

REPORT TO CABINET

Open		Would any decisions proposed:			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		NO	
	Discretionary /	Need to be recommendations to Council		YES	
West Winch	Operational	Is it a Key Decision		NO	
Lead Member: Cllr Richard Blunt E-mail: cllr.Richard.Blunt@West-Norfolk.gov.uk			Other Cabinet Members consulted:		
			Other Members consulted: Local Plan Task Group		
Lead Officer: Claire May E-mail: Claire.may@west-norfolk.gov.uk Direct Dial:			Other Officers consulted: Stuart Ashworth Michael Burton		
Financial Implications NO	Policy/ Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment YES at pre- screening	Risk Management Implications Yes	Environmental Considerations No
If not for publication, the paragraph(s) of Schedule 12A of the 1972 Local Government Act considered to justify that is (are) paragraph(s)					

Date of meeting: **7 MARCH 2023**

LOCAL PLAN EXAMINATION – INSPECTORS’ LETTER – RECOMMENDED WAY FORWARD

Summary

Full Council approved the draft Local Plan submitted for examination in March 2022. The Local Plan Inspectors adjourned the examination hearings to allow the Council to provide further evidence and justification, to ensure the submitted Plan is sound. This report sets out the options to address the Inspectors’ concerns. In relation to the Spatial Strategy and Settlement Hierarchy in particular, those more substantive changes to the Plan are considered to require the approval of Full Council.

Recommendations:

That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.

- 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

Reason for Decision

To address concerns raised by the Local Plan Inspectors at examination in order that they may report the Plan is 'sound' and enable the Council to proceed to adoption at the earliest opportunity.

1. Background

- 1.1 The Local Plan was submitted to the Secretary of State on 29 March 2022 for independent examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Planning Inspectors Karen Baker DipTP MA DipMP MRTPI and Mike Hayden BSc DipTP MRTPI were appointed by the Secretary of State, to carry out the examination. The Inspectors' task is to consider whether the Council has complied with the legal requirements in preparing the Local Plan Review and whether the submitted Plan is sound, based on the following criteria set out in paragraph 35 of the [National Planning Policy Framework 2021](#) (*the Framework*):
- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 1.3 Under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 the Inspectors will recommend modifications to the Plan submitted to make it 'sound'.
- 1.4 The examination hearings commenced in December 2022 with hearings taking place on 6, 7 and 8 December 2022 and 10 January 2023. Further hearing sessions were scheduled for January 2023.

1.5 On 11 January 2023 the Inspectors adjourned the hearing sessions to allow the Council the opportunity to undertake further work to justify the spatial strategy and distribution of housing in the Local Plan.

1.6 The Inspectors wrote to the Council on 30 January 2023 setting out, in detail the further work required and the way forward for the examination including a timescale for the delivery of this work and resumption of the hearing sessions. The letter and accompanying note are annexed as Appendix 1 and Appendix 2 to this report.

2.0 Inspectors Correspondence

2.1 The Inspectors' letter and note is intended to help the Council address matters that they have identified in the first part of the examination which would otherwise affect its soundness. The matters identified relate to the:

- Spatial Strategy
- West Winch Growth Area
- Transport Evidence
- Settlement Hierarchy
- Housing Land Supply

2.2 Details of the work they advise ought to be undertaken is identified in the Inspectors' Note on Further Evidence. Officers are preparing to commission this work with a view to meeting the Inspectors' deadline of 28 April 2023. This request has been made with a view to helping the Council ensure it is able to justify the Plan's policies and proposals so that the Inspectors may find it sound. This kind of advice is conventionally provided part way through a local plan examination as part of the Secretary of State's commitment to a positive and constructive plan making process that delivers new plans as quickly as possible.

2.3 This report sets out the options to address the Inspectors' comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Plan and require Member approval. The other work required by the Inspectors is already underway.

