

BRECKLAND LOCAL PLAN PREFERRED OPTIONS (REGULATION 18) CONSULTATION REPRESENTATION ON BEHALF OF FLAGSHIP GROUP

Table of Contents

1.0	Introduction	2
2.0	Comments on Breckland Draft Local Plan – Preferred Options (Regulation 18) Consultation	3

Appendix 1

ALTERNATIVE DEVELOPMENT STRATEGY OPTIONS & INITIAL PHASE 1 SITE ASSESSMENTS, FEBRUARY 2024

Appendix 2

REGULATION 18 PREFERRED OPTIONS LOCAL PLAN CONSULTATION, JULY 2024 – SITE SPECIFIC REPRESENTATION

Appendix 3

REGULATION 18 PREFERRED OPTIONS LOCAL PLAN CONSULTATION, JULY 2024 – GENERAL POLICIES REPRESENTATION

Quality Assurance

Site name:	N/A
Client name:	Flagship Housing Group
Type of report:	Regulation 18 Representation
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1.0 Introduction

- 1.1 This Representation has been prepared by Bidwells LLP on behalf of Flagship Group, in response to Breckland Council's Draft Local Plan Full Update Regulation 18 Consultation 2025.
- 1.2 Flagship Group have interests across the District, and have a proven track record of delivering high quality developments in Breckland and the wider Norfolk area. We have previously provided Representations on Flagship's behalf at earlier stages in the plan-making process including:
- Alternative Development Strategy Options & Initial Phase 1 Site Assessments, February 2024 (Appendix 1)
 - Regulation 18 Preferred Options Local Plan Consultation, July 2024 – Site Specific Representation (Appendix 2)
 - Regulation 18 Preferred Options Local Plan Consultation, July 2024 – General Policies Representation (Appendix 3)

2.0 Comments on Breckland Draft Local Plan – Preferred Options (Regulation 18) Consultation

Policy for Regeneration of Existing Residential Areas

- 2.1 It is noted from Appendix 3 that the Council intend to retain a number of the 'saved' policies of the 2012 Thetford Area Action Plan (TAAP), including TH37 which relates to Regeneration Proposals in Existing Residential Areas – a topic of particular interest and relevance to Flagship.
- 2.2 Whilst the Council's desire to ensure there is a clear policy framework to support regeneration proposals is supported, given the length of time that has elapsed since the TAAP was Adopted, and the changes which have occurred both in terms of National Planning Policy and on the ground in Thetford, it is questionable whether continuing to 'save' these policies is the most appropriate approach. Incorporating those policies, such as TH37, which potentially have wider applicability beyond Thetford, into the new Local Plan would provide an opportunity to update them to ensure consistency with, for example, the NPPF, providing confidence that they can be robustly applied.
- 2.3 In relation to TH37 specifically, it is considered that a policy of this nature should be included within the new Local Plan, with its reach widened to apply to proposals for regeneration of existing residential areas in any location, rather than just Thetford. The other towns in the District have areas where, over the course of the next 15 years, proposals for the redevelopment and/or infill of existing housing could conceivably come forward. Whilst the principle of such development would be acceptable under other policies in the Local Plan, given the unique nature of estate regeneration, it would be beneficial for there to be specific policy guidance on the parameters such proposals would be expected to meet. This would provide both organisations such as Flagship and communities, with greater certainty about how such proposals would be assessed.
- 2.4 Policy TH37 provides a useful framework for developing a District-wide policy to govern regeneration proposals in existing residential areas. However, a number of minor revisions to the wording should be considered. In particular, flexibility should be provided to consider open space provision in the round; the current policy wording requires the amount of such space to be maintained or preferably increased, but this does not reflect the fact that there will be instances where a significant increase in quality might outweigh a reduction in overall quantity; a higher quality smaller space might be more beneficial to the community, than a larger poor quality space.
- 2.5 In summary, it is respectively suggested that a new policy is drafted, based on TH37 but with appropriate revisions and updates, to guide proposals for regeneration of existing residential areas across the District.

