

BRECKLAND DISTRICT COUNCIL

Report of: Paul Claussen: Executive Member for Economic Development and Growth

To: Cabinet: 20 September 2021

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Subject: Local Plan Review

Purpose: To seek Cabinet’s approval for changes to the proposed approach in respect of the Local Plan review

Recommendation(s):

- (I) That a Single Policy Partial Review of Policy INF 03 is prepared in parallel with a Substantive Review of the whole Local Plan as outlined in Section 4 of the report**
- (II) That timetables for both the Single Policy Partial and Substantive reviews are approved as set out in the revised Local Development Scheme**
- (III) That further work is undertaken and continued challenge and monitoring to agree the ongoing financial resource required for the preparation of the Single Policy Partial and Substantive reviews of the Plan**
- (IV) That the Statement of Community Involvement is approved for public consultation for a period of 6 weeks**

1.0 BACKGROUND

- 1.1 Breckland Council adopted the current Local Plan on 28 November 2019. Policy INF 03 of the Plan makes specific reference to the need for the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. This would be submitted for examination November 2022.
- 1.2 The Examination into the Plan took place in 2018. As part of the examination process, the Council specifically requested that the Inspector recommend any main modifications (MMs) necessary to enable the Plan to be found sound and capable of adoption. In February 2019 the Council proposed and consulted on a series of Main Modifications to the Plan. One of these was to include a new Policy in the Plan requiring an immediate review of the Plan on key issues pertaining to housing, gypsies and travellers, internal space standards and economic development

(MM160).

- 1.3 Following the adoption of the Plan in November 2019 the Council's Local Plan Working Group considered a range of options that were available in respect of the Review of the Plan. These were then considered by the Council's Cabinet in June 2020¹. The Cabinet explored the options of whether a full review would be preferable or whether it would be practical or reasonable to prepare a Partial Review alone, or as a sub-set of a full review and agreed that on balance, and in light of the critical risks and issues set out in the Report, to undertake a full review of the Local Plan.
- 1.4 The Council also approved a Local Development Scheme setting out the timetable for the full Review².
- 1.5 There are a number of changes which have occurred since the Local Plan was adopted and since the Council committed to undertake a full review of the Plan in June 2020 which have potential implications for the Local Plan review and its timetable. These are as follows and further detail is set out in Appendix 1 to this Report.
 - Uncertainty and delays to the publication of the housing requirement and delays to work on the revised Strategic Housing Market Area Assessment (SHMAA)
 - The Review would not accord with the 2021 National Planning Policy Framework (NPPF) and need for a minimum 15-year time horizon for strategic policies and at least 30 years for larger scale developments such as new settlements or significant extensions to existing villages and towns;
 - The A47 improvements near Dereham are yet to be commenced and have been delayed since they were considered by the Local Plan Inspector in 2018.
 - The definition of Gypsy and Travellers was subject to a High Court challenge until July 2021.
 - The introduction of local internal space standards would require a new plan wide viability study that could impact on other key parts of the Plan
 - There are a number of other considerations that have emerged since the Council resolved to undertake a Full Review of the Plan in June 2020 including the need for a clearer understanding of the implications of Covid 19, First Homes, planning reform and the Environment Bill.
- 1.6 Taken together, it is now considered that completing the Partial Review of the Plan within the timescales set out within Policy INF 03 are, and always were unachievable. Officers have held informal meetings with civil servants from the Ministry of Housing, Communities and Local Government (MHCLG) and the Planning Inspectorate (PINS) to discuss this and has sought confidential legal advice on possible options. It is important to note that the views of the Planning inspector from PINS were a personal view and that they may not be supported by fellow inspectors. These are referenced in the remainder of this note where applicable.

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

² https://www.breckland.gov.uk/media/16518/Local-Development-Scheme/pdf/Local_Development_Scheme_final_June_1_2020.pdf?m=637475361356970000

2 WHAT DOES THIS MEAN FOR THE LOCAL PLAN REVIEW?

- 2.1 For the reasons outlined above and in Appendix 1, the circumstances are very different to those at the time the Local Plan was adopted. A particular issue is the lack of clarity regarding the housing need for Breckland. The Local Plan Inspector had, understandably sought to try and ensure that the review was carried out speedily but at this time he was unaware of the delays and circumstances that have arisen subsequent to the Plan being adopted.
- 2.2 Policy INF 03 of the adopted Local Plan as currently worded represents a significant risk to the Council as having key elements of the Plan an out-of-date plan would leave the Council vulnerable to unwanted applications and appeals. The Council needs to have a high degree of confidence that whatever it puts forward would be supported at examination. It is not feasible to be able to submit in November 2022. In addition and considering the unforeseen issues in 2020 pertaining to the delays in the publication of the new housing numbers, decisions to delay the joint SHMAA and the uncertainties arising from the proposed reforms to the planning system it would have not been possible to meet the November 2022 deadline even if a Partial Review had commenced immediately following the adoption of the current Plan in November 2019.
- 2.3 The Council is required to undertake a review of the whole plan every 5 years. As well as those set out in the June 2020 Cabinet Report, there are several other considerations that necessitate a full review of the Plan including the implications of the new Planning and Environment bills. It is still unclear as to the detail of these and timings for implementation, but it remains important that progress on the Review is carefully considered to minimize risk of abortive and costly work being undertaken. It is considered that work can progress on the evidence base and earlier stages of the plan preparation, including Housing Needs, design coding and the Call for Sites consultation.

