of affordable home ownership options identified in the Framework 2019 definition. On this basis and whilst I have found it appropriate to make other amendments to Policy HOU 07 to ensure it is consistent with national policy moving forwards, it would not be

appropriate to alter the tenure split categories. The Council has committed to an immediate review of Policy HOU 01, which is likely to lead to a need to review all housing policies, including those for affordable housing. As a result, this matter is likely to be addressed in the near future.

184. Some concern has been raised with regard to criterion v. which requires affordable housing to be distributed in single units or small clusters. The criterion also states that the Council will consider exceptions to this where it can be demonstrated that larger clusters are necessary for long term management or for viability reasons. This therefore, in my view, already incorporates some level of flexibility that is being sought by representors and is sound.
185. Turning to criterion vi, it has been suggested that the Council should retain the ability to negotiate directly with the developer where the requirements of Policy HOU 07 are not met. However, I consider the requirement for an open book viability assessment that would be independently reviewed would offer a transparent and sound approach.

### ***Rural exception sites***

186. Policy HOU 14 identifies at criterion a. that proposed schemes on affordable housing exception sites should provide for 100% affordable housing. However, later on in the policy it states that some element of market housing may be acceptable, if it can be demonstrated that such provision is essential to ensure the delivery of the affordable units. A change (**MM33**) is therefore required to address this inconsistency and to ensure the policy is effective. Several concerns have been raised in relation to the allowance of some market housing to deliver rural exception schemes, however, I consider this complies with national policy. I consider the requirement for the appointment of third party valuation expertise where an element of market housing is being sought to offer a transparent and sound approach to ensure that only the minimum amount of market housing is being sought and the aims of Policy HOU 14 are not diluted.
187. Criteria e. and g. of Policy HOU 14 both address design matters and there is a significant degree of repetition. To ensure Policy HOU14 is effective, an amendment is needed (**MM33**) to combine these criteria.
188. Policy HOU 14 at criterion h. requires all rural exception sites to provide an element of specialist housing, subject to local need. The Council accepted that this might not be appropriate in all cases and could have implications for the viability of schemes. A modification (**MM33**) is therefore necessary for Policy HOU 14 to be effective to set out that where there is an identified need for specialist housing, schemes will be encouraged to provide an element of specialist housing.

### **Conclusion on main issue 5**

189. I consider that with the recommended modifications the Plan is sound in relation to affordable housing.

**Issue 6 - Whether the plan makes adequate provision to meet the needs of gypsies and travellers and travelling showpeople.**

190. The Breckland District Council Gypsy and Traveller Accommodation Need Assessment (2016) (GTANA) identifies the need for additional pitches in the District over the Plan period. The GTANA identifies that there is an additional need for 10 pitches for Gypsy and Traveller households that meet the definition set out in the Government's Planning Policy for Traveller Sites (2015) (the PPTS). During the course of the examination, through additional work the Council undertook a review of planning permissions and identified a site that has planning permission for 6 pitches that had not previously been taken into account in the supply. This results in the overall need reducing to 4 pitches. The Gypsy and Traveller Topic Paper (EX.78), based on the evidence in the GTANA identifies that 1 plot is needed between 2016 and 2021, 1 plot between 2021 and 2026, 1 plot between 2026 and 2031 and 1 plot between 2031 and 2036. Changes (**MM23** and **MM24**) are required to the supporting text of the Plan and Policy HOU 08 to reflect this change and for the Plan to be positively prepared.
191. The Gypsy and Traveller Topic Paper also identified two sites at Fayrehaven Caravan Site, Beetley and Summer Meadow, Mill Road, Mattishall that are capable of expansion for one plot each. Having regard to the evidence provided by the Council I accept this view. This would meet the identified need during the first 10 years of the Plan. Amendments (**MM23** and **MM24**) to Policy HOU 08 and its supporting text are therefore also required to include the expansion of these two sites.
192. In terms of travelling showpeople, the GTANA identifies a need for 2 additional plots for households who meet the PPTS definition and are required between 2026 and 2036. The Council is seeking to rely on the criteria set out in Policy HOU 08 to deliver such needs. Given that such needs are towards the middle and end of the Plan period, I consider such needs can be positively addressed during a future review of the Plan, if such a need has not been met before such a time through the criteria in Policy HOU 08.
193. The GTANA also sets out that there could be a requirement for up to 27 pitches and 1 plot for those gypsy and travellers and travelling showpeople who may or may not meet the PPTS definition (the 'unknowns'). However, given that there is a significant level of uncertainty with regard to this need, I consider that it is appropriate to rely on the criteria set out in Policy HOU 08 to deliver such needs.
194. Turning to other ethnic gypsies and travellers, the GTANA sets out a requirement for 43 additional pitches for households who do not meet the PPTS definition. I am particularly mindful of the requirements of the Housing and Planning Act 2016 and the Public Sector Equality Duty. Consequently, I consider that the Council should be seeking to positively meet this need and the reliance on the criteria based Policy HOU 08 results in the Plan not being positively prepared and unsound. It is clear to me from the Gypsy and Traveller Topic Paper that identifying sufficient additional pitches to meet future needs would not be a quick or straightforward process and therefore to allow the rest of the Plan to be adopted without significant delay an immediate review of the Plan would be the most appropriate and pragmatic

approach. **MM160** is therefore required to secure the immediate review in relation to Policy HOU 08.

195. Furthermore, a change is required (**MM24**) to Policy HOU 08 to make clear that until the immediate/early review of the Plan is completed additional pitches for non-travelling gypsy and travellers will be considered in accordance with the criteria of Policy HOU 08, having regard to the need identified in the GTANA. In addition, an amendment (**MM20**) to Policy HOU 06 is necessary to set out that the housing mix for new housing developments should have regard to the need for gypsy and traveller pitches and plots, as set out in the GTANA.
196. The immediate review of the Plan will need to positively and fully meet the identifiable needs at that time for all gypsy and travellers and travelling showpeople, whether they meet the PPTS definition or not.
197. Policy HOU 08 safeguards gypsy and traveller and travelling showpeople sites from alternative uses. However, to comply with national policy, I consider that some flexibility is needed to allow alternative uses where it can be robustly demonstrated that a site is no longer needed for such use. **MM24** is therefore required in this regard.

#### Conclusion on main issue 6

198. I consider that with the recommended modifications, namely the commitment to undertake an immediate review of the Plan, it is sound in relation to this main issue.