Open Space Designations

- 2.6 Policy ENV12 states that Open Space designations, as identified through the latest evidence, are shown on the Policies Map. However, this is not the case. The policies map, when viewed via the link on the Regulation 18 Local Plan Consultation 2025 webpage, does not show open space designations. It shows a number of Local Green Space designations, but Open Space designations are not included on the legend or on the map. It is therefore not possible to provide any comments on these proposed designations at this stage in the Plan-making process – a notable deficiency in the consultation process.

- 2.7 We previously provided comments on the proposed designation of Open Space within the Abbey Estate, in the Regulation 18 Representation submitted in July 2024 (Appendix 2). It is not possible to ascertain whether these comments have been taken into consideration in the latest version of the Draft Plan. We would therefore like to reiterate the previous views expressed and draw your attention to the plan which forms an Appendix to the July 2024 Representation, and identifies the areas we considered should and should not be designated as Open Space.

GEN01: General Development Principles

- 2.8 We support the intent of this policy in ensuring that developments are of a good design. However, it is noted that this draft policy generally seems to repeat the provisions made later on in the draft plan in relation to design (draft policies DES 03 and DES 05).

GEN 02: Parish Hierarchy and Spatial Development Strategy

- 2.9 Flagship support, in principle, the Parish Hierarchy and Spatial Development Strategy. The strategy is, in general, considered to be a balanced and sustainable approach, directing new development to locations which have good access to support existing services, community facilities and open space. Planning for growth across the whole District will ensure that the needs of both the rural and urban parts of Breckland are met.
- 2.10 The Market Towns offer a good range of services and facilities, employment opportunities and sustainable transport links, and it is right that they should accommodate the majority of the required housing growth. However, it is important to ensure that lower order settlements, including the Primary Parishes, which have been designated as a result of having a school, daily convenience shop, public transport, proximity to a market town and good road access, are allocated an appropriate proportion of new housing growth. This will ensure that, in accordance with the NPPF, the Local Plan provides the opportunities for these communities to grow and thrive and support local services.

GEN 03: Built Form

- 2.11 Policy GEN 03 seeks to define what constitutes or does not constitute the built form of a settlement. Whilst the draft policy wording represents an improvement on the previous draft text, our clients still consider that this policy should be removed and a definition of 'Built Form' should be included as part of a glossary at the end of the plan or this text be incorporated into explanatory text supporting Policy GEN 04. It should also be clarified that built-up area and built form are the same (assuming they are), and that there is no defined 'built up area boundary' as alluded to in the text. It is suggested that the definition use a consistent term. The policy should also make it clear that sites where planning permission has been granted previously, even if the consent has lapsed, should be recognised as Built Form, given that the principle of development on the site has previously been considered acceptable.

GEN 04: Development and the Built Form

- 2.12 On balance we support the approach to development in this draft policy, subject to clarification on the definition of 'built form' in GEN03. For the reasons set out in the explanatory text the criteria based approach has the potential to protect the character of settlements and countryside whilst

enabling sustainable development. We welcome the amendments to the wording of this policy following the previous consultation which have addressed previous concerns. However, it is recommended that limb (3) is struck out as this is unnecessary as the Development Plan must be read as a whole.

HOU 01: Breckland Housing Requirements

- 2.13 Draft policy HOU 01 sets out that the plan period will be from 2024 to 2042. Within the plan period, the council set a minimum requirement for 17,388 homes, which is an average of 920 dwellings per annum.
- 2.14 Our clients welcome the amendment to the draft policy text to bring the start of the plan period up to 2024, although it is felt that a start year of 2025 should have been progressed. The standard method is a forward-looking assessment and establishes the starting point for considering housing needs to be the current year (PPG 2a-004), for which this information is currently available.

HOU02: Distribution of Housing Development

- 2.15 Flagship support, in principle, the broad distribution of housing development set out in policy HOU02, which is consistent with the approach detailed in policy GEN02.