3 Local Plan Review: Options

- 3.1 There are 3 options open to the Council.
 - I. Undertake a 'single policy' Partial Review that seeks to amend the wording of Policy INF 03 and remove the date by which the Partial Review should be submitted for examination to reflect the submission date proposed for the Substantive Review.
 - II. Undertake a Full Review of the Plan only.
 - III. Undertake the Partial Review as set out in Policy INF03 and a full review of the Plan within 5 years in accordance with National Planning Policy Framework
- 3.2 Option iii is not considered realistic or preferred as it would not represent the most cost-effective option for the Council as some of the required expenditure would be duplicated (production, legal and examination costs) and the timescale set out in Policy INF03 is not achievable.
- 3.2 The Single Policy Partial Review option offers a potential way forward which if successful would remove the risk of the plan being out-of-date, although it is not without its own risks. There is no guarantee that an Inspector would regard such an approach as being 'sound'. In these circumstances the statement that the policies would be out-

of-date would still form part of the policy. A similar Single Policy Review approach has recently been successfully completed in North West Leicestershire.

3.3 If the Council is to undertake a Single Policy Partial Review of the Plan then the inspector carrying out the review will need to be satisfied that:

- The matters identified in INF03 are being expeditiously addressed as part of the full review.
- That there are good reasons why the time limit set in INF03 in respect of the matters to be the subject of the review are no longer necessary or appropriate.
- Leaving the deeming “out-of-date” provision in INF03 in place would be an unnecessary barrier to plan-led decision-taking because the ‘normal’ presumption in favour of sustainable development set out in 11d) of the NPPF is the better way of determining whether policies in a development plan are up-to-date or out-of-date.
- The Duty to co-operate is satisfied.
- The Single Policy Partial review has been subject to sustainability appraisal.

3.4 It is essential that the Council should commit to a timely Substantive Review for the Single Policy Partial Review to be successful at examination. Therefore, a timetable for the Substantive review will be prepared with a view to this taking place in parallel with the Single Policy Review of Policy INF 03. This is included as part of this report to Cabinet and will result in a new Local Development Scheme (LDS).

3.5 The Single Policy Partial Review would have to go through the normal process (i.e. consultation, submission, Examination) and be “sound”, legally compliant and subject to sustainability appraisal. But the unforeseen changed circumstances arising since adoption of Policy INF 03 as set out above point to this as being a possible way forward.

3.6 The Substantive Review of the Plan would need to consider those issues set out in Policy INF 03, regarding Policy HOU 01 ‘Development Requirements’; Policy HOU 08 ‘Provision for Travellers and Travelling Showpeople’; Policy HOU 10 ‘Technical Design Standards for New Homes’; and Policy EC 01 ‘Economic Development’ along with other aspects of the Plan is considered appropriate.

3.7 As there is no possibility of carrying out the Partial Review foreshadowed by INF03, any Single Policy Partial review would need to be based on it being deleted or re-worded. The risk of key elements of the Plan being deemed ‘out of date’ represents a significant risk to the Council. The risk is not just financial but also reputational. If parts of a Plan are ‘out of date’ then the following process would apply in respect of considering a relevant planning application (the tilted balance):

- Apply rules of s.38(6) -any determination must be made in accordance with the development plan unless material considerations point otherwise;
- If the application is in line with an up-to-date plan and no other considerations indicate otherwise, permission should be granted (para 11(c) of the NPPF);
- If the above doesn’t apply, consider whether there are any relevant development plan policies and if so whether they are out of date (11(d) NPPF);

- If this applies, look to whether any of the NPPF policies give a clear reason for refusing the proposal (11(d)(i) footnote 6). If so, permission should be refused (subject to s.38(6));
- If this does not apply the decision taker should apply the tilted balance (11(d)(i) footnote 7 and s.38(6)).

Footnote 7 makes it clear that policies are to be treated as out of date where a local authority cannot demonstrate a 5 year supply or meet the Housing Delivery Test. If the Council can therefore demonstrate a 5 Year Supply of housing land then this would remain an important factor in considering applications. It does not follow automatically that just because one of the policies for determining an application is out of date, the tilted balance must be applied and permission granted. Policies should be viewed together and an overall judgement made whether the policies as a whole are out of date.