### **Issue 7 – Whether the other housing policies of the Plan are soundly based.**

#### ***Policy HOU 09 – Specialist Housing***

199. This policy identifies the Council's approach to providing housing for older people. However, the Plan does not make clear what the identified need for C2 bed spaces is over the Plan period. To ensure the Plan is positively prepared and consistent with national policy, I consider that a change (**MM25**) is needed to the supporting text of the policy to set out these needs, based on the SHMA. Further, Policy HOU 09 and its supporting text do not set out how the policy will consider proposals involving C2 bed spaces or how it is seeking to meet such needs. **MM25** and **MM26** would address this matter and ensure that Policy HOU 09 is positively prepared and consistent with national policy.

#### ***Policy HOU 10 – Technical Design Standards for New Homes***

200. Policy HOU 10 sets out that a minimum of 20% of all new market and affordable housing should meet building regulation M4 (2) – 'Accessible and Adaptable Dwellings'. Further, the policy also identifies that 5% of all new affordable dwellings should meet building regulation M4 (3) (2) (b) – 'Wheelchair User Dwellings'. However, such requirements were not considered in the supporting viability assessment and I am mindful that the cost of such provision can be high. In addition, the Council has not provided any robust evidence to justify why it has selected such thresholds. Therefore,

modifications (**MM27 and MM28**) are required to remove this requirement from Policy HOU 10 and its supporting text for soundness.

201. Whilst these are optional technical standards, the Council's evidence (Optional Technical Standards Paper, Appendix 1 of the Council's Hearing Statement CS.7) in support of this matter, clearly shows a need to deliver such dwellings to meet the needs of an ageing population. On this basis, I consider that an immediate review of the Plan is also needed in this regard. This is addressed by **MM160**.
202. Policy HOU 10 also requires all new homes to meet the Government's nationally described space standard. This has raised concerns. However, the Council provided an Optional Technical Standards Paper (Appendix 1 of the Council's Hearing Statement CS.7), which I consider provides suitable justification for the imposition of the internal space standards in line with the PPG. Further, I am content that these standards have been appropriately considered in the Council's viability assessment.
203. With regard to water efficiency, Breckland is considered as an area of serious water stress. I consider that there is consequently justification for Policy HOU 10 that requires proposals to meet the standard of 110 litres of water per occupier per day. This requirement has not been tested through the supporting viability assessment for the Plan. However, the evidence provided to me indicates that the cost of such a measure would be approximately £9 per dwelling. I consider that this is highly unlikely to make schemes unviable.
204. In reaching all of the above conclusions, I have had due regard to my public sector equality duty.

### ***Policy HOU 11 – Residential Replacement, Extension and Alteration***

205. The policy includes the consideration of impacts on listed buildings. However, Policy ENV07 addresses designated heritage assets and is of relevance to proposals covered by this policy. Therefore, to avoid repetition and to ensure the Plan is effective, an amendment (**MM29**) is needed to Policy HOU 11.

### ***Policy HOU 12 – Conversion of Buildings in the Countryside***

206. To ensure that the Plan is effective, the title of this section of the Plan needs to be altered to accurately reflect the matters covered by the policy (**MM30**).

### ***Policy HOU 13 – Agricultural Workers Exceptions***

207. The policy includes a number of criteria that must be met if an application for the removal of an occupancy condition related to rural workers is to be approved. This includes that the dwelling has been made available to a minimum of three Registered Providers operating locally on terms which would prioritise its occupation by a rural worker as an affordable dwelling - and that option has been refused. The Council has accepted that this would represent an unreasonable burden on such proposals. Subsequently, a change is needed (**MM32**) to remove this criterion and to ensure that the policy is effective and complies with national policy.

208. Further, it is clear that the policy relates to other rural worker dwellings, in line with the Framework. For the plan to be in accordance with national policy, a change to the policy title and the title of this section of the Plan is needed (**MM31** and **MM32**).

Conclusion on main issue 7

209. I consider that with the recommended modifications the other housing policies are all soundly based.

**Issue 8 - Whether the strategy for job growth and employment, including the employment allocations and policies concerning employment sites are sound.**

***Policy EC01 – Economic Development***

210. Policy EC01 of the Plan sets out the Council's strategic approach to Economic Development and identifies that 64 hectares of additional employment land will be allocated over the Plan period. The Council's need for additional employment land was calculated in the Breckland Employment Growth Study Final Report (November 2013). However, this only ran up to 2031 and concern was raised that the study was dated. Subsequently, the Council provided a partial update through the production of the Breckland Employment Growth Study Update Report (September 2017) (the 2017 report), which considered the time period up to 2036.
211. The 2017 report considers three scenarios: job growth, past up-take and labour supply. The forecast employment land needs varied from -8.9 hectares to 89 hectares. I consider that the employment studies, when considered together, provide a robust assessment of the future need for employment land in the District.
212. In terms of supply, the 2017 report concludes that in quantitative terms there is sufficient 'pipeline' supply to meet needs in all scenarios. However, when the need for different employment uses is considered, under the past up-take scenario there is a potential shortfall of some 11 hectares associated with distribution.
213. Based on this, the allocation of 64 hectares could seem excessive. The Council replied to these concerns by setting out that in qualitative terms, the pipeline supply of planning permissions comprises predominantly smaller sites of under 1 hectare that aren't considered to be suitable, in terms of their level and type, to meet the Council's strategic economic growth aspirations. Further, the Council has set out that in 2014, the completion of the dualling of the A11, between the junction with the M11 and Norwich, signalled an opportunity to explore the creation of an A11 technology corridor, with the aim of securing substantial economic growth and a need to align employment growth with the significant increase in housing accommodation within the A11 Corridor to meet the needs of predicted population growth. It is clear that the Council therefore has ambitious plans for economic growth. On this basis, I consider that the allocation of an additional 64 hectares of employment land to be reasonable.