HOU 03: Windfall Housing Policy

- 2.16 The changes to the wording of this policy since the last consultation document which have improved the clarity and approach to its application are welcomed.
- 2.17 However, concerns remain in relation to how this policy seeks to explicitly restrict the scale of windfall development to specific numbers. A planning application should be assessed on a balance of its benefits and harms, with consideration being given to the specifics of the proposal/site that comes forward. Further, other draft policies in this plan make provision for ensuring the design of schemes coming forward is appropriate. As such, the wording in draft Policy HOU 03 is overly prescriptive and has the potential to unnecessarily restrict sustainable development. This wording should be stripped back to its main intent: 'the scale of any single windfall development must reflect the relative sustainability of the relative settlement'.
- 2.18 Should the policy progress as drafted, we would recommend that the wording is amended in the Other Parishes paragraph to state 'plan period' in place of 'since the date of adoption'. The current wording implies an almost infinite period in which no additional growth should be identified in Other Parish settlements.

HOU 04: Large Housing Sites Development Principles

- 2.19 Changes made to this policy since the last draft are welcomed.
- 2.20 We are, however, concerned that draft Policy HOU 04 requires large-scale proposals to demonstrate support from all key stakeholders, including infrastructure providers. While developers can and do engage proactively, there are clear limits to what they can reasonably influence where

delivery and investment decisions rest with external statutory providers whose priorities are not aligned with facilitating the delivery of the Local Plan housing.

- 2.21 It is therefore essential that, through the preparation of this Local Plan, the authority undertakes early and meaningful engagement with the relevant utilities providers, such as Anglian Water, to ensure that sufficient capacity and network upgrades are planned and programmed to support the forecast housing growth. A lack of existing capacity within third-party infrastructure should not constitute a barrier to development where the growth strategy itself has been established through the Local Plan process.
- 2.22 Furthermore, the Plan should identify any new facilities likely to be required such as schools, healthcare provision and community infrastructure, to ensure that the growth strategy is viable, deliverable and supported by a robust infrastructure evidence base.
- 2.23 Paragraph 3 continues to infer that large development proposals will only come forward as outline planning applications. Whilst it is understandable the Council are seeking to ensure that outline planning applications which reserve details for supplementary applications are supported by key documentation (Masterplan and Design Code), the current wording fails to recognise that there are instances in which large development proposal are brought forward through a full planning application or a hybrid planning application. Indeed, should a full planning application be progressed, this would render a Design Code redundant. It would be far from unusual for a 100 unit scheme caught by this policy to be progressed as a full planning application.
- 2.24 The requirement to engage with a Housing Association/Registered Provider (RP) prior to an application being made is questioned. At outline stage, the level of detail relevant to an RP and important for negotiations for taking on such units is not yet available, particularly as layout, tenure mix, design standards etc. are not yet fixed nor is there an established phasing/delivery strategy.
- 2.25 We have a number of concerns in relation to the water efficiency requirements set out in HOU 17 which compliance is expected with under this draft policy. Please see comments in relation to HOU 17 for a detailed explanation on this point.
- 2.26 We object to inclusion of a requirement for 5% self/custom build on large development sites. Please see comments in relation to HOU 11 for a detailed explanation on this point.
- 2.27 We object to inclusion of a requirement for a nursing facility (on sites of over 500 dwellings). It is unclear why specifically a nursing facility has been identified and not other specialist older persons accommodation and, perhaps more notably, how this has been justified in the evidence base for the Local Plan in terms of a demonstrable need. Indeed, it is noted that at 7.21 of the HEDNA (2025), there is discussion regarding ensuring large allocations of over 1,000 dwellings meeting specialist housing needs. But that at no point is a requirement specifically focused on nursing homes identified for all such sites. As such it is considered that the policy should be amended to specify specialist housing more generally and apply to sites over 1,000 units.

HOU 05: Development Viability

- 2.28 We have significant concerns in relation to draft Policy HOU 05 and the evidence to support this policy.

