



# **Breckland Local Plan Local Development Scheme**

**Seventh Revision (June 2017)**

# 1. Introduction

## Background

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 The suite of documents was previously referred to as the Local Development Framework (LDF), although the term has now been replaced by the more straightforward “Local Plan” by the Government in the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG),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

## Local Development Documents

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

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

1.4 The Localism Act (2011) provides the opportunity for communities to prepare Neighbourhood Plans to guide further development that they may wish to see in their communities. Neighbourhood Plans, once adopted, form part of the Development Plan for the area and are used in the determination of Planning Applications. Neighbourhood Plans<sup>1</sup> are prepared by Town and Parish Councils to address key local priorities. Their key milestones are specific to each document. The regulations do not require neighbourhood plans to be included within the LDS.

## What is a Local Development Scheme (LDS)?

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

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

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

### **Key Issues in the Seventh Revision of the LDS**

1.6 The sixth revision of the LDS was completed in February 2017 and therefore presented an accurate representation of the stages of production of the Local Plan. However, a decision was taken at a meeting of the Cabinet on 25<sup>th</sup> April 2017 to delay the timeline for production of the Local Plan by six weeks to ensure that the Local Plan had a greater emphasis on design. Furthermore, members made a commitment to producing a Design Supplementary Planning Document (SPD) to aid interpretation of policies in the Local Plan and to further ensure that new development sites in Breckland are of high quality design.

### **Making Your Views Known**

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

## **2. Local Plan Structure and Schedule of Proposed Documents**

### **Local Plan Structure**

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

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

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

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

### **Schedule of Proposed Documents**

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

- Local Plan (district wide)
- Policies Map

- Monitoring Report

### **Progress on the preparation of the Local Plan**

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

- Issues and Options Consultation (regulation 18) – November 2014 to January 2015
- Preferred Directions Consultation (regulation 18) – January to February 2016

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

**Figure 1 – Schedule of Proposed Documents**

Local Development Document	2016				2017												2018				Comments	
	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April		
LDF (Core Strategy and Development Control Policies, Dec 09; Site Specifics, Jan 2012; Thetford Area Action Plan, July 2012)																						All documents will be replaced by the Local Plan once adopted
Local Plan	*	*										P	P	S			M					It is expected that once this document is adopted it will be reviewed on a 3-5 year cycle
Policies Maps										U	U											To be updated on adoption of the Local Plan

**Key Milestones**

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

**Summary of revised changes to the Local Development Scheme**

- In accordance with section 15 of the Planning and Compulsory Purchase act (as amended), this LDS has updated the previous timeline (March 2013) as milestones were out of date.
- The updated LDS has also removed the Community Infrastructure Levy, as the Council has halted production at the present time.

## **Other Planning Policy Documents that Breckland Council will publish**

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

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

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

## **Design Supplementary Planning Document (SPD)**

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

## **3. Transitional Arrangements**

3.1 The current documents that make up the Local Plan provide the planning policy framework for Breckland at the local level. In due course they will be replaced by the emerging single Local Plan. Until that time, the existing statutory planning policy framework includes:

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

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

policies from the adopted Local Plan (1999) that have been “saved” by the adoption of the Core Strategy and Development Control Policies DPD in December 2009.

## **4. Resources**

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

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

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

## **5. Risks**

5.1 Producing a Local Plan document within a set timetable is not without risk. A number of risks to delivery against the milestones have been identified and are set out below. As far as is practicable these risks have been taken into account in producing the timetable. However, it is recognised that there are risks that may present significant challenges to the timely progression of the Local Plan including further significant changes to the planning system at national level or a significant piece of case-law that indicates that a particular approach should be followed.

### **1. Staff Resources**

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

### **2. Changes to National Planning Policy**

5.3 Further changes to National Planning Policy could give rise to a need to review or amend the timetable. Particular regard will need to be had to any changes to the planning practice guidance. It is also evident from a number of recent examinations of Local Plans that there are two particular issues impacting upon the progress of plans including:

- The need to demonstrate a robust approach to Objectively Assessed Need (OAN) for housing and economic development requirements; and
- Ensuring that the Duty to Co-operate (DTC) is demonstrated in producing the Local Plan

5.4 The Council is working in partnership with neighbouring local authorities (Broadland DC, Norwich CC, North Norfolk DC and South Norfolk DC and the Broads Authority) on a Central Norfolk Strategic Housing Market Assessment (SHMA). Work is progressing on the SHMA and the Council is taking account of the emerging information from the study in its draft Local Plan. There will need to be a timely delivery of the final agreed study amongst the partnership and within the council processes to ensure that Breckland's Local Plan is delivered to its current anticipated timetable.

5.5 The approach to DTC in Norfolk has been formulated by way of a countywide officer/member group that considers key strategic issues that may impact on the formulation of local plans produced by the various local authorities. Ensuring the duty to co-operate is discharged through the preparation of the Local Plan

### **3. Evidence Base**

5.9 The Local Plan requires a significant input in terms of evidence to support the policies that will feature in the document. Whilst careful programme management is in place to with evidence base procurement in conjunction with the client officer and to deal with the outputs from the various evidence base studies, issues can arise where there are delays in the delivery of key evidence base outputs, or situations arise where there is an additional requirement for supporting evidence, Where this may impact upon the timetable for the Local Plan, measures will be put in place to minimise the risks. If delays cannot be avoided, this will be discussed with the client officer and or elected members to consider pragmatic solutions to ensure timely delivery of the Local Plan.

### **4. Habitats Regulations Assessment**

5.10 Planning documents which may affect European sites are required to undergo an assessment to ensure that they do not result in adverse effect on those sites. A significant volume of work has been commissioned by Breckland in support of the Core Strategy and its accompanying Habitats Regulations Assessment, much of which is likely to remain relevant to the Local Plan. The proximity of significant areas of European habitats (Breckland Special Protection Area), particularly close to three of the five sustainable market towns in Breckland (including Thetford) is of particular concern and reduces the spatial options for accommodating growth if the result of Habitats Regulations Assessment concludes that an adverse impact will arise from the spatial strategy. The risk may be able to be resolved through mitigation but ultimately the conclusions of a Habitats Regulations Assessment could be a fatal 'showstopper' and in this scenario, the Council would be required to demonstrate how the plan could avoid or mitigate any adverse effects.

## **APPENDIX A – Framework for saving the adopted Local Development Framework**

The Breckland District Local Plan was adopted in 1999. In 2007, Breckland Council made representations to the Secretary of State to save a number of policies from the adopted Breckland District Local Plan (1999) beyond the transition period from the implementation of the Planning and Compulsory Purchase Act (2004).

The adoption of the Core Strategy and Development Control Policies DPD (2009) continued to save a small number of policies from the District Local Plan. The adoption of the Sites Specific Policies and Proposals DPD (January 2012) has superseded a further number of these remaining policies from the Breckland District Local Plan as indicated in Appendix C of that document. The adoption of the Thetford Area Action Plan DPD (July 2012) has superseded one of the policies – namely E1. E2 remains in place. Appendix E of the Adopted DPD refers to saved policies.

As such, the following policies remain saved until these are replaced by those contained within the emerging single Local Plan :

- **Attleborough (002)9 - E3**
- **Attleborough (002)12 - OS6**
- **Snetterton (087)1 – Snetterton Motor Racing Circuit**
- **Thetford (099)1 - E2**