214. Turning to the distribution of the allocated employment land, the greatest quantities are directed to Thetford (22 hectares through not superseded Policy TH30 of the Thetford Area Action Plan) and Snetterton (20 hectares), both of which are part of the A11 corridor. A further 10 hectares is allocated at Attleborough in support of the proposed SUE, with 3 hectares being allocated at Dereham (through not superseded Policy D5 of the Site Specific Policies and Proposals DPD) and 9 hectares being proposed at Swaffham (through not superseded Policies SW2 and SW3 of the Site Specific Policies and Proposals DPD). Given the evidence in the employment land reports and the focus of growth on the A11 corridor, I consider this to be a reasonable approach.
215. However, at the hearings the Council accepted that the employment studies had not taken into account the fact that there is now an intention to finish dualling the A47 by 2020 and the effect that this could have the economic strategy of the Council. Whilst I accept that the effects at the current time are somewhat uncertain, I consider this to be a factor that could significantly affect the economic environment in the District, particularly the apportionment of employment land to settlements on the A47 corridor such as Dereham for example, in the near future. On this basis, the Council has agreed to undertake an immediate review of Policy EC01 as part of the wider review of the Plan, which I consider to be a sensible and pragmatic approach forward. This is secured in **MM160** and is necessary for to ensure the Plan is justified.
216. I am content for the Council's economic strategy as set out in Policy EC 01 to proceed in the short-term until the immediate review is undertaken, as no purpose would be served by removing the proposed site allocations, which could stifle the development of employment land and the delivery of jobs in the District, particularly along the A11 corridor. However, the Council will need to undertake a comprehensive review of its approach to economic development and have regard to its links with housing need in the immediate/early review.

### **Policy EC 03 - General Employment Areas**

217. This policy safeguards the GEAs, as set out on the policies map, for employment uses and identifies criteria that proposals in these areas must meet. The Framework at Paragraph 22 states "*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*". As drafted, Policy EC 03 does not allow any land within employment sites to be released if there is no reasonable prospect of it being used for employment uses. Changes (**MM144** and **MM145**) are therefore needed to the policy and its supporting text to include such provision and to make clear under what circumstances land might be released for other uses, including a suitable marketing period to ensure that all reasonable attempts have been made to secure an employment use.
218. An amendment (**MM145**) to Policy EC 03 is also needed to include the safeguarding of allocated employment sites in the Plan and those employment allocations in other Plans that have not been superseded by this Plan, to ensure that it is positively prepared and effective.

219. The policy also allows in certain circumstances mixed-use developments within the GEAs. There are several criteria that set out what these circumstances are and these include repetition and for the policy to be effective a change (**MM145**) is needed to remove this repetition. Further, the Plan does not define what it means by mixed-use and therefore changes (**MM144**) are needed to the supporting text to define this term and to refer to the Framework's definition of town centre uses. This will ensure that the policy is effective and consistent with national policy.
220. On a related matter, concerns have been raised with regard to the boundaries of some of the GEAs. All of the GEAs were subject to detailed assessment through the Breckland Employment Growth Study 2013. However, this was some time ago and at the hearing sessions, the Council agreed to prepare a Topic Paper (EX.83) that considered the boundary of each GEA against recent planning permissions.
221. This exercise resulted in the Council proposing changes to the boundaries of several GEAs, which I consider to be appropriate. Further, at the additional hearing sessions the Council agreed that some residential properties should be removed from the north eastern corner of the Threxton Road Industrial Estate. The changes to the GEAs were consulted upon alongside the MMs and the Council will need to ensure that the changes to the GEA boundaries are made to the policies map when the Plan is adopted to ensure that Policy EC 03 is effective.
222. The GEA boundary at Snetterton was discussed in some detail at the hearing sessions. Through the Plan, the Council is seeking to alter the GEA boundary on the policies map. Through the additional work undertaken by the Council an explanation for this was provided in the Topic Paper (EX.83, Part 3). This explained that the GEA boundary was initially designated in 2009 through the adoption of the Core Strategy, but was not reviewed through the 2012 Site Specific Policies and Proposals Development Plan Document. It also sets out that this was proposed to be amended through the Attleborough and Snetterton Heath Area Action Plan, however production ceased in order to progress work on the Plan and as a result of this, the Plan sought to look at the Snetterton GEA boundary in more detail.
223. The Topic Paper explains that a closed landfill site under the care of Norfolk County Council had previously been included within the GEA boundary and that this was being potentially put forward for ground mounted solar panels. Subsequently, the area of the GEA covered by the landfill was proposed to be moved to another area of land in consultation with the landowner and provided the most suitable area for B-use development to occur. Further, the Council set out that land proposed to be included within the GEA was subject to a number of extant planning permissions and the site itself is subject to a range of uses. The intention in extending the GEA in this area was primarily to seek to regularise the uses.
224. Given the circumstances outlined above and the strategic importance of Snetterton to the Council's economic aspirations, I consider the alteration to the GEA boundary to be a reasonable and sound approach.

### ***Policy EC 04 – Employment Development Outside of General Employment Areas***

225. Policy EC 04 sets out the approach to considering employment proposals on land outside of the GEAs and allocations. It also considers the replacement of rural buildings for employment purposes.
226. Policy EC 04 does not offer any protection to existing employment uses outside of the GEAs and the allocated or not superseded sites. Given the importance that employment uses make to the rural economy and to ensure compliance with national policy, I consider that changes are needed (**MM146**) to Policy EC 04 to set out the circumstances when the loss of existing employment uses, particularly in rural areas is justified.

### ***Policy EC 07 - Tourism Related Development***

227. Policy EC 07 sets out the Council's approach to development that relates to tourism. Paragraph 28 of the Framework sets out that strong rural economies should be promoted through supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas.
228. Policy EC 07 requires that tourism related development proposals, including the enhancement and expansion of existing attractions that are likely to attract a significant number of visitors should be located within, or be accessible to the five market towns. I consider that this could affect the ability of existing tourist attractions to expand, where this would be appropriate, particularly if a rural location is necessary for the type of attraction. One example would be Banham Zoo, which attracts a large number of visitors, but given the nature of the attraction, a rural setting is needed.
229. Whilst seeking to ensure new tourism related development is directed to the most sustainable locations, is a reasonable approach in accordance with the Framework, I consider the current policy wording would conflict with Paragraph 28 in terms of supporting rural tourism. Consequently, changes are needed to Policy EC 07 (**MM149**), to ensure that a distinction is made between new proposals for tourist attractions and the expectations associated with the enhancement and expansion of existing ones, particularly in rural areas. Further, amendments are needed (**MM149**) to ensure that Policy EC 07 avoids repetition with Policy EC 06 that relates to farm diversification. This will ensure the Plan is effective.