- 2.29 As currently worded, the policy appears to misunderstand the role of viability within plan-making and decision-taking and introduces an inflexible and overly rigid approach that is inconsistent with national policy and the planning practice guidance. The blanket assumption of viability for all sites, including those not assessed at plan-making stage, risks undermining the deliverability of the Local Plan and could result in development being prevented due to factors outside a landowner or developer's control.
- 2.30 Firstly, the Planning Practice Guidance (PPG) 'Viability' is clear that benchmark land value (BLV) forms a central part of viability assessment. Paragraph 13 of the PPG confirms that BLV should be derived from existing use value plus an appropriate premium. The draft policy's position which seeks to disregard land value considerations entirely, directly contradicts the established national approach and risks producing artificially constrained viability outcomes.
- 2.31 Secondly, national policy explicitly allows viability to be reassessed at the application stage in justified cases (paragraph 59). Factors such as site remediation, utilities reinforcement and site servicing can all materially affect viability and cannot reasonably be predetermined at plan-making stage. Indeed, a recent example illustrating why viability re-assessment is sometimes necessary is the sharp construction cost inflation experienced in recent years, far exceeding long-term trends, which rendered viability inputs used only a short time earlier quickly outdated. Windfall sites, in particular, will not have been tested through the Local Plan viability assessment and frequently present wide variations in physical characteristics and development constraints. Draft Policy HOU 5's attempt to prohibit any viability reassessment of applications for a period of five years conflicts with national policy.
- 2.32 Finally, viability is a material planning consideration recognised in both case law and national policy. The draft policy's approach, refusing applications solely because they raise viability concerns, undermines the requirement that planning applications must be determined on their individual merits, weighing planning benefits against harms. A blanket refusal would amount to the authority predetermining decisions and failing to consider material considerations, contrary to section 70(2) of the Town and Country Planning Act 1990.

HOU 06: Small Scale Housing Development in Other Parishes

- 2.33 As per comments made in relation to HOU3, we have concerns as to the overly prescriptive approach to development in Other Parishes through the identification of a specific percentage for growth without consideration being given to the settlement, site and proposal specific context.

HOU10: Housing for the Elderly and Specialist Case (Two or more dwellings)

- 2.34 The amendments made to the wording of draft policy HOU10 which have put sustainability at the heart of the location of elderly/specialist care schemes are welcomed. However, it is noted that the policy does not make provision for where the delivery of elderly/specialist care development comes forward as part of proposed allocations and/or large residential/mixed-use led schemes through joint ventures between providers and housebuilders/developers (i.e. where new facilities will be proposed).
- 2.35 We would again note that Limbs b, c and d do not acknowledge that proposals for specialist housing and accommodation can come forward as outline proposals. As such, this policy fails to separate

out in principle issues to matters which should be dealt with at detailed design stage e.g. highway/parking/servicing arrangements and the size/quality of garden space.

- 2.36 Whilst our clients consider it appropriate to require justification for the scale of development proposals based on evidenced need, our clients have reservations regarding the need to provide evidence '*which demonstrates that there are no alternative suitable available sites within or adjacent to the built form of settlements*'. This requirement is ambiguous and it is not clear how this relates to the provisions set out at limb a.

HOU 11: Self and Custom Built Homes

- 2.37 The Council's approach to distinguish between the different delivery methods for the provision of self and custom build homes i.e individual plots, multiple plots and sites as part of wider development parcels in Policy HOU 13 is supported. This recognises the distinct challenges that are associated with each approach.
- 2.38 Part 3 of this policy focuses on the provision of self and custom build plots on large sites and is the main area of concern for our clients. Specifically, this draft policy requires a proposal including 100 new dwellings or more to deliver at least 5% of the total number of plots as serviced plots for self and custom build homes.
- 2.39 Whilst the intent behind this draft policy is understood, our clients would advise caution when proposing the provision of high levels of self/custom-build on larger sites.
- 2.40 From a practical perspective, serviced self-build plots are complex to integrate on large housing sites – they effect site operations i.e. access/servicing arrangements, create issues around consistency in design/materials/landscaping and impact on build programmes. There can be multiple contractors and large machinery operating on-site and the development of single plots by individuals operating alongside this construction activity can result in practical and/or health and safety concerns. Whilst on some sites it can be possible to locate self-build plots in locations that reduce these potential risks, this is not possible on all sites.
- 2.41 Secondly, we question whether there is actually the demand for such plots. Up to date information on the Council's self/custom-build market is not currently available online, however it is noted that historically in the authority the demand for self-build has largely been satisfied by plots coming forward on the open market without the need for the interventions being proposed in this policy. Further, when considering what the demand is in terms of the location/setting of self/custom-build plots, there is often considered to be a weak demand for plots on larger sites.
- 2.42 Finally, the purpose / intent of limb i. is questioned. The need to have regard to adjacent properties and ensure that any development provides adequate amenity space are standard requirements of any planning application for residential development and, accordingly, it is not necessary to include such a requirement in the policy. It only serves to create ambiguity by giving the impression that applications for Self & Custom Build Homes on large sites, have different considerations / requirements to other applications for residential development.