- 3.8 Leaving Policy INF03 in place when the Council has no ability to meet its requirements could cause confusion at best and poor decision-taking at worst during the determination of planning applications. There is a good case for a single policy Partial Review of the plan to delete it or amend it. But that will be a burden on the financial and 'people' resources of the Council.
- 3.9 Leaving Policy INF03 in place and concentrating solely on a Full Review is an option. The Council could publicise its intention to do so, its reasons, and the consequences for decision-taking to all stakeholders well in advance of the November 2022 'deadline' to ensure clarity for stakeholders. This would mean that key parts of the Plan would be out of date after November 2022 with the associated risks outlined above.
- 3.10 Committing to a Single Policy Partial Review (and by default the Substantive review) now will result in some risk to the Council from the uncertainties currently facing the planning system that may result from the proposed planning reforms that are outlined in this Report. It will be important that potentially abortive and costly work on the Plan is avoided but that the plan progresses within a reasonable yet realistic timeframe. The Local Development Scheme may have to be revised once the implications of the reforms are better understood.
- 3.11 The Substantive Review will extend the plan period beyond 2036, at least to 2041 but possibly longer, to ensure that any strategic policies look ahead at least 15 years from adoption as required by the NPPF. This work would need to continue in parallel to the Single Policy Partial Review. By concentrating only on a Substantive review and looking to plan ahead to 2041 or 2046 but missing the November 2022 deadline gives the Council an opportunity to delay beginning the process and thereby reducing the risks posed by the uncertainties of the proposed planning reforms but this approach poses a significant risk for the adopted Local Plan in view of the provision in Policy INF 03 for key aspects of the Plan to be considered out-of-date from November 2022. This could result in both development and reputational risk in higher numbers of speculative applications for housing across the District being submitted resulting in increased pressures and workloads for Development Management and a greater risk of appeals being allowed. Whilst the completion of a Substantive review by November 2024 cannot be guaranteed, a successful Single Policy Partial Review would ensure that, under the current NPPF, the Plan will remain up to date until November 2024.

4 The Preferred Option

4.1 It is proposed to:

- Amend Policy INF 03 and the supporting text of the adopted Local Plan. This is referred to as the 'Single Policy Partial Review'.
- Continue to work on a more Substantive Review to address the longer-term development needs of the district, including those issues set out in Policy INF 03.

4.2 The Single Policy Partial Review would relate solely to Policy INF 03 and supporting text seeking amendments to extend the November 2022 date to match the agreed Local Development Scheme for the Substantive Review (once completed). Officers consider that this approach provides for a more robust approach. This option includes also continuing to work on a more Substantive Review which will extend the plan period beyond 2036, at least to 2041 but possibly longer to ensure that any strategic policies look ahead at least 15 years from adoption as required by the NPPF. This work will continue in parallel to the Single Policy Partial review.

4.3 The Single Policy Partial Review would seek the following amendments to Policy INF 03 and supporting text along the following lines:

Policy INF 03: Existing Text

Policy INF03 sets out the Council's commitment to undertake an immediate Partial Review of the Plan, with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. This shall be completed and submitted for examination 3 years after the date of adoption of this Plan or by November 2022, whichever is soonest.

Policy INF 03: Local Plan Policy Review

The Council will undertake an immediate Partial Review of the Plan, with regard to the following matters:

- *Policy HOU 01 Development Requirements (minimum): To consider housing need and the subsequent strategy for meeting the identified need.*
- *Policy HOU 08 Gypsy and Travellers: To consider the needs of non travelling gypsy and travellers and identify suitable provision to meet such a need.*
- *Policy HOU 10 Technical Design Standards for New Homes: To consider the accessibility of homes standards.*
- *Policy EC 01 Economic Development: To consider the effect of the dualling of the A47 on the Plan's economic strategy.*

The Partial Review of the Plan will be submitted for examination 3 years after the date of adoption of this Plan or by November 2022, whichever is soonest. In the event that the review is not submitted for examination by this time, then the Council's policies that relate to the supply of housing, economic development and gypsy and travellers will be deemed to be out-of-date.

Policy INF 03: Proposed Text

Policy INF03 sets out the Council's commitment to undertake an immediate full review of the Plan and to submit it by November 2026.

Policy INF 03: Local Plan Policy Review

The Council will undertake an immediate full review of the Plan. The full ~~Partial-Review~~ of the Plan will be submitted for examination by November 2026.

