

Subject: Final Draft Local Plan Part 2 – Publication and Submission

Report to: Council 20 February 2020

Report by: Samuel Hubbard Strategic Planning Manager

SUBJECT MATTER

Publication and Submission of the Local Plan Part 2

RECOMMENDATIONS

That Council:

- 1) Approves the publication of the Final Draft Local Plan Part 2 under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended) to receive representations in relation to soundness.**
- 2) Delegates authority to the Director of Development to, prior to the publication, finalise the formatting of the document and make any appropriate minor typographical changes.**
- 3) Delegates authority to the Director of Development to submit the Final Draft Local Plan Part 2 to the Secretary of State following the representations period, together with:**
 - a. a request under Section 20(7C) of the Planning and Compulsory Purchase Act 2004 to request the Planning Inspector to recommend any main modifications necessary to make the plan sound; and**
 - b. a request under paragraph 74 of the National Planning Policy Framework to request the Planning Inspector to confirm the five-year land supply on adoption.**
- 4) Delegates authority to the Director of Development to work with the Inspector and participants of the examination to agree necessary main modifications under point 3a above and to make minor (“additional”) modifications to the plan as necessary.**
- 5) Delegates authority to the Director of Development to conduct a public consultation on any necessary main modifications (should they arise).**

1 INTRODUCTION

1.1 The Local Plan sets out the level of growth which needs to be planned for in the Borough, where that growth should be located and how it should be delivered. It also sets out the planning policies which the Council will use in determining planning applications. The Local Plan is a key tool for delivering housing to meet local needs by ensuring there is a sufficient supply of land for housing in the most sustainable and appropriate locations. The Council has a statutory duty to prepare Local Plans and keep them up to date. An up

to date Local Plan and a five-year supply of housing land, which the Plan will help to secure, ensures a plan-led approach to development (which the Council has more influence over than the current situation where there is not a five-year housing land supply).

1.2 The Core Strategy (Local Plan Part 1) was adopted in December 2015 and sets out strategic policies governing how development should be planned in the Borough. It sets out the overall level of growth and the distribution of growth. It also includes policies to secure regeneration, deliver housing of all types and tenures, support the local economy and protect and enhance the natural, built and historic environments.

1.3 The Final Draft Local Plan Part 2 (which is attached to this report) builds upon and supplements the policies within the Core Strategy, in some cases adding detail to them.

1.4 The Local Plan Working Party has considered the Final Draft Plan in light of all the representations received throughout the previous consultation stages and have endorsed the final draft of the plan (as attached) to the Policy and Resources Committee and Full Council. The Policy and Resources Committee endorsed the recommendations on 21st January 2020.

2 SUMMARY OF LOCAL PLAN PART 2

2.1 Part 2 of the Local Plan (LPP2) builds upon and supplements the policies within the Core Strategy and adds detail to them. Given the time passed since the adoption of the Core Strategy, this plan includes some amendments to policies within the Core Strategy, principally overall housing and retail requirements. LPP2 also identifies specific sites for allocation for various different uses and (as required) includes both Strategic and Non-Strategic Policies. Neighbourhood Plans have to be in general conformity with Strategic Policies of the Local Plan.

2.2 In terms of amendments to the Core Strategy, LPP2 seeks to reduce the overall housing requirement for the Borough from 7,140 (over the period 2013-2030) to 5,297, to bring it in line with the latest method for calculating housing need (as set out in national planning policy and guidance). The Local Plan Part 2 also seeks to remove the Core Strategy's retail development target of 4,305 sqm food and 8,865 sqm non-food development. This is due to the latest evidence on the scale of retail need (which is zero), given the significant changes in the sector since the Core Strategy was adopted. The removal of the target does not prohibit new retail schemes coming forward in Town Centres and District Centres; however, it will reduce pressure for retail proposals in out-of-centre sites. The Local Part 2 also seeks to amend the boundary of Great Yarmouth Town Centre to make it clear where different town centre uses will be supported.

2.3 The plan sets out a series of other 'strategic policies' to supplement the Core Strategy. These include the setting of Development Limits, provision of housing for Neighbourhood Plan Areas, Coastal Change Management, habitat mitigation, green infrastructure, cycle routes and planning obligations (Section 106 agreements).