- 2.43 Should Policy HOU11 not be amended to reflect the above, the below sets out amendments that should be made to the policy.
- 2.44 We support the provision in limb j for a marketing period for custom/self-build plots after which a clear path is identified for bringing forward proposed self and custom build plots that have not sold. The identification of a mechanism provides clarity for when/if such instances occur.
- 2.45 However, we object to the basis that, should there be no interest in these plots as self/custom build during the marketing period, these should revert to affordable housing plots in the first instance. The change of these plots from self/custom build to affordable housing plots/units would have significant implications on the viability of the overall scheme being delivered on a site; this would likely be occurring at a later stage in the development process after which affordable housing provision, financial contributions, build costs, etc. are already established. There is no evidence to suggest that this has been assessed from a viability perspective. On a development that complied with affordable housing policy it is unclear how this extra affordable requirement is justified.
- 2.46 Further, the provision of self/custom build housing is intended to be meeting a specific need as identified in national planning policy. There is no basis for requiring it to be replaced by affordable housing which addresses a different need and one which has been separately addressed as part of development proposals. It is at odds with the approach adopted in other recently adopted Local Plan. This provision should therefore be removed from limb k in its entirety.
- 2.47 In the disappointing event that the Council progress with this unjustified requirement in limb k, our clients would note that the current wording is ambiguous as to what would even constitute a reasonable affordable housing offer from the identified parties (i.e. social rent/affordable rent/shared ownership and associated). This should be clarified.
- 2.48 Lastly the concluding paragraph should recognise that custom/self build housing can be secured via a S.106 agreement and not just a unilateral undertaking and clarify what is envisaged by the requirement to 'future proof the scheme'.

HOU16: Adaptable and Accessible Homes

- 2.49 We object to the requirement for 5% of market homes (in addition to affordable) to be M4(3) compliant. Supporting text paragraph 5.124 notes that the PPG states that M4(3) should only be applied to properties where the LPA is responsible for allocating of nominating the person to live in that dwelling (paragraph: 009 Reference ID: 56-009-20150327 in the PPG). The PPG does not provide flexibility on this stipulation for LPAs, so the Council should not be applying the requirement to market housing.

HOU 17: Water Efficiency

- 2.50 We object to Policy HOU 17 as currently drafted which seeks to introduce requirements beyond national policy and statutory standards, and which have not been supported by appropriate evidence.
- 2.51 The Council have not provided justification to underpin the decision to adopt an optional, higher standard of 85 litres per day per person for water efficiency. The requirement is substantially more

stringent than both the national standard set out in Building Regulations of 125 litres per person per day and the *optional* technical standard of 110 litres per person per day set out in Building Regulations. Paragraph 14 of the Planning Practice Guidance 'Housing: optional technical standards' makes it clear that local planning authorities may only apply the nationally described optional standard where there is clear local evidence of need. That the Council have gone a step beyond the optional standard through introducing a policy requirement of 85 litres per day is, irrespective of whether a need case can be demonstrated or not (which might justify a 110 litres per person per day figure), inconsistent with national policy and guidance. It is unclear what evidence the Council have that this figure of 85 l/p/d is achievable, and we reserve our right to comment on this following clarification by the Council.