### ***Employment Site Allocations and Policy EC02 – Snetterton Heath***

230. The Council's approach to site selection for the employment sites is set out in broad terms in the Site Selection Topic Paper (LP\_H\_4). All sites promoted for employment use were assessed through Chapter 17 of the SA (LP\_S\_3) and the HELAA (LP\_H\_8). Further, the Council provided a Topic Paper that provided further information with regard to site selection, which was appended to their Matter 10 Hearing Statement (CS.10). I consider that the approach taken by the Council to assess employment sites was robust and I

consider that reasonable alternatives were assessed appropriately in the SA (LP\_S\_3).

231. The Plan allocates a site of 10 hectares at Attleborough (Employment Allocation 1). Through the examination and the concerns raised by Historic England, it became clear that there are constraints associated with the historic environment in the area. Changes (**MM140** and **MM141**) are therefore needed to Attleborough Employment Allocation 1 and its supporting text to ensure that matters associated with the historic environment are suitably considered by any planning application on the site. This will ensure compliance with national policy.
232. Further, to ensure the Plan is positively prepared, a change (**MM140**) is needed to make clear that the allocation is for at least 10 hectares, as this should not be seen as a maximum. Further, for the Plan to be effective, Picture 6.1 that shows a map of the allocation, needs to be changed (**MM139**) to more clearly show the site.
233. The Plan includes two site allocations for employment uses at Snetterton Heath that total some 20 hectares (net). Both Snetterton Employment Allocation 1 and Snetterton Employment Allocation 2 are greenfield sites. The owner of the land to the south of the A11 has raised concerns that greenfield sites have been allocated in preference of their land which is brownfield. Whilst this is acknowledged, the Council set out that at the time of preparing the Plan, there were questions over the deliverability of the brownfield land in question. On this basis, I consider that the Council's approach has been robust and is sound.
234. I acknowledge that a Statement of Common Ground (SCG6 and SCG6A) (SOCG) was signed by the Council and the landowner, which sought to allocate some of the brownfield land referred to above as an additional site allocation in the Plan and proposed some changes to the wording of Policy EC 02. However, I do not consider that such changes are necessary for soundness, particularly given my findings in terms of the proposed changes to the Snetterton GEA boundary above.
235. The SOCG also proposed an additional criterion to Policy EC 02 which would allow compatible uses adjacent to the southern extent (extending west of the A11) of the Snetterton GEA boundary. However, this amendment would not make clear where development would be allowed and what a compatible use might constitute. Further, no assessment has been made of the likely impact that development would have in such areas and whether such impacts would be acceptable. In any event, I do not consider such a change is necessary for soundness. A change (**MM142**) to Policy EC 02 is however, necessary to remove repetition with Policy EC 03. This will ensure Policy EC 02 is effective.
236. Notwithstanding the above, given the Council's commitment to an immediate review of Policy EC 01, I am mindful that the Council's overall economic strategy, including its approach to Snetterton will be reviewed in the near future.
237. The Plan refers to three employment site allocations from the Site Specific Policies and Proposals DPD. These are: Policy D5 - Land at Dereham Business Park; Policy SW2 - Land to the North of the Eco-Tech Centre; and Policy SW3

– Land to the West of the Eco-Tech Employment Area. Whilst these allocations are not superseded by this Plan and therefore remain extant and are not for me to examine, the Plan's economic development strategy does nonetheless rely on them to be delivered to meet the identified need in Policy EC 01.

238. As part of the examination, whether it is likely these sites will be delivered over the Plan period was explored. Particular concerns with regard to Policy D5 – Land at Dereham were expressed in terms of its delivery. However, the Council confirmed at the hearing sessions that discussions with the landowner are on-going and it is actively seeking to resolve the issue associated with the ransom strip. On this basis, I am content that there is a reasonable prospect of the site being delivered within the Plan period. Further, there is no reason for me to consider that the sites subject to Policies SW2 and SW3 of the Site Specific Policies and Proposals DPD will not be delivered.

#### Conclusion on main issue 8

239. I consider that with the recommended modifications the Plan is sound in relation to main issue 8.

#### **Issue 9 – Whether the strategy for town centres and retail is sound.**

240. The Plan's retail and town centre strategy focuses on a retail hierarchy of centres. This is focused on: Thetford as a key centre for development and change; Dereham as a main town centre; and Attleborough, Swaffham and Watton as medium town centres. Policy EC 05 sets out that these centres will be the preferred location for retail, food and non-food, office, leisure and cultural facilities and other town centre uses.
241. The hierarchy was informed by an analysis of quantitative and qualitative data and based on the consideration of the shopping hierarchy and commercial property indicators, as set out in the Breckland Retail Study Update (2014) and the subsequent Breckland Retail and Town Centre Study Addendums in 2017 and 2018. These studies also include the consideration of growth in accordance with the Plan's spatial strategy to identify additional needs over the Plan period. I consider that these studies are based on reasonable and robust assumptions and the assessment of need and the retail hierarchy has been robust.
242. To be positively prepared, Policy EC 05 and its supporting text needs to be updated to include the latest forecasts of Convenience, Comparison and Food and Beverage floorspace needs over the Plan period (**MM147** and **MM148**).
243. The Plan does not include any site allocations to meet the identified needs over the Plan period. Four sites were put forward as retail allocations during the call for sites, however, none of those were considered to be acceptable for such uses by the Council and I accept these findings. I am content that the Council has made all reasonable attempts to find suitable site allocations, without success. The Council should continue to do all it can in the future to positively meet identified needs through site allocations.
244. There is a saved allocation (Policy D6) in the Site Specific Policies and Proposals Development Plan Document, 2012. This would have the potential

to meet the identified needs in Dereham. It has been suggested that this should be referred to in the text of the Plan. However, I am mindful that it is listed in Appendix 4 of the Plan not to be superseded.

245. The Council has set out that all other needs are likely to be met through the reuse of vacant units or through redevelopment opportunities within the town centres. Further, the identification of defined town centre areas (including primary shopping areas, primary frontages and secondary frontages) in Policy EC 05 provides certainty for the area in which retail development will be encouraged and provides flexibility over which sites could come forward within the town centre boundaries. Given all of the above, I consider the Council's approach to meeting the identified retail and town centre needs of the District to be sound.
246. Policy EC 05 identifies an impact assessment threshold of 1,000 square metres for Thetford and Dereham and 500 square metres for Attenborough, Swaffham and Watton. I consider the Breckland Retail and Town Centre Study (2014) provides a robust consideration of such matters and the impact assessment thresholds are appropriate given the nature of the respective town centres and settlements.
247. Some concern has been raised that the identified needs for Attleborough would be reduced by MM148 and subsequently are much lower than the capacity that has recently been granted (subject to a signed Section 106 agreement) planning permission for the Attleborough SUE and that this could affect the vitality and viability of the existing Attleborough town centre. Whilst this concern is noted, I am mindful that the requirements that are set out in Policy EC 05 should not be treated as a maximum and that the Attleborough SUE has a resolution to grant permission (subject to a signed Section 106 Agreement).