- 4.4 The Single Policy Partial Review would have to go through the normal process (i.e. consultation, submission, Examination) and be “sound”, legally compliant and subject to sustainability appraisal. But the unforeseen changed circumstances arising since adoption of Policy INF 03 as set out above point to this as being a way forward.
- 4.5 It is also proposed to engage the other Norfolk and adjoining authorities under the Duty to Cooperate on this approach.
- 4.6 Officers have taken external legal advice which supports such an approach. The Advice considers that leaving Policy INF03 in place when the Council has no intention or ability to meet its requirements could cause confusion at best and poor decision-taking at worst during the determination of planning applications. There is a good case for a Single Policy Partial Review of the plan to delete it or amend it. But that will be a burden on the financial and ‘people’ resources of the Council.
- 4.7 The Advice also considers that since there is no intention of carrying out the Partial Review foreshadowed by INF03, any Single Policy Partial Review should be based on it being deleted or amended. If the full review takes longer than 5 years (November 2024) policies within it will become out-of-date as a matter of planning judgment, then that is a matter that can be considered in applying the presumption in favour of sustainable development in paragraph 11 of the NPPF in decision-taking on planning applications.
- 4.8 Officers have also considered a similar approach carried out by North-West Leicestershire Council that has recently completed a single Policy Review of its Local Plan that also required a Partial Review of the Plan within a specified timeframe. That Council also committed to a Substantive review of its plan at the same time.
- 4.9 It should be appreciated that this approach is not without its own risks. Despite some reassurances being received from PINS there is no guarantee that an Inspector would regard such an approach as being ‘sound’. In these circumstances the statement that the relevant policies in the Plan would be “deemed to be out-of-date” would still form part of the policy. However, it would not have any effect as the requirement elsewhere in the policy for the plan to have been submitted would have been complied with; policy INF 03 does not require that the review be found ‘sound’.

5 Timetable

- 5.1 If the above option is supported then it is important to agree the timetable for preparation of both the Single Policy Partial and Substantive reviews.

5.2 The timetables for both the Single Policy Partial and Substantive reviews need careful consideration. Critical factors in agreeing timetables are as follows:

- Available financial resources
- Available staffing resources
- It is critical that the Council sets a timetable that is supported by both a financial and staff resource that will minimise risks to delivery.
- It is also critical that the Council sets a timetable for the Substantive Review that can satisfy an inspector, considering the Single Policy Partial Review, that the council is committed to completing a Substantive review within a reasonable timeframe.
- It is critical that the Council sets a timetable that reflects possible changes to the planning system and does not commit to potentially abortive and costly work too early in the preparation process or seek to progress the Review too quickly. This needs to be balanced with the current expectation in the NPPF that requires Plans to be reviewed every 5 years (November 2024).

Resources for Single Policy Partial Review

5.3 The Single Policy Partial Review must follow the same statutory stages as a full review. This would be a truncated process comprising:

- Publication of the Council's intent to Review Policy INF 03, making it clear that it has reviewed whether the Policy needs updating and the reasons why it does in accordance with paragraph 33 of the NPPF.
- A clear statement that the approach will be twin tracked, considering Policy INF 03 in the shorter term and the Plan, as a whole, by the date agreed in the new Local Development Scheme for the completion of the Substantive Review.
- Compiling the appropriate Evidence base
- The publication of its intentions with appropriate supporting documentation and an updated Local Development Scheme will form the Regulation 18 stage. This will require notifying various bodies and persons of the subject of a local plan which they propose to prepare and invite representations from them on what a plan with that subject ought to contain. This will require setting out how Policy INF 03 would be modified.
- Preparation and consultation on the Regulation 19 Plan including Sustainability Appraisal and Habitats Regulation Assessment and Equality Impact Assessment work
- Examination
- Adoption

5.4 It is estimated that the Single Policy Partial Review will cost approximately £60,000. The major costs for this Review will be for the Sustainability Appraisal, examination and legal costs to support the Council. This will primarily be in the financial year 2022/23

5.5 The Single Policy Partial Review can be undertaken by the existing staff resource and using the existing budget.

Process for a Substantive Review

5.6 The Substantive Review must, under the current process, follow these statutory stages:

- The first stage of plan-making (Regulation 18 Notification) requires the notification to interested parties of the proposed subjects to be included in the Local Plan, and to invite comments.
- Identification and consultation on the scope of the Plan by identifying issues and opportunities, and translating these into aims, objectives and an overall vision for the District and each of the larger settlements.
- Appraisal of a range of policy and site options and publication and consultation on preferred choices for inclusion in the First Draft Local Plan consultation document. This includes all alternative options considered to enable people to see why a particular approach has been chosen.
- Regulation 18 also includes preparation and consultation on Plan including Sustainability Appraisal and Habitats Regulation Assessment and Equality Impact Assessment work
- Regulation 19 is where the proposed policies and site allocations are published in a Final Draft Local Plan document.
- Following consultation, the Final Draft Local Plan will be submitted to the Secretary of State for independent examination.
- Regulations 22-26 of the Local Planning Regulations involve the submission of the Draft Local Plan to the Secretary of State for independent examination, the examination hearings and subsequent consultation on any required changes to the Plan before it can be adopted for use - if it is found to be 'sound' by the Inspector.

