

Broads Authority

29 November 2024

Agenda item number 15

Local Plan Publication Consultation

Report by Planning Policy Officer

Purpose

The Local Plan is ready for pre-submission consultation. This report covers the Local Plan, Habitats Regulation Assessment and Sustainability Appraisal, together with the approach to consultation. The recommendations and timeline all depend on when the new NPPF is released. As such, various scenarios are discussed and it is proposed that there should be some element of delegation.

Recommended decision

The recommendations are lengthy and reflect the uncertainty about when the new NPPF will be released and what the transition arrangements to the new NPPF and new Local Plan system will be. Three different scenarios are outlined, and members are asked to note that each provides a different recommendation. Only one will be implemented depending on which scenario is implemented.

- i. It is recommended that the Local Plan, HRA and SA be endorsed for consultation.
- ii. It is recommended that the approach to consultation is endorsed.
- iii. **Scenario 1:** if the new NPPF is not received by 14 February 2025. It will be presumed that the Local Plan must be submitted by the end of June 2025. The Local Plan would be examined under the current (December 2023) NPPF. Then:
 - a) It is recommended to start the consultation on the Local Plan no later than 14 February 2025.
 - b) The assessment of the comments received, the proposed responses to the comments and the decision to submit the Local Plan to the Planning Inspectorate is delegated to the Director of Strategic Services in consultation with the Chair of the Broads Authority, the Chair of Planning Committee, the Chief Executive, and the Head of Planning.
- iv. **Scenario 2:** if the new NPPF is received by 14 February 2025 and the transition arrangements to be examined under the new NPPF are broadly the same as those proposed in the consultation document, and so too are the transition arrangements to the new Local Plan production system. Then:

- a) The new NPPF will be checked by the Planning Policy Officer, and it is recommended that any minor amendments are made and delegated to be agreed with the Director of Strategic Services in consultation with the Chair of the Broads Authority, the Chair of Planning Committee, the Chief Executive, and the Head of Planning.
 - b) On checking the NPPF, if major amendments are needed to the Local Plan, it is recommended that the amended Local Plan comes back to the Planning Committee and the Broads Authority for agreement to consult.
 - c) It is recommended that comments received and responses as well as agreement to submit the Local Plan to the Planning Inspector comes before Planning Committee at an appropriate future date.
- v. **Scenario 3:** if the new NPPF is received by 14 February 2025 but the transition arrangements to be examined under the new NPPF and the transition arrangements to the new Local Plan production system are very different to those proposed in the consultation and they are deemed to affect the production of the Local Plan for the Broads. Then:
- a) It is recommended that consultation will be paused, and an update reported to the Planning Committee with a proposed way forward.
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1. Introduction

- 1.1. The Local Plan for the Broads is now ready for Regulation 19 consultation. This stage of consultation is the one prior to submission for Examination by the Planning Inspector.

2. Regulation 19 version of the Local Plan

- 2.1. Included at Appendix 1 is a marked-up version of the Local Plan. This is the Publication version marked up with changes that have been made since the Preferred Options consultation. The changes reflect comments received as part of that consultation, general improvements to the wording and formatting and order of the Local Plan, as well as changes because of evidence that has been completed.
- 2.2. It is not intended to consult on this marked up version of the Local Plan; a 'clean' version will be produced for consultation, but this version will be available for stakeholders and the public to see the changes if they wish.
- 2.3. Some changes are not marked. These changes are general changes, and it was considered easier just to make them rather than marking them up:
 - a) All policies are now 'PUB' (Publication version) rather than 'PO' (Preferred options).
 - b) Removed the wording at the end that referred to the Sustainability Appraisal (SA) summary, alternative options and how used in previous years.
 - c) Added a 'delivering the policy' section to most policies.
 - d) Climate Change checklist amended to one box to fill in rather than a before and after approach.
- 2.4. Questions that we asked in the Preferred Options version have been removed and, where there was a question, a summary of how the topic of that question has or has not been addressed is included. There are a couple of new questions in the Local Plan, and these are marked up. There will be a final spell check. Also, the page numbers of each policy will be added to the list of policies table.
- 2.5. It is acknowledged that the Local Plan is a long document but should be noted that:
 - 1) The red strike through text will be removed in the consultation version.
 - 2) Much of the Flood Risk SPD has been incorporated into the Local Plan.