#### Conclusion on main issue 9

248. I consider that with the recommended modifications the Plan is sound in relation to this main issue.

### **Issue 10 – Whether or not the vision, strategic objectives and development management policies in the Plan are soundly based.**

#### ***Vision and strategic objectives***

249. The vision and the strategic objectives do not refer to climate change. I consider that for the Plan to be consistent with national policy, changes (**MM2** and **MM3**) are needed to address this matter. In a similar manner, to ensure that the vision and strategic objectives appropriately consider the historic environment in accordance with national policy, further alterations (**MM2** and **MM3**) are necessary.

#### ***Transport***

250. The Council's approach to transport is set out in Policies TR 01 and TR 02. To ensure consistency with national policy modifications are needed (**MM113** and **MM114**) to Policy TR 01 and its supporting text to set out that new developments wherever possible should be accessible by sustainable modes of

transport. In addition, to avoid repetition with Policy TR 02 and for the Plan to be effective the last paragraph of the Policy TR 01 should be removed (**MM114**).

251. Several changes (**MM115**) are needed to Policy TR 02 to ensure that it is effective and consistent with national policy. Firstly, it is necessary to cross refer to the parking standards at Appendix 2 of the Plan and to correct some wording in the fifth bullet point so that it reads as intended. Finally, it is necessary to amend the final paragraph of the policy so it is clear that major schemes should demonstrate how they will maximise connectivity and to also set out that Transport Assessments (TA) should be based on an appropriate methodology. I consider 'appropriate methodology' to be suitable, as whilst I acknowledge there is best practice guidance available, this can change over time and it will be for the decision maker to be satisfied that the TA is robust and founded upon an appropriate methodology.
252. Policy TR 02 refers to major developments. In order for the Plan to be effective, it is necessary to define major development in the glossary and **MM168** would address this matter.

### **Environment**

253. Policy ENV 01 sets out the Plan's approach to green infrastructure. The PPG at Paragraph: 029 Reference ID: 8-029-20160211 sets out that '*Local Plans should identify the strategic location of existing and proposed green infrastructure networks*'. As currently drafted the Plan does not identify the existing strategic green infrastructure network. The Council has set out that work has been undertaken as part of the Norfolk Strategic Framework on green infrastructure jointly with neighbouring authorities and strategic green infrastructure corridors and habitat core areas for Norfolk have been mapped as part of this work. To ensure that the Plan is in accordance with national policy, I consider that changes to the Plan (**MM116**, **MM117** and **MM118**) are required to show these on a map and to refer to them in Policy ENV 01 and in its supporting text. The Council will need to ensure that the strategic green infrastructure network is also shown on the policies map for Policy ENV 01 to be effective.
254. Further, several other changes are needed to Policy ENV 01 and its supporting text (**MM116** and **MM118**) to set out that proposals should have regard to existing strategic green infrastructure strategies and made neighbourhood plans and to provide clarity on the approach that will be taken by the Council on green infrastructure when determining planning applications, particularly in terms of connectivity. These changes are needed to ensure that the Plan is effective and in accordance with national policy. I have made an amendment to MM118 following the MM consultations to cross refer to Policies ENV 04 and INF 02 in relation to the Council seeking planning obligations for the future management and /or maintenance of green infrastructure, as these are also of relevance to this matter.
255. Policy ENV 02 of the Plan addresses biodiversity protection and enhancement. Numerous changes to the policy and its supporting text are required (**MM119** and **MM120**) to ensure consistency with national policy and that it is effective. This includes clarifying the approach to seeking net gains in

biodiversity, ensuring consistency with the requirements of the Conservation of Habitats and Species Regulations 2017 and to clarify the approach to decision making in accordance with the requirements of the Framework.

256. The Breckland Special Protection Area (SPA) is the subject of Policy ENV 03. The supporting Habitats Regulation Assessment (HRA) (LP\_S\_4) made several recommended changes to Policy ENV 03 and its supporting text to ensure that there would be no significant adverse effects on the Brecks SPA. The policy and its supporting text do not currently fully reflect these recommendations, which I consider are needed to ensure that there will be no significant adverse effect on the Brecks SPA or the four Special Areas of Conservation (SAC) located in the Brecks. Changes (**MM121** and **MM122**) are therefore needed to Policy ENV 03 and its supporting text to address this matter to ensure that the Plan is consistent with national policy.
257. To ensure that the requirements of the Conservation of Habitats and Species Regulations 2017 can be met, further clarification (**MM121** and **MM122**) is required within the policy and its supporting text to set out its approach to monitoring and mitigating potential harm from recreational pressure on the Brecks SPA. Through the MM consultation it has been suggested that Parish Councils should be included in the organisations who would work in partnership as part of the Monitoring and Mitigation Framework. I agree and have amended MM121 to this effect.
258. The supporting text when referring to 'Further Assessments of the Relationship between Buildings and Stone Curlew Distribution' study undertaken in 2013 does not refer to the considerations of roads. However, it is clear that the study does include the consideration of roads and I have therefore added reference to roads to MM121. Further, the RSPB has set out that the negative associations Stone Curlews show with main arterial roads should be highlighted. I agree that this is necessary to ensure compliance with national policy and I have added this into MM121.
259. MM122 includes an alteration to Policy ENV 03 that sets out '*A conclusion of no likely significant effect can be met where the proposed building is located further than 1500m away from the SPA boundary (red primary buffer) or the identified (blue secondary buffer) or possible (orange square cells) areas that have a functional link (see Map 5.1)*'. However, this contradicts another part of the policy which sets out that large developments adjacent to, or just outside the primary or secondary buffer, particularly where occurring in an isolated area with few other buildings, are likely to also require project level assessment. Consequently, I have amended the alteration within MM122 to say '*A conclusion of no likely significant effect may be met where...*'.
260. It has been suggested that it is important to emphasise the need for an Appropriate Assessment if there is a likely significant effect in relation to the 1500 metre zone around the areas capable of supporting Stone Curlews. I agree with this view and have made a subsequent change to MM121, to ensure compliance with national policy. On a related matter, the supporting text to Policy ENV 03 sets out that within this 1500 metre zone additional development is likely to have a significant effect on the SPA. I consider that the supporting research provides suitable justification for the 1500 metre zone. However, as identified by an interested party, the supporting research

does not provide unequivocal evidence that development in such areas is likely to have a significant effect on the SPA. Subsequently, I consider that a small alteration to MM121 is needed to set out that within this zone additional development could have a significant effect on the SPA.