- 2.52 Further, the requirement for all non-residential development to achieve full credits across the four BREEAM water categories (WAT01–WAT04), and to secure a minimum of three credits under WAT01, imposes an excessive and inflexible standard not required by the NPPF.
- 2.53 The requirement for the submission of a detailed Water Efficient Design Statement is an onerous requirement on development and should be re-thought. Further, the trigger for the submission of a detailed Water Efficient Design Statement at “the earliest stage” is unclear. Our clients would note that this information is unlikely to be available at outline application stage, which focus on matters such as the principle of development.
- 2.54 The requirement for a post-completion compliance certificate confirming that the water efficiency standard has been implemented introduces further practical and legal concerns. The approach conflicts with Paragraph 57 of the NPPF, which requires planning conditions to be necessary, relevant, precise and reasonable in all other respects.

HOU 18: Securing A Mix of Housing

- 2.55 Draft Policy HOU 21 seeks to ensure that a mixture of housing is delivered as part of development schemes and seeks to set out situations where this might not be possible in an effort to make this policy effective in practice. Our clients welcome the change to the policy which indicates that a-h are examples of circumstances in which it might not be possible and not an exhaustive list.
- 2.56 Our clients consider that this policy could further be improved by allowing applicants the ability to provide their own needs and marketing evidence to support the case for the proposed housing mix on development sites.

HOU 21: Affordable Housing

- 2.57 HOU 21 includes the requirement for the delivery of 25% affordable housing on sites of over 10 units/over 0.5 hectares.
- 2.58 The Council have undertaken viability work which has considered the requirements set out in draft Policy HOU 21. The Council's own evidence has flagged viability issues for schemes of between 10-20 units and flatted schemes when delivering this percentage of affordable homes. Whilst the policy does allow for viability assessments to be submitted where proposals are not considered to be viable, the fact that the Council are knowingly proceeding with policy wording which will

inevitably require such proposals to undergo a lengthy viability negotiation process has to be queried.

- 2.59 At 1.3 of the HEDNA (July 2025) it is noted that 'policies should provide provision for some flexibility in the tenure profile to take account of grant and viability considerations as appropriate.' Part B of policy HOU21 recognises the guidance within the HEDNA and advises that whilst regard must be had to the HEDNA, it can be adjusted, where necessary, to balance housing need and make schemes viable. The supporting text to the policy (para. 5.199) recommends a 90/10 split between rented affordable housing and lowcost affordable home ownership products, but repeats the guidance of the HEDNA that policies need to provide provision for some flexibility in the tenure profile.
- 2.60 The recognition of the need for flexibility in the tenure profile is welcomed, given, as has been experienced on recent developments in the District, it is likely to prove difficult to achieve the 90/10 split on many developments and ensure that a scheme is viable. In this regard the Council's assumptions in relation to the 90/10 split are questioned and it is requested that further evidence is provided.
- 2.61 Furthermore, somewhat confusingly, the Council's own viability testing assumes a split of 85/15% split between affordable rented and affordable home ownership (Local Plan Viability Testing, CP Viability, July 2025). In this regard the Council's assumptions in relation to the 90/10 split are questioned and it is requested that further evidence is provided.
- 2.62 Further confusion arises in relation to the use of the Local Plan Viability Testing, in that paragraph 7.14.1 of the document indicates that the commuted sum suggested in the draft Local Plan is high and potentially unviable. Accordingly, it is requested that further evidence is provided to justify the commuted sum.
- 2.63 Notwithstanding the wording of policy HOU21 and the flexibility it provides, all site-specific policies within the draft Local Plan, including Proposal BAN1, require a 90/10 split . Whilst comments have been made in relation to site specific policies separately, it is essential that policies regarding affordable housing provision are consistent throughout the Local Plan
- 2.64 In addition, the policy could do more to recognise situations where grant considerations make it difficult to comply with policy requirements, with this being particularly poignant at a time in which developers have been struggling to find Registered Providers to take on affordable housing offerings on development sites due to financial strain inc. rising costs (inflation, compliance, retrofits), shrinking margins, and uncertainty over funding.