3. Habitats Regulation Assessment (HRA)

- 3.1. A HRA has been produced to assess, inform and support all stages of the Local Plan production. The most recent version relates to the Regulation 19 version of the Local plan and is included at Appendix 2.

4. Sustainability Appraisal (SA)

- 4.1. An SA has been produced to assess, inform and support all stages of the Local Plan production. The most recent version relates to the Regulation 19 version of the Local Plan and is included at Appendix 3.

5. Proposed approach to consultation

- 5.1. The consultation is proposed to run for 8 weeks. Dates are to be confirmed (see next section and recommendations).
- 5.2. The consultation will be advertised by emailing everyone on our consultation database. We will put a notice in the EDP as well as provide Parish Councils with information for them to put up on notice boards, advertise on social media or in parish magazines. We will use social media to advertise the consultation.
- 5.3. We will hold consultation drop-in events for people to talk to officers in our usual way, one in the north, one central and one in the south, all held out of normal working hours and one on a Saturday. The precise location will depend on availability as the dates of the consultation are unknown; again, see the next section.
- 5.4. We will look into ways of engaging young people, ethnic minorities and people with a disability when dates of the consultation are known.

6. The NPPF, the recommendations and the scenarios

- 6.1. Members will be aware that a new NPPF is being produced. It was consulted on over the summer and we await the final version. It was expected by the end of the year, but it seems that responses numbered in the thousands and the release could be in the new year. While the proposed changes to the NPPF do not significantly affect the Local Plan for the Broads, it is preferred to have the Local Plan examined under the new NPPF. What will affect the Local Plan for the Broads is the transition arrangements to the new NPPF and the transition arrangements to the new Local Plan production system. Members will recall that the draft transition arrangements for a Local Plan to be examined under the new NPPF were along the lines of holding Regulation 19 consultation a month after the new NPPF has been released. In draft, the transition arrangements to the new Local Plan production system are that Local Plans to be produced under the current Local Plan production system need to be submitted by the end of June 2025, whereas the document that accompanied the NPPF that was out for consultation said this date would be December 2026. What this means for the Broads Authority is that we need to plan for a submission date by the end of June 2025, unless the NPPF is released, and another date is included. That being said, we need to plan to start the consultation by a certain date to hit the June 2025 date in case the new NPPF is not released, or the transition arrangements are not as they are proposed. There are three scenarios that the Authority needs to consider and plan for. These are explained as follows, but first there is a rough timeline to work to.

- 6.2. The rough timeline is as follows. If the new NPPF is not released, the Local Plan can still be submitted by June 2025, which is what we need to plan for due to the uncertainty.
- 14 February 2025 – start consultation for 8 weeks
 - 11 April 2025 4pm – consultation ends
 - Give 6 weeks to go through comments and respond. It should be noted that the school Easter Holidays fall during that time. This presumes lots of comments and bringing in other officers to help with responses.
 - Liaise with the Chair of Broads Authority, Chair of Planning Committee and Chief Executive, Director of Strategic Services and Head of Planning w/c 26 May 2023.
 - Submit soon after. So submitted by end of June 2025.
- 6.3. **Scenario 1:** the new NPPF is not received by 14 February 2025. It will be presumed that the Local Plan must be submitted by the end of June 2025. This would mean that the Local Plan would be examined under the current (December 2023) NPPF. The timeline set out in 6.2 would need to be met. Various decisions will need to be delegated in the interest of expediency, as set out in the recommendations related to scenario 1.
- 6.4. **Scenario 2:** the new NPPF is received by 14 February 2025 and the transition arrangements to be examined under the new NPPF are broadly the same as those proposed in the consultation document and so too are the transition arrangements to the new Local Plan production system. This therefore gives more time than scenario 1 (and allows time for decisions by committees so no need for delegation).
- 6.5. **Scenario 3:** the new NPPF is received by 14 February 2025 but the transition arrangements to be examined under the new NPPF and the transition arrangements to the new Local Plan production system are very different to those proposed in the consultation and they are deemed to affect the production of the Local Plan for the Broads. The repercussions are not known. Officers will have to assess what this means and then respond accordingly.
- 6.6. Essentially, the situation is complicated and very much uncertain.