2.4 In summary, the Inspectors' main queries about the proposed spatial strategy and the distribution of housing development relate to:

- Strategic Growth Corridor (A10/Main Rail Line)
- Settlement Hierarchy
- Housing requirements for designated neighbourhood areas

2.5 Strategic Growth Corridor

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'A key component of the spatial strategy in Policy LP01 is to direct	'Explain the purpose of the Strategic Growth Corridor and the justification for the

development and investment to the most sustainable places in the A10/Main Rail Line Strategic Growth Corridor. However, the proposed allocations in the Plan would direct around 40% of housing growth to the West Winch Growth Area'.....'with comparatively limited housing development at Downham Market and Watlington'	proposed distribution of housing growth within it, including the scale of housing growth at the WWGA, Downham Market and Watlington relative to the role of these settlements/locations within the hierarchy....'
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2.6 The Inspectors are concerned that the notion of a strategic growth corridor is not justified by the evidence. That concern stems from the fact that very little new growth is proposed in the Growth Corridor except at King's Lynn/West Winch. Whilst they have therefore invited the Council to consider whether the growth corridor should be retained and to prepare a topic paper if it believes the designation should stand. This option is most unlikely to be found sound unless further significant allocations are made in Watlington and Downham Market or policy is loosened to admit further development in these locations. However, the Council does not need to allocate further land in either of these locations to meet the need for housing. Therefore, the deletion of the Growth Corridor 'designation' would not change the substance of the Plan's Spatial Strategy. That being so, Officers recommend Policy LP01 is simply amended to delete the Growth Corridor notation.

2.7 Legal advice that has been received by the Council is that the proposed change is one of form rather than substance, so in that respect it ought not be regarded as significant in the sense of going to the heart of the Plan's sustainable development strategy.

2.8 Settlement Hierarchy

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'The spatial strategy for rural settlements in the Plan is also ambiguous'	'As part of the Action List [G12], we also requested that the Council update the supporting study D21 on Further Consideration of the Settlement Hierarchy, with evidence explaining the decisions on proposed changes to the status of certain settlements within the settlement hierarchy in Policy LP02. The update note provided by the Council [F38] does not provide the evidence requested...'

2.9 The Inspectors have raised a number of questions about the Settlement Hierarchy and distribution of development within it, but in essence their concern is that the hierarchy is not justified by objective, systematic evidence. In particular, the Inspectors are concerned that any settlement which is judged sufficiently sustainable to be identified as part of the hierarchy ought to make some (albeit a proportionate) allowance for development. Therefore, going forward the Council's option is essentially to:

- 1) Revert to the Settlement Hierarchy in the Core Strategy (as amended by the Site Allocations and Development Management Policies Plan) which results in:
 - i. the deletion of Growth Key Rural Service Centre tier with Marham and Watlington being reclassified as Key Rural Service Centres. (Note: if Members are minded to remove the Strategic Growth Corridor from the Spatial Strategy, this tier would no longer be relevant), and
 - ii. a Settlement Hierarchy that is capable of being justified as it has already been through an examination process: **and**
- 2) Include a criterion-based policy for each rural settlement that allows the consideration of development proposals.

2.10 There is no need to allocate further sites to meet the Borough's need for housing. Instead, the Plan will be positively prepared and justified if a criterion based policy is developed that allows development to take place at each level of the settlement hierarchy in defined circumstances. Officers therefore recommend this approach to Members.

2.11 Housing requirements for designated neighbourhood areas

Inspectors' Letter (Appendix 1)	Inspectors' Note (Appendix 2)
'Paragraph 2.0.19 of the Plan says that Neighbourhood Plans (NPs) must support the overall scale and nature of growth indicated in the Plan, and that the Plan will specify the minimum scale of growth appropriate for each settlement. However, paragraph 4.1.23 goes on to say that the allocations for areas preparing NPs will not be made in the Plan. Policies LP01 and LP02 do not set out housing requirements for each settlement or neighbourhood area...	'Review whether the Plan should set out housing requirements for each settlement or designated neighbourhood area in the Borough, taking account of national policy in this regard, the strategy for the pattern and scale of development in the Borough, and any relevant allocations, and if not, provide a justification for not doing so and departing from national policy on this matter.'

2.12 The Inspectors require the Council to identify the housing requirement for designated neighbourhood areas. This is usually accomplished having regard to the: -

- Spatial strategy;
- Evidence such as the housing and economic land availability assessment (HELAA); and/ or
- Characteristics of neighbourhood area (e.g., constraints or functional role).

2.13 Officers have now devised a methodology for setting housing requirements for designated neighbourhood areas. This is attached as Appendix 3.