Future Resources and Timetable

5.7 In order to agree a robust timetable for the Substantive review it will be critical to have sufficient financial and staffing resources committed by the beginning of the next financial year (April 2022). To minimise the risk of the Single Policy Partial Review being found unsound at examination, it will be critical for the Council to agree a robust timetable for the completion of the Substantive Review, at the same time as the timetable for the preparation of the Single Policy Partial Review. It will be important for the Council to have submitted the Single Policy Partial Review for examination before the November 2022 date set out in Policy INF 03.

5.8 In accordance with the NPPF local plans should be reviewed every 5 years. This needs to be balanced with the fact that both the process for preparing and content of the Plan will change over the next 2 – 3 years and the timetable should be flexible enough to take account of these changes. Over the next year it is likely that the Council will have better information on the implications of the planning bill and likely content of the plans and processes including greater digitisation and methods of community engagement. This can be fed into a review of the Local Development Scheme as required.

Costs for Substantive Review

- 5.9 The following are the estimated costs for the Substantive Local Plan Review. Whilst it is impossible to estimate costs with 100% accuracy, the following are based on experience from previous similar work. The costs are considered to be the minimum required to meet the statutory requirements of the Review as well as those required to meet the Council's own objectives. It is important to note that costs are based on the current process for preparing a Plan and that this may change in the future depending on the content and timetable for the introduction of any future planning reforms. In particular the rollout of digitization, the requirements of the Environment Bill and new design coding.
- 5.10 Costs can be separated into the following key elements:
- Evidence base:** Required to underpin the policies and proposals to be included in the new Plan. It is clear that the new Plan will need to consider new allocations / growth zones for development, including housing, employment and gypsy and traveller accommodation. It is also clear that design and environmental issues, such as biodiversity will be key considerations in the new planning system. The evidence base would need to be completed prior to the publication of the draft plan and so would need to be front-loaded into the early years of the plan preparation.
- 5.11 Under the planning reform proposals in growth areas will benefit from a status akin to having outline planning permission. In order to demonstrate suitability and delivery the Council could require promoters / developers to undertake specific studies to demonstrate suitability and timely delivery, including for example on transport, utilities including water and power supplies. It is important to note that until the planning reforms become clearer this approach cannot be guaranteed and that the Council may have to bear some of the costs. These costs are impossible to quantify and would depend on the location and scale of the proposed growth areas but would likely be between £50,000 and £100,000 per growth area. The Council will explore this through the Call for Sites exercise that will be undertaken in the next few months. There will, however, be benefits for those developers who secure sites in allocated growth areas as the slimmed down requirements for obtaining full consents should reduce outlay and also the time it takes before development can start. These are essential workstreams and if joint or developer funding is not available then these costs would have to be met by Breckland.
- 5.12 The evidence base requirements may change depending on any changes to content of plans or preparation process from planning reforms. An example of this is the emerging strong focus on design and beauty and digitisation that could require additional resource. Paragraph 128 of the new NPPF (July 2021) states: *'To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences'*. Another area will be the requirements of the Environment Bill (delayed until the Autumn) including for example enhanced Green Infrastructure (GI), Biodiversity Netgain and Biodiversity Netgain Credits in addition to Local Nature Recovery Strategies. The list provided is considered to represent what is considered essential irrespective of future changes to the planning system. In this regard, it maybe that there may be some central funding available for other planning

reforms or that Breckland could work jointly within the County with other local authorities to share costs on some areas of work. These include the following:

- Digitisation and an effective consultation strategy and smart mapping.
- Design Coding including 3 stages of public consultation
- Local Nature Recovery Strategy

5.13 Again, these costs are impossible to quantify and would largely depend on the requirements of the planning reforms but could be in the region of £200,000

5.14 The estimated costs for the Review remain whether the Review takes 3 or 8 years to be completed.

5.15 The evidence base for the new Plan will consist of, and will be focussed on, the Council's priorities for the topics to be included in the Plan. In addition to the essential evidence listed above the Council may want to commission other 'optional' evidence depending on what priorities it would like included in the new Plan. Examples of this include work relating to housing technical standards or renewable and low carbon. Any associated costs would need to be factored into the programme.

5.16 Some other evidence is and will be prepared by the Council as part of existing Breckland priorities, or as part of the work of the Norfolk Strategic Planning Group, at an annual cost of £10,000 per annum, as well as with other agencies and organisations. Examples of this can be found at Appendix 2 of this Report.

