

Local Plan Task Group (14 May 2024): Local Plan Update, the Process to Adoption, Including Main Modification Consultation

1. Summary

- 1.1 The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound.
- 1.2 A first round of hearings took place in December 2022 and January 2023. These were then adjourned, with reconvened hearings taking place in March and April 2024. As part of this an accelerated timescale through to adoption was agreed and has been published. This will result in the Local Plan being adopted before the conclusion of this financial year (March 2025). The process going forward includes consulting on Main Modifications required to ensure that the Local Plan is legally compliant and sound.
- 1.3 These Main Modifications will be subject to a six-week public consultation. Representations received will inform the Inspectors Local Plan Report. It is anticipated that this will recommend that the Local Plan can be adopted subject to the inclusion of a series of Main Modifications. Following this a report will be prepared and taken to Cabinet and Full Council which will be recommending that the Local Plan be formally adopted (February/ March 2025).

2. Local Plan Submission & Examination Process

- 2.1 The Borough Council formally submitted its Local Plan in March 2022 for Examination. In doing so the Borough Council made a formal request to the Secretary of State Department for Levelling Up, Housing & Communities that the appointed Inspectors recommend any modifications required to make the Local Plan legally compliant and sound as follows: *'The Council requests, under the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004, that the appointed Inspector recommends any modifications of the Plan that he or she may consider would be needed to make the Plan legally compliant and sound. I would be pleased if this letter could be treated as the formal request to the Secretary of State that is required under that legislation.'*
- 2.2 The Local Plan is being examined, and has been since submission in March 2022, to assess whether it has been prepared in accordance with legal and procedural requirements, and whether it is sound (as per the National Planning Policy Framework [paragraph 35](#)). Plans are 'sound' if they are:

- 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 the National Planning Policy Framework and other statements of national planning policy, where relevant.

3. Reconvened Hearing Sessions & Accelerated Process

3.1 The Local Plan examination process involved reconvened hearing sessions in March and April 2024. The March sessions examined the spatial strategy and policies related to this, the economy (retail policy at the Hardwick), the West Winch Housing Growth Area, and Wisbech Fringe. The April sessions examined further the spatial strategy, site allocations and policies across rural West Norfolk (Key Rural Service Centres and Rural Villages), housing land supply and associated policies (deliverability and developability of sites), environment policies, community and culture policies, and the monitoring framework.

3.2 There are further hearing sessions scheduled for September 2024, to examine the Gypsy and Traveller and Travelling Showpeople site allocations and policies.

3.3 As part of the March and April sessions an accelerated timescale through to adoption was agreed and has been published. This schedule is available to view at Appendix 1, and forms part of the published Local Development Scheme, available via the following link: [Local Development Scheme | Local Development Scheme | Borough Council of King's Lynn & West Norfolk \(west-norfolk.gov.uk\)](https://www.west-norfolk.gov.uk/Local-Development-Scheme).

3.4 This accelerated timescale will result in the Local Plan being adopted before the conclusion of the current financial year. The process going forward includes consulting on the modifications required to ensure that the Local Plan is legally compliant and sound. These are known as Main Modifications.

3.5 The accelerated approach was proposed by the Inspectors to ensure the Local Plan is adopted as soon as practically possible. The Plan period has been proposed to be amended to start from 2021/22 through to 2039/40. This is primarily to ensure that that there are 15 years remaining of the plan period from the anticipated adoption

date, in line with the National Planning Policy Framework and associated Planning Practice Guidance. Going over the into the following financial year (2025/26) would likely result in the Local Plan period being extended by a further year (to 2041) and the need for the Local Plan to identify a further years' worth of housing supply to meet the local housing need.

- 3.6 The process is accelerated by separating the majority of the Local Plan content from the Gypsy and Traveller and Travelling Showpeople element. This means two Main Modifications consultations. This enables the Inspectors to issue their report to the Borough Council as soon as possible. Meaning a quicker time for overall adoption can be achieved.

4. Main Modifications & Consultations

- 4.1 The Borough Council asked formally as part of submitting the Local Plan for examination, under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended, that the Inspectors recommend Main Modifications. These are changes that materially affect the policies to make a submitted local plan sound and legally compliant.
- 4.2 The Inspectors will require the Borough Council to consult on all proposed Main Modifications. Depending on the scope of the modifications, updates to the Sustainability Appraisal and Habitats Regulations Assessment may also be required.
- 4.3 The Main Modifications will be subject to a six-week public consultation. This will allow anyone one and everyone the opportunity to comment on the Main Modifications. It is important to note that the consultation is not on aspects of the plan outside of this.
- 4.4 However, at the same time the Borough Council will also consult on Additional Modifications of its own to deal with more minor matters which are not legal or soundness matters, and a schedule of proposed changes to the Policies Map. The Policies Map supports the Local Plan and illustrates policies which contain a spatial element (a site allocation or development boundary for example).
- 4.5 The Inspectors' Report on the Local Plan (anticipated early 2025) will only be issued once the Main Modifications consultation has taken place and the Inspectors have had the opportunity to consider the representations on these. It is anticipated that the Inspectors' Report to the Borough Council will recommend that the Local Plan be adopted subject to the inclusion of a series of Main Modifications which are necessary to allow this. The examination concludes once the Borough Council is in receipt of the Inspectors' Report.
- 4.6 Following on from this a report will be prepared for Cabinet and Full Council, recommending that the Local Plan be adopted.