2.4 A key part of LPP2 is the suite of strategic site allocations and designations under the 'Policies for Places' section. The site allocations for housing are central to ensuring there is a sufficient supply of land for housing to meet needs over the plan period. In accordance with best practice, the site allocations, together with existing planning permissions, will deliver in excess of the amended housing target by 32%. This over-allocation will ensure flexibility in supply should there be delays in particular sites coming forward and therefore provide a greater chance of being able to maintain a five-year supply of housing land and meeting the ongoing requirements of the Government's new Housing Delivery Test. The site allocations include:

- 500 homes to the south of Links Road, Gorleston
- 725 homes to the west of Jack Chase Way (Caister by-pass), Caister (a planning application for mixed-use development comprising 665 homes has been recently submitted and is under determination at present)
- A number of other allocations ranging in size from 20 homes to 190 homes across the Main Towns (Great Yarmouth and Gorleston) and Primary Villages (Belton, Hemsby, Hopton, Martham, Ormesby St. Margaret)
- A 20-hectare extension to Beacon Business Park (already allocated in principle through Policy C18 of the Core Strategy).

2.5 The preparation of the plan has involved assessing the likely infrastructure requirements to support the growth. The infrastructure requirements for each site allocation are set out in each site allocation policy and supporting text, together with indicative developer contributions.

2.6 The plan also includes several non-strategic development management policies which will be used in the day-to-day decision making on planning applications. These policies cover a range of topics, including design and amenity, housing, business development, retail development, tourism and leisure, the environment and infrastructure.

2.7 The plan involves a number of changes to the Policies Maps. As such the proposed amended Policies Maps are also attached to this report.

2.8 The plan is supported by a number of background technical studies which justify the options included in the plan and demonstrate the plan's deliverability.

3. PREPARATION OF THE PLAN AND NEXT STEPS

3.1 A 'Call for Sites and Suggestions' consultation took place in 2016. This helped inform a first draft of Local Plan Part 2, which was consulted on during August and September 2018. The Local Plan Working Party considered the responses to that consultation in a series of meetings earlier in 2019. In July 2019, following recommendations from the Local Plan Working Party, the Council's Policy and Resources Committee agreed to undertake a consultation on some significant proposed changes to the emerging Local Plan Part 2. These changes included several additional site allocations for housing development. The consultation also included several changes to

policies previously consulted on and a number of additional policies for inclusion in the final LPP2.

3.2 The Final Draft LPP2 takes into account the comments raised during the previous consultations, latest changes to national planning policy and guidance, new evidence base and the Sustainability Appraisal and Habitat Regulations Assessment. A Consultation Statement is attached, which details how all comments raised to date have been considered and taken into account in the preparation of the Final Draft Local Plan Part 2.

3.3 Key changes to the plan from the previous consultation stages include:

- Removal of proposed allocation on land north of A143 in Bradwell for 600 homes, due to highway constraints which do not appear at present to be resolvable. This was originally consulted upon as a possible preferred option in August 2019. During this consultation, the Highway Authority raised concerns about the impact on the highways. A consequent benefit of the not including the site in the plan is that it will also ensure a better balance of distribution of development across the Borough in accordance with the Core Strategy and reduce the amount of best and most versatile agricultural land lost to development within the plan period.
- Amendment of the draft policy for Land South of Links Road, Gorleston (Policy GN1) as consulted upon in August 2019 to exclude the 200sqm element of retail. This is in order to focus provision on the nearby Beacon Park District Centre, which is already allocated in the Core Strategy and therefore is better-located in terms of the retail sequential test, which seeks to focus retail growth within or as close to town and district centres as possible.
- New amendment to the Core Strategy to remove retail development targets from Policy CS7 (Policy UCS7).
- Changes to the boundary of Great Yarmouth Town Centre and identification of a Primary Shopping Area.
- Introduction of the principle of contributions towards healthcare facilities in the Planning Obligations policy.
- Deletion of the proposed policy for The Conge to avoid potentially confusing repetition with Policy CS17. Part of the area covered by this policy is now being covered by the (emerging) North Quay Supplementary Planning Document.
- Reduction in the level of development on the site allocation at Ferryside, High Road Gorleston (Policy GN3) in light of recent reasons for the refusal of planning permission to ensure trees on the site can be retained.
- Requirement of a developer contribution towards a new community centre in Caister from land allocated west of Jack Chase Way (Caister by-pass) (Policy CA) rather than provision of land on-site.
- Removal of reference to a bypass of Longfulans Lane through the site allocated to the west of Potters, Hopton (Policy HP2) to address concerns raised by Highway Authority. Instead the policy focuses on improvements to the existing

Longfulans Lane.