261. It has also been brought to my attention that the supporting text to Policy ENV 03 does not refer to instances where a development which causes an effect on the integrity of the SPA and requires compensation must have applied an imperative reasons of overriding public importance (IROPI) test for derogation from the Habitat Regulations. I have therefore added this into the supporting text in MM121, again to ensure compliance with national policy.
262. It has been suggested that the supporting text to Policy ENV 03 is misleading based on the research undertaken and relied upon. However, it is clear to me that the supporting text contains appropriate caveats, such as 'the research suggests' and 'there needs to be an element of caution applied to the results'. The supporting text is therefore not stating that the research provides undisputable evidence. I am content that the supporting text (as modified) is appropriate and no further changes are needed for soundness. Further, I am also mindful that a project level HRA provides the opportunity for a detailed assessment to be made on any effects from a specific development on the SPA.
263. It has also been suggested that the modifications to Policy ENV 03 and its supporting text has weakened the Plan in this regard. I do not share this view.
264. An alteration to Map 5.1 (**MM123**) of the Plan is required to add the 1 km grid cells associated with the functionally linked land for the Plan to be effective and consistent with national policy. This also results in a need to amend (**MM1**) Figure 1.1 the key diagram for the Plan to be effective. The Council should also note that subsequent changes to the policies map are necessary to ensure the policy is effective.
265. Overall, I am content that, as modified, Policy ENV 03 and its supporting text complies with national policy, including the Habitats Directive and Conservation of Habitats and Species Regulations 2017. It also provides an appropriate basis to inform project level HRAs where they are required. This view is shared by Natural England and the RSPB, subject to suggested modifications, which have been discussed above.
266. Policy ENV 05 seeks the protection and enhancement of the landscape within Breckland. I consider that to be consistent with national policy, namely the core planning principles and Paragraph 113 of the Framework, several amendments (**MM129**) are needed to the wording of Policy ENV 05.
267. The consideration of trees and hedgerows is set out in Policy ENV 06. The policy includes a criterion that allows the loss of a protected tree or hedgerow where its removal will enhance the survival or growth of other protected trees or hedgerows. I consider that this could be demonstrated in most circumstances and would not offer sufficient protection in accordance with national policy. A change (**MM130**) is therefore needed to remove this criterion. Further, again to ensure consistency with national policy an alteration is needed (**MM130**) to set out clearly that where such a loss is

unavoidable suitable replacement provision will be sought in terms of size and condition. Some concern has been raised by the use of word 'suitable' in terms of compensation. I consider that this is appropriate as it will depend on the individual circumstances of each case and is a matter of judgement for the decision maker.

268. Policies ENV 07 and ENV 08 address designated and non-designated heritage assets respectively. Several alterations (**MM131**, **MM132** and **MM133**) are needed to both policies and their supporting text to ensure that they are consistent with national policy.
269. Several changes (**MM134**) are required to Policy ENV 09 'Flood Risk and Surface water Drainage' to ensure that it is consistent with national policy. These include referring to flood zones, the sequential and exception tests and ensuring development proposals adequately address the potential increase in the volume of run-off. Several concerns have been raised that the Strategic Flood Risk Assessment (LP\_E\_6) does not consider flooding in small rural villages. However, I am mindful that such areas are not expected to accommodate significant development and I am content that Policy ENV 09 will ensure that such matters are suitably considered during the planning application process for development in such areas.
270. Policy ENV 10 sets out the Plan's approach to renewable energy. Modifications (**MM135** and **MM136**) are needed to the policy and its supporting text to ensure it complies with national policy. This includes incorporating some to the supporting text that was set out in Policy ENV 10 itself.

### ***Open space, sport and recreation***

271. Policy ENV 04 deals with open space, sport and recreation. The policy refers to existing designated open space. However, it is not clear what sites this refers to. The supporting Open Space Assessment 2015 (LP\_E\_8) identifies the areas of open space in the District. I have no reason to consider that the Open Space Assessment is not robust and I consider it meets the requirements of Paragraph 73 of the Framework. A representor is of the view that two open space sites in Dereham are omitted in the Open Space Assessment and it is not therefore comprehensive. However, I have been provided with no substantive details to demonstrate that these sites are indeed open space. Nonetheless, I am mindful that new open space will be generated by new development and the Council will need to monitor and review open space across the District regularly. Given the above, for the policy to be effective and consistent with national policy, it is therefore necessary to refer to the Open Space Assessment and the policies map within Policy ENV 04 (**MM125**). I consider reference to the Open Space Assessment to be appropriate rather than any wider definitions, which would lead to uncertainty about which sites were covered by the policy.
272. The policy sets out that development of existing open space with an ecological value will not be permitted. I consider this rigid approach to be contrary to national policy and therefore a change is needed (**MM125**) to allow some flexibility by allowing this where there is space of equal or greater value provided by the proposal.