5.17 As a minimum the estimated expenditure for the evidence base is £350,000

Production Costs: Costs associated with its preparation to ensure that it's preparation follows Regulation and in order that it has the best chance to be found sound at a future examination. A real focus of the proposed reforms is a 'need for speed' through the introduction of digitisation and smart mapping requirements. The ambitious proposals include a suggested statutory target of 30 months to put in place new local plans, measured from the date on which the necessary legislation is brought into force. This would be extended to 42 months in the case of local planning authorities who have adopted a new local plan within the three years prior to the legislation coming into force, or, at the requisite time, have a local plan submitted for examination. If this proposal remains the date that the legislation comes into force (ie: either before or after 28 November 2022) will inform the timetable for the Substantive Review. In order to achieve these ambitious targets, it is suggested that the content of the local plan should be reduced, with the majority of the development management policies being drawn instead from national policy, contained in the NPPF. In addition, some of the most controversial elements of the plan-making process such as the duty to co-operate and the sustainability appraisal (SA) system could be abolished.

6.18 Production costs can be informed by the amount of public consultation that the Council commits to at the various stages of the Plan's production. The Regulations set out the minimum required but the Council could choose to undertake wider consultation including public exhibitions, parish meetings and developer forums at venues across the District. The scale of these will impact on both costs, staffing resources and the time taken for preparation. The costs set out below are only for the statutory minimum consultation requirements.

6.19 The Council is required to produce a Statement of Community Involvement (SCI). This sets out how the public, businesses and interested groups within Breckland can get involved in the creation of local planning policy, neighbourhood planning and the planning application decision making process. The SCI identifies how people and groups can engage with the planning system in the best way. Effective consultation enables stakeholders and the public to express their views. However, there may be instances where the Council has to balance all relevant issues and this may mean a different outcome to some of the views expressed. Where this is the case, the Council will be transparent in its reasoning. The Draft SCI is at Appendix 3 and if approved would be subject to consultation prior to being agreed.

6.20 The estimated costs for the production of the new Plan cover the following areas:

- Sustainability Appraisal
- Production and consultation (minimum consultation and no external parish / town council public meetings)
- Plan viability testing
- Infrastructure Delivery Plan
- Legal Support
- Examination

6.21 As a minimum the estimated expenditure for the Production of the Substantive Review is £370,000

Staff Resources: The new Local Plan will be produced by the Council's Planning Service, with the work being led by the Planning Policy team. It is recognized that the current contract to provide this service is to be reviewed in 2023, before the Plan would be completed. However, as the outcome of these discussions cannot be prejudged the following is based on the current situation.

6.22 At present the team comprises of

- Planning Policy Manager
- Planning Policy Officer
- Monitoring and Research Officer

6.23 The service is supported by the specialist technical skills and knowledge of other teams, including legal and Housing.

6.24 Officers have established officer working groups both within Breckland and County and it will be essential to forge closer working relationships with external agencies including those responsible for flooding and water management and the environment and key power networks.

6.25 To produce a Substantive review within the timescales set out in this report and the accompanying Local Development Scheme will require an additional staffing resource at both Senior and Principal level. It is considered critical that to produce an informed and robust Plan, staff resource should be dedicated to Breckland and based locally on a full time basis for the whole period of production. This continuity and ownership is a critical factor in plan delivery both for members and the wider community. The cost of

the additional staff resource is estimated at £50,000 per annum for Senior and £60,000 for Principal. It is considered that recruitment to these posts should be as follows:

- Principal Planning Officer (October 2021 – November 2027): £360,000
- Senior Planning Officer (October 2022 – November 2027): £250,000

- 6.26 The reasons for this are to ensure that there is sufficient resource to guide the plan making process through its key resource intensive stages of development that are timetabled to begin towards the end of 2022. The addition of a Principal Planning Officer will enable the Single Policy Partial Review to be progressed and the addition of a Senior Officer from October 2022 will enable continued work on the Substantive Review whilst the Single Policy Partial Review progresses through examination. The delay to the recruitment of the Senior post will also enable the Council to have a better understanding of the implications of the emerging planning reforms so that it can seek to recruit a resource with an appropriate skillset.
- 6.27 The recruitment of suitably qualified planning policy officers with recent experience of local plan preparation would bring the available resource to a level that is more comparable to other Norfolk Districts. For information a Table setting out the current resource in other Norfolk Districts is in Appendix 4 to this Report. Additional resource is essential as this will allow for appropriate management of the project as well as an ability to continue with other existing workstreams including the joint working through the Norfolk Strategic Planning Group including work on the GI RAMS, Climate Change, 4G/5G Broadband Infrastructure and Elderly Person Accommodation and Support Needs Studies as well as Breckland focused work including Monitoring, Brownfield Land Register, Supplementary Planning Document preparation, Design codes, Neighbouring and other consultations, Planning Reform, Great Crested Newts Brief on new District Licensing Scheme, Water Resources East and Norwich Western Link and A47 Dualling work
- 6.28 **As a minimum the estimated expenditure for the staffing Resources for the production of the Substantive Review is £ 610,000**
- 6.29 **The total estimated cost for the production of both the Single Policy Partial and Substantive Reviews as set out in the Local Development Scheme is £1.410.000**
- 6.30 Table 1 sets out the estimated costs on an annual basis and compares this to the agreed and projected budget. It highlights a shortfall of £562,000 over the production period. It is therefore critical that costs are continually challenged especially as the implications of the proposed planning reforms become clearer.