- Slight reduction in number of homes on land north of Hemsby Road, Martham (Policy MA1) and additional requirements on the protection of safeguarded employment land.
- Deletion of housing allocation in Rollesby as the community is preparing their own allocations in the parish through a Neighbourhood Plan.
- Added in details of indicative developer contributions towards education, healthcare, community uses and open space to each site allocation policy, as relevant.
- New requirement in design policy for all homes to meet adaptable homes standard (M4(2) of Building Regulations).
- New policy on affordable housing tenure to ensure that sufficient levels of affordable rent homes are delivered within the affordable housing requirement in the context of new guidance in national planning policy.
- New policy on minimum housing densities to reflect new national planning policy requirement to ensure an effective and efficient use of land.
- New policy on local centres to provide further detail to Policy CS7.
- Various other technical changes to policies to ensure they are effective, justified and in accordance with national planning policy (the three key tests for any Local Plan).

3.4 The Final Draft Local Plan Part 2 is a plan that the Council considers to be sound and would wish to adopt following examination. Soundness is defined by the following tests (set out in the National Planning Policy 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.

3.5 This report recommends that Council approves the Final Draft Local Plan as attached for publication under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 and then (later) submission under Regulation 22. The Regulation 19 stage is a formal stage where stakeholders and members of the public get

a final chance to make representations on whether they consider the plan to be “sound” or not. The Final Draft Local Plan will be published for an eight-week representations period from the end of February/early March 2020 (exact dates to be confirmed).

3.6 Following the Publication/Pre-Submission stage, the next step is to submit the plan under Regulation 22 to the Secretary of State for independent examination into its soundness (providing there are no significant issues raised in representations under Regulations). The Council has the option at submission to request that the Inspector confirms the five-year supply of housing upon adoption under paragraph 74(a) of the National Planning Policy Framework. It is recommended that the Council requests this when submitting the plan.

3.7 Upon submission, a Planning Inspector (appointed by the Secretary of State) will undertake the examination and will consider all the representations made on the Final Draft Plan. The Inspector will hold a public hearing where those who have made representations can advance their arguments verbally. The hearings take the format of informal round table exploration of the main issues.

3.8 It is highly likely that the Inspector will conclude that a number of modifications will need to be made to the Local Plan in order for it to be found sound. Modifications necessary to make the plan sound as recommended by the Inspector are known as ‘Main Modifications’. Not a single plan in the country has yet managed to navigate through the examination process without having to make at least one “Main Modification”. However, the Inspector can only recommend modifications to the plan if they are expressly asked by the Council under Section 20(7C) of the Planning and Compulsory Purchase Act 2004. If not asked to recommend modifications, the Inspector is left with a default position of either finding the plan sound as submitted or finding the plan unsound – clearly an extremely risky and therefore unwise strategy. This report therefore recommends that on submission the Council invites the Inspector to recommend necessary modifications. During the examination, the Inspector will generally seek agreement from the Council and other participants on potential main modifications. To enable the examination to progress efficiently it is therefore necessary for officers to have delegated authority to agree these modifications. The Inspector will ask the Council to consult on any main modifications which they recommend.

3.8 Between publication and adoption of a Local Plan it is also possible to make minor modifications to the plan. These are known as ‘Additional Modifications’ and do not materially alter the policies of the plan and are generally minor clarifications, consequential amendments associated with the Main Modifications and corrections of factual errors in the supporting text of the plan. Often these are as a result of comments made at the Regulation 19 stage or minor issues with wording identified during the hearings. To aid the progress of the examination of the plan, this report requests delegated authority to the Director of Development to make any necessary ‘Additional Modifications’.