2.14 Officers recommend that the housing requirement for designated neighbourhood areas is incorporated into Policy LP01, or a separate “housing requirements” policy. It is to be observed that whether or not LP01 is amended, or a separate policy formulated, a designated neighbourhood area is able to require the Council to supply a housing requirement when it prepares a neighbourhood plan. Thus, once again this is a matter of form rather than substance and does not result in a substantial change to the Plan.

3. Recommendations

3.1 That the:

- Cabinet notes the contents of this report and recommends to Council that the draft Local Plan previously approved by Full Council be amended as follows:
 - 1) That reference to the term ‘A10/Main Rail Line Strategic Growth Corridor’ is deleted from the Plan.
 - 2) That the Settlement Hierarchy reverts to that of the Core Strategy (as amended by the Site Allocations and Development Management Policies Document), subject to a check that it still remains up to date.
 - 3) That a criterion-based policy is introduced into the Plan for the assessment of proposals for development in rural settlements.
 - 4) That a housing requirement is calculated for designated neighbourhood areas using the methodology set out at section 2.13 and Appendix 3.

4. Next Steps

4.1 In their letter (Appendix 1, p5), the Inspectors have requested that, once the additional tasks set out in the letter have been completed to their satisfaction, we will need to undertake a 6-week public consultation on the further evidence and provide them with a summary of representations received. It is for the Inspectors to consider the representations received as part of the examination process.

4.2 The Inspectors state that it is likely that additional hearing sessions are likely to be necessary to discuss the findings and its implications for the spatial strategy and distribution of development in the Plan and that these hearings could take place in the early autumn

3.2 Further consultation, on all the detailed changes to the Local Plan made through the examination process will be undertaken following the end of the hearing sessions. This consultation is referred to as a Main Modification Consultation which will likely take place in early 2024.

5 Policy Implications

5.1 None

6 Financial Implications

6.1 The cost of preparing the additional evidence will be done within the existing Planning Policy budget for the preparation of the Local Plan.

7. Personnel Implications

7.1 None

8 Environmental Considerations

8.1 There are no environmental implications stemming from this report.

9 Statutory Considerations

9.1 It is a statutory requirement for the Council to have a Local Plan in place. The statutory provisions under which a Local Plan is made are within the Planning and Compulsory Purchase Act 2004 (As amended) and regulations made under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Environment and Assessment of Plans and Programme Regulations 2004.

9.2 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) contains guidance that must be met to enable a Council to adopt a Local Plan, including the 'tests of soundness' that Local Plans are assessed against. A local Plan must be justified, effective, positively prepared and consistent with national policy.

10 Equality Impact Assessment (EIA)

10.1 Pre-screening EIA is attached.

11 Risk Management Implications

11.1 The principal risk is that should progress not be made to respond to the Inspectors' request for additional information, the Inspectors will find the Council's Plan unsound. That there will not be an up to date Local Plan and that the presumption in favour of sustainable development will apply.

12 Declarations of Interest / Dispensations Granted

None

13 Background Papers

[National Planning Policy Framework](#)

Planning Practice Guidance

Town and Country Planning (Local Planning) (England) Regulations 2012.

Planning and Compulsory Purchase Act 2004

APPENDICES

APPENDIX 1: Inspectors' Post Hearing Letter January 2023

APPENDIX 2: Inspectors' Note on Further Evidence January 2023



APPENDIX 3: Methodology for calculating housing requirements for designated neighbourhood areas

Name of policy/service/function	Local Plan				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	This report sets out the options to address the Inspectors' comments in relation to the Spatial Strategy and Settlement Hierarchy which require changes to the Local Plan in response to questions raised at the examination hearings. Preparation of Local Plans is governed by legislation and guidance and national policy				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
Other (eg low income)			x		

Question	Answer	Comments
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No	
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	No	<p data-bbox="922 824 1102 857">Actions: N/A</p> <p data-bbox="922 1032 1393 1066">Actions agreed by EWG member:</p> <p data-bbox="922 1093 1393 1122">.....</p>
<p data-bbox="92 1171 1469 1238">If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p data-bbox="92 1552 1166 1585">Decision agreed by EWG member:</p>		
Assessment completed by: Name	Claire May	
Job title	Planning Policy Manager	
Date	23 November 2023	