

Home Builders Federation

Issue 2

BRECKLAND LOCAL PLAN PARTIAL REVIEW EXAMINATION

Issue 2. What is the justification for pursuing the BLPPR by means of an alternative timetable rather than a review of the four key policy areas set out in INF03 as required by the Inspector?

11. How is the alternative wording to Policy INF03, justified, effective and consistent with national policy and guidance?

The approach taken by the Council in amending INF03 is fundamentally unsound. Firstly, the approach has not been justified. It must be recognised that the policy was included by the inspector in order to ensure that the plan was sound. There was sufficient uncertainty on a range of issues that could have led to the plan being found unsound but which the inspector concluded were best addressed through an early review. Given that many Councils fail to deliver on policies committing them to early reviews the Inspector included very specific consequences should this review not occur. One of the issues of concern was in relation to housing needs. Whilst the approach taken to assessing housing needs is now prescribed within national policy it is still the case that the minimum number of homes the Council should be planning for is substantially higher. Given that at least one of the reasons for the inclusion of INF03 as written is still relevant then the Council alternative wording is unjustified and as such unsound. Secondly, the proposed approach is clearly not a positive approach to plan making as it seeks to remove an agreed consequence from a sound local plan should the council fail to plan effectively to address housing needs. Rather than seeking to address the consequences through boosting supply the Council has instead wasted time with this limited partial review of the plan.

12. The Local Development Scheme at paragraph 3.4 refers to a 'truncated process' and to a publication of the Council's intent to update Policy INF 03, which publication does this refer to? Please identify the document this refers to and the date of its publication. (If not already supplied in the submitted documents please supply the relevant publication)

For Council.



13. Where has the Council got to with the steps identified (as A to I) in Appendix 1 to the LDS (timetable) for both the full and partial update? Is there substantive evidence to demonstrate that the steps (due by the end of 2022) have been concluded and where is confirmation of those steps to be found?

For Council

14. In the light of responses to the above timetabling issues are the dates indicated for the completion of a full review of the Breckland Local Plan (BLP) achievable?

For Council

15. Is there sufficient justification to revise the wording of INF03 to undertake an immediate full review of the BLP and to submit it by December 2024?

No. See response to question 11. The BLP was found sound on the basis of INF03 as written and the reasons for amending the policy given by the Council do not provide sufficient justification for the removal of the consequences of not submitting a partial review of the plan for examination by December 2022. As we set out in our representations the Council's reasons for amending INF03 amount to excuses rather than a justification. For example, with regard to the housing the Council's main premise is that there has been consistent change as to calculating housing requirement and other aspect we recognise there has been a number of consultations. However, despite this the standard method has remained largely unaltered, the only amendment being the cities uplift which would not apply to Breckland. It is also the case, as the Council note in paragraph 3.16 of the Topic Paper (LPR/PU/SUB/002) that even taking these uncertainties into account the Council could have started to prepare a partial update to the local plan from December 2020.

With regard to changes to the NPPF it must be noted that whilst these place different emphasis in relation to, for example, design and place making the changes they should not be a barrier to plan preparation. These changes could easily have been incorporated through the plan making process to ensure consistency with national policy. It must be remembered that other Councils planned through these uncertainties and consulted on and submitted local plan reviews for examination over similar time frames. Indeed, Bedford Council, who had a similar review policy requiring submission of new plan three years after their local plan was adopted in January 2020, have submitted their local plan review for examination earlier this year within the required timescales of their policy commitment.

The Council clearly have reasons as to why they have not progressed a new local plan but those are not justification for amending the policy. The circumstances facing the Borough with regard to its development needs have not changed and as such this policy should not be amended as suggested by the Council.

16. What are the reasons for the differences in the text as expressed in paragraph 8.22 and those contained in the revised Policy INF03?

This is for the Council to answer.

17. Is the BLPPR effective? – What would be the consequences if the Council do not adhere to the submission of the full Local Plan Review by December 2024?

The adopted Local Plan will be considered out of date from November 2024 and the tilted balance set out in paragraph 11 of the NPPF will be applied. With regard to housing needs this will mean that the standard method would be the basis for consideration of housing needs within Breckland and assessment of the five year housing land supply.

18. What is the justification for seeking to delete the text which refers to policies becoming out of date (should the December 2024 date not be met)?

This is for the Council to answer.

19. What, if any, are the implications of the substantive changes to Policy INF03 for the rest of the Plan?

This is for the Council to answer.

Topic areas

The immediate review of INF03 was required in order to address four issues 1) Development requirements and housing need; 2) To identify the requirements for the non-travelling gypsy and traveller community in the district; an assessment of accessibility of the Homes standards (Technical Design Standards; and 4) the economic effect of the dualling of the A47 on the plan's economic strategy.

20. What would be the consequences for the other policies referred to in Policy INF03 should the Councils rewording of INF03 be adopted?

Housing

With INF03 as in the adopted plan the Council's housing requirement is currently considered to be out of date and as such it is required to use the local housing needs assessment arrived at using the standard method. At present this means that annual housing needs for the purpose of assessing the five year housing land supply is 672 dpa. Should INF03 be amended as suggested by the Council HOU1 would remain the housing requirement against which land supply is assessed.