273. The Council confirmed at the hearing sessions that it was not its intention to seek tariff based planning obligations for developments of 10 dwellings or less and that the viability assessment had not considered the ability of developments of such size to be able to make such contributions. A change (**MM125**) is therefore also required in this regard to ensure the Plan is consistent with national policy.
274. I appreciate that this threshold has been removed in the Framework 2019 and latest PPG guidance. On this basis, it could be suggested that the policy should remain as it is without the above recommended modification. However, given that such requirements have not been tested in the viability assessment, this would be unsound. The Council will, however, need to consider whether the policy needs to be reviewed after adoption of the Plan based on the Framework 2019 and the latest PPG guidance, which would nonetheless be a significant material consideration in determining planning applications. This could be done during the immediate review of Plan that the Council has committed to.
275. Given the above changes needed for soundness (**MM125**), alterations are also needed to the exceptions set out in Table 5.2 of the Plan.
276. There is some ambiguity in terms of references for example 'open space, sport and facilities' or 'open space' are referred to when the text is actually concerning outdoor play space. Further, the Fields in Trust guidance in terms of recommended provisions is commonly referred to as standards rather than guidance. For the policy to be effective amendments (**MM124** and **MM125**) are needed to address both of these issues.
277. Policy ENV 04 currently sets out a requirement for children's play areas in terms of the scale of development. For example, a development of 25 dwellings or more is expected to provide as a minimum 1 Local Area for Play (LAP), whereas a development for 50 or more dwellings must provide two LAPs or one large LAP. I have concerns with regard to this approach. This is because as drafted a development of 49 dwellings would be expected to deliver the same as a development of 25 dwellings. It was agreed by the Council during the examination that the best approach would be to remove such criteria and require an overall standard for children's play areas in terms of size (0.8 hectares per 1,000 people). How this is met will be considered on a site by site basis. For the policy to be effective a change (**MM125**) is therefore needed in this regard.
278. On a related matter, concern has been raised that the requirement of 0.8 hectares per 1,000 people is referred to in the policy and this may mislead applicants with regard to the overall requirements of the policy. I do not consider this to be the case as, the policy clearly states that relevant developments are expected to deliver, 2.56 hectares per 1,000 people, which the Open Space Assessment suggests is broken down into 17.6 m<sup>2</sup> of outdoor sport area and 8 m<sup>2</sup> of children's play space per person.
279. I consider that there is some ambiguity in terms of when on-site and off-site contributions will be expected. Alterations (**MM125**) are required to Policy ENV 04 to make this clear and for it to be effective. The policy currently states that financial contributions will be proportional to the type of facility

provided and will be calculated in accordance with the criteria set out in the Open Space Assessment. However, I am mindful that such criteria are relatively dated. A change to Policy ENV04 (**MM125**) is therefore needed to clarify that off-site financial contributions will be based on the need for land acquisition, provision of facilities and 10 year maintenance. It has been suggested that a clear methodology for such calculations should be set out in the Plan. However, I do not consider that this is necessary for soundness and the level of any off-site financial contribution will be a matter of negotiation based on the specific circumstances of each development.

280. It has also been suggested that the need for land acquisition should be changed to the 'value of land acquisition'. However, I consider that the Council's consideration of the overall need for land acquisition will take into account the land acquisition value. In any event, as set out above, the policy will involve negotiations on a site by site basis depending on the particular circumstances of that development, which I consider to be appropriate.
281. It has been questioned how a 10 year maintenance period would be applied to a large development over several phases. Again, this would be a matter of negotiation based on the particular circumstances of the individual development.
282. Policy ENV 04 is focused on the delivery of outdoor play space as the Open Space Assessment has identified that this is where the greatest level of deficiency is in the District. I am mindful that there may be instances where there is already sufficient outdoor play space in a specific area and a different type of open space may be more desirable, particularly for sheltered housing schemes for example. Consequently, for the Plan to be positively prepared and effective a change (**MM125**) is needed to address this matter. Further, I consider as a result of representations made during the MM consultation that a consequential change to Table 5.2 is needed (**MM127**) to clarify that whilst sheltered housing schemes, nursing homes, controlled hostel accommodation are likely to be considered exempt from the outdoor playing space standards, other forms of open space may be considered appropriate, in line with the above alteration. I consider this to be a minor change to ensure consistency with MM125.
283. To ensure that Policy ENV 04 is effective, I consider that a change (**MM126**) is needed to the supporting text to set out the type of facilities that can be considered as outdoor play space. It can be common that open space plays a dual function in terms of also being used for environmental functions such as Sustainable Urban Drainage. For the plan to be effective, I consider it is necessary to identify how this will be considered during the determination of planning applications (**MM126**).
284. A particular concern was raised that the requirements of Policy ENV 04 had not been considered in terms of viability. However, Section 8 of the Plan Wide Viability Assessment (LP\_V\_2) clearly shows that this was considered.
285. Turning to a related matter, the Plan includes a section on Local Green Space, which sets out that the Plan's approach. However, there is nothing set out within a policy in the Plan. Therefore, a change (**MM128**) is needed to include this within Policy ENV 04 for the Plan to be effective and consistent

with national policy. The Plan also designates three sites as local green space. I see no reason to disagree with these designations and I consider the Council's consideration of local green space sites to have been robust. Finally, the Council has sought a modification (**MM128**) to set out that Neighbourhood Plans can also designate local green space. I consider this to be appropriate.

### **Communities & design**

286. Policy GEN 1 addresses sustainable development in Breckland. The last paragraph reflects Paragraph 14 of the Framework 2012. However, I am mindful that the equivalent paragraph (11) in the Framework 2019 has been amended. I consider it is appropriate to ensure the policy is consistent with national policy moving forward and a change is needed (**MM4**). In a similar manner, when consulted upon, MM4 included an alteration to the second bullet point of Policy GEN 1 to set out that development should protect or 'where possible' enhance the natural, built and historic environment. Paragraph 8 c) of the Framework 2019 now refers to protecting and enhancing. Consequently, I consider that it is not necessary to make such a change and I have amended MM4 in this regard to remove the modification, this will ensure the policy is consistent with national policy moving forward. A further change is needed (**MM4**) to Policy GEN 1 to refer to the consideration of cumulative impacts to be consistent with national policy.
287. The approach to promoting high quality design is set out in Policy GEN 2. This sets out that development of poor design, that does not improve the character and quality of the area and the way it functions, will be refused. I am mindful that it might not, in every case, be possible to improve an area. Consequently, for the policy to be effective, a change is needed (**MM5**) to set out that development should respect or improve the character of an area.
288. Policy COM 01 identifies the Plan's requirements in terms of design. This sets out that in some cases the Council will request the involvement of a developer funded Design Review. The Council accepted that this could affect the viability of a scheme. Consequently, a change is needed (**MM151**) to set out that this will be subject to viability. Further, an alteration (**MM150**) is needed to the supporting text to clarify the circumstances when a design review might be requested by the Council. A concern is raised that it is not clear whether this relates to the cost of the design review itself or the cost of implementing any recommendations. However, I consider that it is sufficiently clear that it relates to the cost of funding the design review itself as any subsequent costs would not be known until the design review had been commissioned. **MM150** also includes some other rewording to ensure the policy is effective.
289. Policy COM 02 'Healthy Lifestyles' sets out that a Health Impact Assessment will be required for all large and complex proposals. I consider that this could represent an unreasonable and unnecessary requirement in some circumstances. The PPG states that a '*health impact assessment may be a useful tool to use where there are expected to be significant impacts*' (Paragraph: 004 Reference ID: 53-004-20140306). Consequently, a change to Policy COM 02 is necessary (**MM152**) to ensure compliance with national policy. Some other rewording and amendments are also made in MM152 to

ensure that the policy is effective and consistent with national policy.