7. Next steps

- 7.1. In terms of the immediate next steps, officers will prepare the consultation as much as possible within the confines of the uncertainty set out in this report. Everything will be set and ready to go. The consultation will start as set out in this report.
- 7.2. In terms of the consultation itself, section 5 of this report sets out the proposed approach to the consultation.
- 7.3. When the consultation ends (and indeed, during the consultation when comments are received), all comments will be logged and responded to. A schedule of proposed changes will be produced; the Authority cannot change the Local Plan before it is

submitted, but a schedule of proposed changes was produced for the last Local Plan and was welcomed by the Inspector. If major issues are identified, officers will consider how to take the Local Plan forward.

- 7.4. Either through delegation or at a future Planning Committee, depending on the scenario as set out elsewhere in this report, agreement to submit the Local Plan to the Planning Inspector for examination will be sought.

8. Submission to the Planning Inspector and what to expect through examination

- 8.1. All the documents produced to support the Local Plan, and the Local Plan itself, will be sent to the Planning Inspector. An Inspector will be appointed, and they will start to work through the Local Plan and related issues. It is likely we will be written to, explaining how the Inspector will proceed. We will then get many matters, issues and questions to respond to. Hearings will be held, which may be online or in person and it is likely that some further work may be identified by the Inspector for the Authority to complete. There will be modifications to the Local Plan, and these will be consulted on. A final report will be produced. Assuming the Local Plan is found sound, it will then be adopted by resolution of the Broads Authority. All of this could take around a year or so, depending on the issues identified and other workloads of the Inspector and of course summer holidays.

9. Potential issues that could arise

- 9.1. As part of the Regulation 19 Local Plan, we are holding a call for sites. Sites may come forward through that and we will need to assess their appropriateness for allocation, and we would liaise with the Inspector.
- 9.2. Members will be aware that we are not likely to meet our housing need. We would have completed three calls for sites, allocated appropriate sites that we can and would have duty to cooperate agreements in place, but meeting housing need is a priority for the Government.
- 9.3. Meeting the Gypsy and Traveller need in Great Yarmouth Borough may be an issue for both the Authority and Great Yarmouth Borough Council.
- 9.4. The proposed policies do set a high bar for various topic areas, such as development on peat. The Local Plan proposed 20% BNG, M4(2) on all dwellings and off-site affordable housing contributions on a lower threshold than currently.
- 9.5. There may of course be other issues raised through the consultation and the examination, but this is the nature of Local Plan production – there will be debates and some stakeholders may not support some policies. That is for the examination to assess and determine the way forward.

10. Planning Committee endorsement

- 10.1. The Local Plan was discussed at November Planning Committee and the recommendations endorsed.
- 10.2. Some changes to the Renewable Energy Policy (PUBDM21) were proposed by officers and circulated to Planning Committee members by email. Two minor comments were received and have been taken on board. The amended policy is included in the Regulation 19 version of the Local Plan.

11. Changes since November Planning Committee

11.1. The following changes have been made to the Local Plan since Planning Committee:

- 6.7 – added reference to other SPDs that are relevant.
- Throughout – amended reference to the Design Guide to refer to it as an SPD and it not being part of the Local Plan.
- Clarified that Coast SPD will still be in place on adoption of the Local Plan.
- Labelled all maps.
- Some amendments to PUBDM21 policy on renewable energy.

12. Financial implications

- 12.1. During the consultation, costs will be incurred through printing, press notice and hiring of venues.
- 12.2. The examination itself is a large expense that the Authority will need to meet. Experts may also need to be called in to assist in justifying our approach to policies. We do budget for the examination in the years between examinations.
- 12.3. There will then be printing and press notice costs for the main modifications' consultation – drop in events would not be held for that consultation stage.

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Appendix 1 – [Local Plan for the Broads Publication \(Regulation 19\) version](#)

Appendix 2 – [Habitats Regulations Assessment](#)

Appendix 3 – [Sustainability Appraisal](#)