Table 1: Summary of Costs								
	Substantive Review			Partial Review		Totals	Budget	Shortfall
	Evidence base	Production Costs	Staffing Resource		Duty to Co-operate			
2021/22	110,000	10,000	30,000	10,000	10,000	170,000	248,000	78,000
2022/23	120,000	15,000	85,000	50,000	10,000	280,000	100,000	-180,000
2023/24	120,000	25,000	110,000		10,000	255,000	100,000	-155,000
2024/25		60,000	110,000		10,000	170,000	100,000	-70,000
2025/26		80,000	110,000		10,000	190,000	100,000	-90,000
2026/27		80,000	110,000		10,000	190,000	100,000	-90,000
2027/28		100,000	55,000		10,000	155,000	100,000	-55,000
Totals	350,000	370,000	610,000	60,000	70,000	1,410,000	848,000	-562,000

Timetable

6.31 The following proposed timescale for the preparation of both the Single Policy Partial and Substantive reviews take account of the following key factors

- The need to balance speed with the uncertainties around planning reform
- The need to ensure that adequate funding is available
- The need to ensure that there is appropriate staff resource available to undertake the work
- The need to ensure that the existing plan is 'out of date' for as short a time period as possible

6.32 It is important to note that the timetable may need to be reviewed depending on the outcomes of the proposed planning reforms and continued availability of appropriately skilled staff and or financial resources required to prepare a robust plan.

6.33 Table 2 below sets out the proposed timetables to produce the Single Policy Partial and Substantive Reviews. This has been considered in conjunction with the Team's need to continue with existing separate workstreams and their associated timetables for both existing workstreams and likely new areas including for example, local Design Guides, now incorporated into the NPPF as well as workstreams coming from the Environment Bill e.g. Local Nature Recovery Strategies. It is considered that these balance the need for speed with the necessity to be prudent given the uncertainty

around the emerging planning reforms. If approved this timetable would be published in a new Local Development Scheme. This is in Appendix 5 to this Report.

6.34 The proposed approach is dependent and takes account of the following factors:

- Requires recruitment of a Senior and a Principal Planning Officer to the Team. This is uncertain given the shortage of qualified planners and the difficulties in recruiting planners especially in this part of the country.
- That the Planning Policy Team remains fully staffed throughout the preparation process
- A total budget of £1,410,000 is available between now and the year ending 2028. This represents an overspend of £562,000 based on existing and projected annual budgets (£848,000)
- This budgetary requirement will be continually monitored and challenged and may change as a result of the Planning Reforms, where for example, additional resources for digitisation and smart mapping may be required
- The proposed end date of 2027 allows for flexibility to accommodate changes that may result from the planning reforms
- Will require a smooth process through Working Party, senior officers and Members
- Minimal consultation is undertaken to meet statutory requirements.
- The current plan would be considered 'out of date' for 3 years
- The Single Policy Partial Review is at moderate risk of failure at examination

Local Plan Review Timetable)		Partial	Substantive
A	Commencement of Preparation	Q3 2021	Q3 2021
	<i>Time Taken</i>	1 month	1 month
B	Scoping of the Review	Q3 2021	Q3 2021 – Q1 2022
	<i>Time Taken</i>	1 month	3 months
C	Prepare revised local development scheme (Cabinet approval)	Q3 2021	Q3 2021
	<i>Time Taken</i>	2 months	2 months
D	Prepare and consult on Statement of Community Involvement (Cabinet approval)	Q3- Q4 2021	Q3- Q4 2021
	<i>Time Taken</i>	2 months	2 months
E	Sustainability Appraisal Scoping Report and preparation (including consultation) (Prepared externally)	Q4 2021 -Q4 2022	Q1 2022 -Q3 2026
	<i>Time Taken</i>	Throughout process	Throughout process
F	Collation of evidence base	Q3 2021 -Q4 2021	Q3 2021 -Q1 2024
	<i>Time Taken</i>	1 month	3 years
G	Prepare Call for Sites (Working Group and Cabinet)		Q4 2021
	<i>Time Taken</i>		2 months
H	Consult on Call for Sites and processing of responses		Q1 2022