Further, to ensure the policy is effective, alterations (**MM153**) are needed to the supporting text to set out the context for when a health impact assessment may be required and to clarify the other requirements of the policy.

290. To ensure Policy COM 03 'Protection of Amenity' is effective and consistent with national policy, some rewording of the policy is needed (**MM154**). This includes ensuring that the living conditions of the occupants of existing dwellings are suitably considered.

291. For Policy COM 04 'Community Facilities' to be effective several changes are needed (**MM156**) to avoid repetition within the policy itself and with other policies. Further, a modification (**MM155**) is required to the supporting text to make it clear that the policy applies in both the urban and rural areas of the District. Finally, **MM156** includes a new paragraph that addresses the provision, loss or redevelopment of Indoor Sports Facilities. This had previously been set out in Policy COM 02, however, the Council agreed that Policy COM 04 was best placed to address this matter for the Plan to be effective.

#### Conclusion on main issue 10

292. I consider that the vision, strategic objectives and development management policies of the Plan, when considered with the recommended modifications are soundly based.

#### **Issue 11 - Whether the Plan's approach to infrastructure is justified and consistent with national policy.**

293. In support of the Plan's site allocations an Infrastructure Development Plan (IDP) has been produced by the Council. Further, detailed charts were provided by the Council in relation to infrastructure requirement for the two SUEs. I consider that the Council's consideration of infrastructure to be robust and the IDP sufficiently demonstrates that the site allocations are deliverable in this regard.

294. Policy INF 01 relates to telecommunications and requires developments to avoid unacceptable impacts on visual and residential amenity, highway safety and to the character and appearance of the area. However, it does not refer to the need to have regard to the historic environment. Consequently, a change (**MM157**) is required to ensure that the Plan is consistent with national policy.

295. The Council's approach to developer contributions is set out in Policy INF 02. The policy requires all developments to make provision for necessary infrastructure through developer contributions. The Council accepted at the hearing sessions that the policy should refer to financial viability, as there may be instances where the sought contributions would make a proposal unviable. A change to the policy (**MM158**) is therefore necessary to make this clear.

296. As set out above, in relation to Policy ENV 04, the Council confirmed that it was not its intention to seek tariff based planning obligations for

developments of 10 dwellings or less and that the viability assessment had not considered the ability of developments of such size to be able to make such contributions. A change (**MM158**) to Policy INF 02 is therefore needed to address this matter.

297. The Council has proposed a modification (**MM158**) to Policy INF 02 to make clear that in some circumstances a development may need to be phased to deliver the necessary infrastructure at an appropriate time. I consider this to be appropriate for the Plan to be effective and therefore the change is required for soundness.

298. To ensure that the Plan is effective and consistent with national policy, some rewording (**MM158**) of Policy INF 02 is needed to avoid repetition and refer to the need to mitigate the impact of development on the wider highway network.

#### Conclusion on main issue 11

299. When considered with the recommended modifications, the Plan's approach to infrastructure is sound.

#### **Issue 12 – Whether the Plan's approach to not superseded policies is sound.**

300. The Plan sets out a number of policies and allocations from the adopted Thetford Area Action Plan (2012) and Breckland District Council Site Specific Policies & Proposals Development Plan Document (2012), which the Plan states are 'carried forward' or 'saved'. Whilst these are set out in the Plan, the policies have not been subject to appraisal, including Sustainability Appraisal (SA) as part of this Plan. It was agreed by the Council that therefore the policies do not form part of this Plan but are instead 'not superseded' and remain part of the development plan in their respective development plan documents. A number of MMs (**MM9, MM137, MM138, MM143** and **MM166**) are required to clarify this matter, remove these policies and their supporting text from the Plan and to set out new supporting text as appropriate to clarify how the 'not superseded' policies are relied upon in terms of meeting the identified needs in the Plan.

#### Conclusion on main issue 12

301. When considered with the recommended modifications, the Plan's approach to not superseded policies is sound.

#### **Issue 13 – Whether the Plan's implementation and monitoring framework is sound.**

302. The Council's approach to the implementation of the Plan is set out in Section 8. However, the section includes limited detail with regard to how the Council will monitor the policies in the Plan to ensure that the objectives of the Plan are being delivered and the policies are performing as intended. A modification is needed (**MM159**) to address this matter. A change (**MM168**) is also needed to correctly define an AMR in the glossary of the Plan for it to be effective.

### Conclusion on main issue 13

303. When considered with the recommended modification, the implementation and monitoring framework provides an appropriate basis to monitor the Plan's policies.

## **Assessment of Legal Compliance**

304. My examination of the legal compliance of the Plan is summarised below.

305. The Local Plan has been prepared in accordance with the Council's Local Development Scheme (LDS). There has been some criticism raised in relation to the consultation undertaken by the Council during the preparation of the Plan. However, there is no substantive evidence before me to suggest that consultation on the Local Plan and the MMs was not carried out in compliance with the Council's Statement of Community Involvement (SCI) and the relevant regulations.

306. SA has been carried out and is adequate.

307. The Habitats Regulations Appropriate Assessment Screening Report August 2017 (LP\_S\_4) sets out that a full assessment has been undertaken and that the plan may have some negative impact which requires mitigation and this mitigation has been secured through the Plan as modified.

308. The Plan (as modified) includes a vision, strategic objective and Policies HOU 10, TR01, ENV01, ENV09, ENV10, COM01, INF02 designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

309. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

310. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of gypsy, traveller and travelling showpeople pitches and plots to meet identified needs, housing for older people and accessible and adaptable housing.

## **Overall Conclusion and Recommendation**

311. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

312. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Breckland District Council Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Jonathan Manning*

INSPECTOR

This report is accompanied by Appendix 1 containing the Main Modifications.