3.9 Following the examination, should the Inspector find the Local Plan to be sound, a subsequent report will be brought before this Council to adopt the Local Plan. This is

expected to be in late 2020. At this stage the Council will have the choice of either i) adopting the plan with any 'Main Modifications' the Inspector has concluded necessary or ii) not adopting the plan. All modifications, both 'Main Modifications' and 'Additional Modifications', will be clearly identified in the report to Council recommending adoption. On adoption the Local Plan Part will form part of the Development Plan for the Borough and will supersede all of the remaining 'saved' policies from the Brough Wide Local Plan (2001).

4 FINANCIAL IMPLICATIONS

4.1 No additional implications. Preparation of the Local Plan is provided for in the agreed Strategic Planning budget.

5 LEGAL AND RISK IMPLICATIONS

5.1 The plan has been prepared in accordance with the relevant legislation including the Planning and Compulsory Purchase Act 2004 (as amended), the Town and County Planning (Local Planning) Regulations 2012 (as amended), the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017. The Council has a statutory requirement to keep Local Plans up to date.

5.2 Sustainability Appraisal is an integral part of the plan making process and this has been undertaken during the preparation of the Local Plan. To inform and support the Final Draft Local Plan a Sustainability Appraisal Report has been prepared and is attached to this report to demonstrate how sustainability appraisal, including the consideration of alternative site and policy options, have informed the document and the policies within it. The sustainability appraisal process meets the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.

5.3 The Local Plan has also been subject to a Habitat Regulations Assessment which is attached to this report. This assesses the likely impacts on internationally protected nature conservation sites. The HRA concludes that effects arising from the plan can be mitigated. The Habitat Regulations Assessment meets the requirements of the Conservation of Habitats and Species Regulations 2017.

5.4 An Equality Impact Assessment has also been undertaken and is also attached. The assessment has not identified any issues.

5.5 Section 110 of the Localism Act sets out the duty to cooperate. The duty applies to all Local Planning Authorities, National Park Authorities and County Councils in England and to a number of other prescribed public bodies. The duty to cooperate requires these bodies to engage constructively, actively and on an ongoing basis on strategic cross boundary planning issues when preparing a Local Plan. For Great Yarmouth this is principally achieved through the Norfolk Strategic Planning Framework which comprises a Statement of Common Ground made up of a number of agreements with respect to strategic cross-border matters. The Council has also worked closely with East Suffolk

Council (formerly Waveney District Council) and agreed a statement of common ground with Waveney during the preparation of the Waveney Local Plan. An updated Statement of Common Ground is being prepared with East Suffolk to help support the examination of the LPP2. At present East Suffolk has no concerns with the LPP2.

6 CONCLUSIONS

6.1 The report recommends that the attached Final Draft Local Plan is published under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 and following the representations period submit the plan under Regulation 22 for independent examination.

6.2 Not progressing the plan to publication and submission is not advised. The Council has a statutory duty to keep local plans up to date. An up-to-date and complete Local Plan for Great Yarmouth will help ensure development across the Borough is delivered in a planned approach in sustainable locations. Crucially it will enable the Council to demonstrate a five-year supply of housing. This reduces the risk of poorly planned, speculative development taking place and reduces the risk of planning appeals for developments not in accordance with the existing Local Plan being successful.

7 RECOMMENDATIONS

That Council:

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- 2) Delegates authority to the Director of Development to, prior to the publication, finalise the formatting of the document and make any appropriate minor typographical changes.**
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- 5) Delegates authority to the Director of Development to conduct a**

public consultation on any necessary main modifications (should they arise).

Attachments:

- 1.Final Draft Local Plan Part 2 (Proposed Submission Version)
- 2.Sustainability Appraisal Report
- 3.Habitat Regulations Assessment Report
- 4.Consultation Statement
- 5.Equalities Impact Assessment
- 6.Draft Policies Maps

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated?

Area for consideration	Comment
Monitoring Officer Consultation:	n/a
Section 151 Officer Consultation:	n/a
Existing Council Policies:	Local Plan Part 1 (Core Strategy)
Financial Implications:	Addressed in the report
Legal Implications (including human rights):	Addressed in the report
Risk Implications:	Addressed in the report
Equality Issues/EQIA assessment:	Attached
Crime & Disorder:	n/a
Every Child Matters:	n/a