5. The Importance of the Local Plan

- 5.1 It is important that the Borough Council has an adopted Local Plan in place which provides a planning policy framework that is consistent with the National Planning Policy Framework and is up-to-date. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 5.2 The examination will ensure that the Local Plan is consistent with the National Planning Policy Framework. Once adopted the Local Plan will be a key document within the Local Development Plan (alongside any made neighbourhood plans and Norfolk County Council's Minerals and Waste Plan). The Local Plan will supersede the Core Strategy (CS 2011) and the Site Allocations and Development Management Policies (SADMP 2016) (the current Borough Local Plan) in their entirety.
- 5.3 There are two particular issues that result in risks. Firstly, the Government has significantly increased the potential penalties for local planning authorities not delivering housing growth to the required scale. The 5-year housing land supply position assesses if there are enough planning permissions to meet the housing need over the next 5-year period, and the Housing Delivery Test assesses if enough homes have been built out over the past 3 years. The ultimate penalty for failure to be able to demonstrate a positive 5-year housing land supply position or failure of the Housing Delivery Test is the presumption in favour of sustainable development. This could mean that relevant Local Plan policies may carry less weight / could be rendered out of date in the planning decision making process.
- 5.4 Secondly, the Borough Council must keep its Local Plan up to date. There are potential interventions if an authority is looking to rely on older policies and allocations; ultimately there could be a risk of Government intervention.

6. Conclusion and Recommendation

- 6.1 The Local Plan has been at the examination stage since submission (March 2022). It is now heading in a positive direction on an accelerated timescale towards conclusion of the examination stage which should result in an Inspectors' Report which recommends adoption, subject to the incorporation of a series of Main Modifications.
- 6.2 It is important the Borough Council has an up-to-date Local Plan in place which is consistent with the National Planning Policy Framework. This includes for use in the planning decision making process, the ability to demonstrate a 5-year housing land supply position, and supporting the delivery of sustainable development throughout the Borough.

6.3 This report is presented to the Local Plan Task Group for information. It is recommended that the Task Group 'Notes' this report and 'Endorses' the process going forward to adoption, in accordance with the proposed timetable set out in Appendix 1 (which follows).

Appendix 1: Proposed Local Plan Timetable

LDS Addendum / Update

Month	Main Local Plan	Gypsy and Traveller Work
April 2024	w/c 22/04/2024 – Preparation of Main Modifications (part 1) following Hearings.	25/04/2024 – Full Council to approve Gypsy and Traveller site allocations and policies
May 2024	Prep for Main Modifications consultation	10/05/2024 – Consultation start date (Gypsy and Traveller site allocations and policies)
June 2024	Prep for Main Modifications consultation	w/c 21/06/2024 – Close of Gypsy and Traveller site allocations and policies consultation
	w/c 24/06/2024 – Start consultation on Main Modifications	28/06/2024 – Submission of Gypsy and Traveller site allocations and policy responses, with summary table of responses, to the Inspectors
July 2024	Main Modifications consultation period	
August 2024	w/c 02/08/2024 – End of consultation period on Main Modifications	w/c 05/08/2024 – Receipt of Gypsy and Traveller MIQ's
September 2024	w/c 9/09/2024 – Submission of Main Modification responses (part 1) to Inspectors with summary table of responses	03/09/2024 – 04/09/2024 – Gypsy and Traveller examination hearings
		Agree Main Modifications with Inspectors following Hearings.
October 2024		w/c 07/10/2024 – Start consultation (Main Modifications part 2)
November 2024		w/c 18/11/2024– Close of Main Modifications part 2 consultation

		w/c 25/11/2024- Submission of Main Modification responses (part 2) to Inspectors with summary table of responses
December 2024		
January 2025		
February 2025		
March 2025		
April 2025		
	Early January – Receipt of Inspectors’ final report	
	04/02/2025 - Cabinet report to consider Inspectors’ Report and recommend adoption of the Local Plan	
	27/2/2025 – Full Council adopt Local Plan	
	w/c 03/03/2025 – Begin process of preparing publication version adopted Local Plan – Including incorporation of Main Modifications and Policies Map amendments etc..	
	10/04/2025 – Expiry of 6-weeks legal challenge period	