21. The purpose of the requirement for a partial review as contained in INF03 was, amongst other things, to address the issue of meeting housing need. As the partial review delays rather than addresses that requirement on what basis can it be considered to be an effective strategy based on the evidence?

It cannot be considered an effective strategy. It must be remembered that INF03 was considered necessary for the soundness of the local plan one of which was the potential shortfall in housing needs arising from the Council's Objective Assessment of Housing Needs. The Council's assessment was based on the 2014 projections however the most up to date projections at the time of the examination were the 2016-based household projections, released during the EIP in September 2018, which showed a higher level of housing growth. Rather than require the Council to reconsider housing needs and further delay to in the adoption of the plan the inspector outlined that an early review would be the most appropriate way forward and sufficient to ensure the plan was sound. However, as outlined earlier in these statements in order to make the review policy effective it was considered necessary to have a consequence should the Council not meet this policy. To remove these consequences means that a key policy required to make the whole plan sound is not effective and removes a key driver for the early review and positive decision making with regard to housing development.

22. Why was it not possible to identify additional sites through an immediate review of the housing requirement using the Standard Method (SM) with additional sites identified to meet that need? If this was considered, for what reasons was it discounted?

For Council

23. To what extent has the BLPPR been positively prepared? The original intention of the policy was to expedite an immediate partial review to ensure that the Council would be able to maintain an appropriate supply of housing land, the alterations to the policy would effectively result in a four-year delay in reassessing the requirements of Policy HOU1 including the consideration of housing need and the subsequent strategy for meeting that need.

It is not a positive approach to meeting housing needs and is in effect asking the Inspector to remove the consequence deemed necessary to find the local plan sound in the first place.

24. Is the Statement of 5 year housing land supply statement of August 2022 submitted with the Plan review robust? What is the rationale for retaining 612 dwellings per annum for the remainder of plan period to 2036?

The HBF makes no comments on the sites that make up the five year land supply assessment. However, on the basis of policy INF03 of the Local Plan HOU1 must be considered out of date and as such the housing land supply statement published in August 2022 is now inaccurate. The annual requirement in the assessment should be 672 dpa. Using this annual requirement in assessing the five year land supply results in the council have 5.30 year land supply as of April 2023 based on the Council's land supply estimates as can be seen in the table below.

Five year land supply Breckland Council 2022/23 to 2026/27

Five year requirement	3,300
Deficit from 2021/22	651
Buffer (5%)	198
Total req	4,149
Five year supply	4,400
Surplus/deficit	251
5YHLS	5.30

25. What would the per annum figure be using the standard method for calculation? If different to the 612 figure why was that alternative not used for the most recent assessment?

As set out above it would be 672 dpa and would be applied for the five year period which started from April this year based on the Council's monitoring period.

26. Would a 'consequences clause' within INF03 be justified and effective?

The current clause setting out the consequences of a failure to review should be maintained and its removal is unjustified. With regard to housing needs whilst a new clause based on the timetable for the whole plan review being submitted in 2024 could be included there is little point as the local plan will be five years old in November 2024, and as such paragraph 74 of the NPPF applies with the Council being required to use the local housing needs assessment as the basis for any considerations of their five year housing land supply. With regard to the other policies referenced in INF03 these do not become automatically out of date after five years, where a plan has not been reviewed. However, as set out in paragraph 61-064 of Planning Practice Guidance, it will be for decision makers to decide on the weight to give to each of these policies depending on their consistency with national policy. As such a consequences clause provides greater clarity to the decision maker as to the weight to be given to these policies in line with the requirements of paragraph 16d of the NPPF.

27. What would the consequences be for the removal of a review of the four policies until the full review due by December 2024?

With regard to housing needs the Council would have a more marginal five year housing land supply of 5.30 years instead of 5.95 based on the council's assessment of housing land supply to 2026/27.

Gypsy and Traveller Provision

28. What evidence is there that progress has been made on meeting the needs of the gypsy and traveller community within Breckland since the adoption of the plan in 2019?

For Council

29. What is the current level of need in the Council area? How has this changed since the adoption of the plan in 2019?

For Council

30. Is there any provision via sites permitted but pending construction (either private or council provision)?

For Council

Technical Design Standards

31. How does the change to accessible homes required by building regulations affect the Councils assessment of the technical design standards?

The Government have set out their intention to make the optional technical standard Part M4(2) mandatory¹. As such it would be appropriate to delete this element from INF03 as a reason for an early review.

Economic Development and the effect of the A47 dualling

32. What is the progress of the dualling of the A47?

For Council

33. Why was it not possible for the Council to consider the economic implications of the construction of the A47?

For Council

34. What progress has been made towards the delivery of the employment allocations identified in Policy EC 01?

For Council

General Questions

35. Does the Plan Review represent an appropriate strategy in the circumstances?

No.

Mark Behrendt MRTPI

¹ <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response>

Planning Manager – Local Plans SE and E