

## **BRECKLAND DISTRICT COUNCIL**

**Report of:** Cllr Sarah Suggett: Deputy Leader Executive Member for Strategic and Operational Planning

**To:** Council: 21 September 2023

**Author:** Andrew D’Arcy: Planning Policy Manager

**Subject:** Breckland Local Plan: Partial Update – proposed adoption

**Purpose:** To agree the adoption of the Breckland Local Plan Update following the report of the Examining Inspector into the Single Policy Partial Review.

### **Recommendation(s):**

#### **THAT COUNCIL:**

- 1. Accepts the inspector’s report and her recommendations to make the Local Plan Partial Update sound, as set out in Appendix A of this Report;**
- 2. Delegate authority to the Deputy Chief Executive in consultation with the Portfolio Holder for Strategic and Operational Planning to make any further changes to address typographical errors or factual corrections;**
- 3. Adopts the Breckland Local Plan Partial Update as set out in Appendix B of this report; and**
- 4. That an adoption statement (Appendix C) and the final Sustainability Appraisal Report (Appendix D) be issued in accordance with Regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012.**

## **1.0 BACKGROUND**

- 1.1 The Breckland Local Plan was adopted on 28 November 2019. It sets out a strategy for delivering the homes, jobs and infrastructure needed in the district between 2011 and 2036. Policy INF 03 included a requirement for the Council to undertake a Partial Review of the Plan with regard to housing, non-travelling gypsy and travellers, accessibility of homes standards and economic development. This would be submitted for examination during November 2022. In the event that the review was not submitted for examination by this time, then Policy INF03 stated that the Council’s policies that relate to the supply of housing, economic development and Gypsies and Travellers would be deemed to be out-of-date.
- 1.2 In September 2021 the Council’s Cabinet resolved to undertake a ‘single policy’ Partial Review that sought 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 and to continue to work on a more Substantive Review to address the longer-term development needs of the district, including those issues set out in Policy INF 03.
- 1.3 In accordance with the Council’s Statement of Community Involvement, public consultation was agreed for a 6 week period between 11 August to 23 September 2022. This was followed by a second period of consultation that began on September 30 and ran until November 11 2022.
- 1.4 At its meeting held on November 21 2022 the Council’s Cabinet agreed to submit the Plan and supporting documentation to the Secretary of State for examination

## **2.0 THE EXAMINATION**

- 2.1 The Examination Hearing Session was held by the appointed Planning Inspector on 18<sup>th</sup> April 2023 at the Dereham Memorial Hall.
- 2.2 Having had regard to the evidence submitted to the Examination and discussions held at the Hearing, the Inspector has now issued her final report.

## **3.0 THE INSPECTOR'S REPORT**

- 3.1 The Inspector's Report is attached as Appendix A to this report.
- 3.2 The Inspector has concluded that she considers the Partial Review to be 'sound' without any modification. In Para 40 of her Report the Inspector concluded that:

*'Taking all the above factors into account the deletions from Policy INF 03 in respect of Policies HOU 01, HOU 08, HOU 10 and EC 01 to incorporate the review into the full update of the Breckland Plan is logical, pragmatic, proportionate, and reasonable given the circumstances which now prevail. The deletion of the text from Policy INF 03, under these particular and specific circumstances, is justified and effective.'*

and in Para 41

*'In accordance with Section 20(7) of the 2004 Act I recommend that the Partial Review is adopted on the basis that the DtC [Duty to Co-operate] has been met and the Plan satisfies the requirements referred to in Section 20(5) (a) of the 2004 Act and is sound. It is capable of being adopted without change and no MMs [Major Modifications] are recommended in this report.'*

- 3.3 The outcome of the Partial Update is an excellent outcome for the Council and if adopted the Local Plan will continue to provide a strong and robust framework against which to consider development proposals whilst the Full Update of the Plan continues.

## **4.0 NEXT STEPS**

- 4.1 In accordance with Regulation 26 of the Town and Country Planning (Local Planning) England) Regulations 2012 the Council is required to make available the Local Plan (as proposed to be adopted), together with the Sustainability Appraisal report and Adoption Statement as soon as reasonably practicable after adoption.
- 4.2 It is important to note that the Council is adopting the whole Local Plan, including those parts not covered by the Partial Update. A copy of the revised part of the Local Plan (para 8.22 and Policy INF03) as proposed to be adopted is attached at Appendix B of this report. The remainder of the Plan (that is unaffected by the Partial Update) can be viewed at the following link:
- <https://www.breckland.gov.uk/local-plan/adoption>
- 4.3 There is a six week period for a High Court Challenge from the date of adoption of the Local Plan (this takes effect immediately on resolution of the Council) should any party perceive there to be a legal flaw in the process followed and for that to have caused them injury.
- 4.4 If adopted, the Local Plan Partial Update will replace Policy INF 03 and the supporting text in paragraph 8.22 of the 2019 version of the Breckland Local Plan which will provide the basis for future planning decisions and have full weight under Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

## **5.0 OPTIONS**

- 5.1 Option 1: The Council agrees with the Recommendation and adopt the Local Plan as amended by the Inspector. This would strengthen the Plan and ensure that the policies relating to the 4 key areas set out in paragraph 1.1 of this Report are considered to be up to date and would have full weight when considering planning applications.
- 5.2 Option 2: The Council resolves not to accept the Inspector's Report and not adopt the Local Plan as proposed to be amended. This would result in the Local Plan remaining as adopted in November 2019 and the policies relating to the 4 areas outlined in 1.1 of this Report being effectively considered out of date and having reduced weight in the decision-making process.

## **6.0 REASONS FOR RECOMMENDATION(S)**

- 6.1 Option 1 is the preferred option as this will ensure that the whole Plan remains up to date. If not accepted then Policy INF 03 in the Local Plan that contains an additional deeming provision which means that key policies relating to housing, economic development and sites for Gypsy, Traveller and Travelling Showpeople will not carry full weight and the presumption in favour of sustainable development would be engaged even if the Council can demonstrate a 5 Year Housing Land Supply and a 75% or better Housing Delivery Test.

## **7.0 EXPECTED BENEFITS**

- 7.1 A fully up to date Local Plan offers the Council the most robust available planning framework against which to determine planning applications as well as greater certainty for local communities.

## **8.0 IMPLICATIONS**

- 8.1 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.

**Equalities/Diversity:** An Equalities Impact Assessment of the Local Plan Partial Update has been undertaken as part of the Integrated Assessment

**Consultation/Community Engagement:** The Local plan Partial Update has been the subject of a number of consultations and public examination

## **9.0 WARDS/COMMUNITIES AFFECTED**

- 9.1 All

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Background papers:- The Town and Country (Local Planning) England (Regulations) 2012 which can be viewed at [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

National Planning Policy Framework

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**Key Decision:** Yes

**Exempt Decision:** No

**This report refers to a Mandatory Service / Discretionary Service** (delete as appropriate)

**Appendices attached to this report: (list appendices below or delete)**

Appendix A	Inspector's Report
Appendix B	Proposed new para 8.22 and Policy INF 03
Appendix C	Adoption Statement
Appendix D	Integrated Assessment