	<i>Time Taken</i>		3 months
I	First Conversation Consultation (Issues and Options) preparation and Cabinet approval (Regulation 18)	Q1 2022	Q2 2022 – Q3 2022
	<i>Time Taken</i>	1 month	6 months
J	First Conversation Consultation (Issues and Options) consultation and processing of responses (Regulation 18)	Q1 2022 – Q2 2022	Q1 2023 -Q2 2023
	<i>Time Taken</i>	2 months	6 months
K	Preferred Options and draft Plan preparation and Council approval (Regulation 18)		Q2 2023 -Q4 2023
	<i>Time Taken</i>		9 months
L	Preferred options and draft Plan consultation and processing of responses (Regulation 18)		Q1 2024 – Q3 2024
	<i>Time Taken</i>		9 months
M	Publication Draft Council preparation and approval for Submission (Regulation 19) (working Group and Cabinet	Q2 2022	Q4 2024 -Q2 2025
	<i>Time Taken</i>	2 months	9 months
N	Publication Draft consultation and processing of responses (Regulation 19)	Q3 2022	Q4 2025 – Q2 2026
	<i>Time Taken</i>		6 months
O	Approval of Submission Draft (working Group and Cabinet	Q3 2022	Q4 2026
	<i>Time Taken</i>		2 months
P	Submission for examination (Regulation 22)	Q3 2022	Q4 2026
	<i>Time Taken</i>		1 month
Q	Examination / Modifications (Regulations 23, 24)	Q4 2022	Q2 2027
	<i>Time Taken</i>	1 month	3 months
R	Adoption (Regulation 26) (Council)	Q1 2023	Q4 2027
	<i>Time Taken</i>	1 month	2 months

7 REASONS FOR RECOMMENDATION(S)

7.1 The Preparation of a Local Plan is a statutory requirement. Plans must be underpinned by an appropriate evidence base, much of which is required at an early stage of the preparation process to inform future decisions over development strategies and allocations.

8 EXPECTED BENEFITS

8.1 An up to date Local Plan is a key investment in the District that helps the Council to shape where developments can take place in the District to maximise environmental benefits and ensure the provision of appropriate transport links, provide for a variety of homes to meet local needs, built to an appropriate standard, create policies that

address the causes and potential impacts of climate change, and the improvement of biodiversity, inform providers of infrastructure the types of infrastructure and community facilities to benefit both existing and new residents, and support new and growing businesses so that people can work locally to minimise commuting.

- 8.2 If the Council does not have an up-to-date Local Plan, development will still take place. However, it will not be able to use its own local planning policies to help decide where development should go, and will be less able to require the schools, open space and road upgrades that are needed to support development.

9 IMPLICATIONS

- 9.1 In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders /Consultation, Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

Corporate Priorities

- 9.2 The Local Plan Review aligns with the following corporate priorities in the Breckland Corporate Plan 2020–2023.
- To deliver substantial and continued growth as proposed through our Local Plan, in conjunction with our key partners.
 - Enable the effective planning and delivery of housing solutions to meet local needs and aspirations to ensure that our residents including veterans have access to a range of housing options in the district.

Staffing and Financial

- 9.3 If Cabinet agree the recommendations, then this will mean that there would be two Examinations rather than the usual one. The Examinations for the wider review will need to come from future budgets. Additional budget is required of £562k over the 7 years (as detailed in paragraph 6.30). These cost estimates will be further worked on and options to fund this shortfall will be incorporated into the budget setting process for approval by Council to ensure the plan is fully funded through to completion.
- 9.4 The preparation of the evidence base for the Substantive review will be extensive. It will be required over the next 3 years to be able to inform the draft Plan.

Risk Management

- 9.5 Policy INF 03 of the adopted Local Plan as currently worded represents a significant risk to the Council as having out of date policies would leave the Council vulnerable to unwanted applications and appeals. The risk is not just financial but also reputational. The suggested approach outlined in the report offers a potential way forward which if successful would reduce the risk of the plan being out-of-date, although as outlined in the report is not without its own risks.

9.6 There are risks associated with undertaking a Substantive review of the Local Plan at this time. The timetable is based on the existing planning system and the anticipated resources required to complete the projects. These may change as these reforms progress.

10.0 **WARDS/COMMUNITIES AFFECTED**

10.1 All

Acronyms

PINS: Planning Inspectorate

GTAA: Gypsy, Traveller and Travelling Showpeople Assessment

PPTS: Government planning policy for traveller sites

MCHLG: Ministry of Housing, Communities and Local Government

NPPF: National Planning Policy Framework

SA: Sustainability Appraisal

SHMAA / HNA: Strategic Housing Market Area Assessment / Housing Needs Assessment

SCI: Statement of Community Involvement

Background Papers:-

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Key Decision: Yes

Exempt Decision: No

This report refers to a Mandatory Service.