ENV 03: Improving Biodiversity

- 2.65 Draft policy ENV 03 seeks to ensure that development delivers biodiversity and geodiversity enhancements.
- 2.66 It is considered that the policy wording should clearly set out that the Environment Act 2021 sets a mandatory minimum of 10% BNG on development sites. As it stands, there is a lack of clarity that the minimum statutory requirement is 10%, and instead there is the possibility that this could be misinterpreted as 20%.

- 2.67 Linked to the above, we also consider that the plan should not state that ‘a minimum of 20% being actively encouraged’. Instead, the wording should be amended to state that ‘the Council will actively encourage proposals that deliver BNG in excess of the statutory minimum’ and that this will be treated as a material consideration in the determination of planning applications.

ENV 10: Development in Nutrient Sensitive Areas

- 2.68 As per our clients’ response to the previous Regulation 18 consultation, they consider that further evidence or alternative mitigation measures may be identified that remove the need for this policy and the requirement to calculate nutrient load/provide an appropriate mitigation strategy. On this basis, a mechanism should be built into this draft policy to allow for where nutrient neutrality measures no longer need to be implemented, or are regulated by other means.

ENV 12: Open Space, Sport & Recreation

- 2.69 It is noted that the supporting text of this draft policy states that a new Open Space Assessment and Playing Pitch Strategy is not yet available and that the basis for this draft policy is a 2015 report. However, it is noted that an October 2025 update has now been published in the evidence base and therefore this wording should be updated to ensure that the evidence base underpinning this policy is clear. It is also apparent that the draft policy is not consistent with the recommendations made in the 2025 Open Space Assessment.
- 2.70 The draft policy identifies that play area provision requirements are based on a simplistic calculation of 0.8ha of children’s play area per 1000 people, and that this approach has become even more formulaic since the previous consultation, with requirements now being identified in terms of no. of dwellings triggering specific quantum of children’s play provision. A similar approach is also taken to allotment provision. However, this methodology makes no allowance for the demographic make-up of a development and how this will affect need requirements (which should ultimately underpin the level of provision required). For example, a scheme that comprises an extra care development will inherently result in less children living in a development than a scheme comprising family homes, yet the two could have similar population figures and be required to deliver the same amount of play area provision. Similar concerns are noted in relation for the methodology for calculating the overall open space provision.
- 2.71 In light of the above, the policy should be amended to introduce flexibility to deviate from the very specific standards contained therein, where there is appropriate justification. Such justification could include the demography of the development and/or the potential for qualitative improvements to be made to nearby facilities if this is a more appropriate solution than quantitative provision on-site.
- 2.72 Some fluidity between the different open space typologies should also be allowed to ensure that the individual constraints of a site can be reflected in the type of open space provided. For example in a sensitive landscape it may be more appropriate to provide less formal open spaces.
- 2.73 As referenced above, it is also noted that the draft policy is not consistent with the recommendations made in the October 2025 Open Space Assessment, which advises that additional types of Open Space are brought into the policy (e.g. natural space and amenity space). Should this approach be adopted in future iterations of the Plan, our comments regarding the need for flexibility to deviate from the standards with suitable justification still apply. We would also

recommend that appropriate thresholds for on and off-site provision are incorporated into the policy to reflect that some typologies (such as parks and allotments) are better suited to larger developments, whereas playspace will generally be required on site for smaller developments. We reserve the right to comment on any precise new policy wording.

- 2.74 The requirement for developments of 100 or more dwellings is questioned. The threshold is considered to be too low and, as well as being neither practical nor sustainable on sites of 100 plus dwellings, will have implications for viability. It is considered that as well as increasing the threshold to a more appropriate threshold, such as 500 homes, the policy should include flexibility to respond to local circumstances, primarily need. For example, there may be situations where there is no demand for allotments in the local area and, rather than providing additional land for allotments, it would be more appropriate to make a financial contribution to alternative forms of open space, sport and recreation, for which there is an identified need

DES 03: Distinctive Local Identity

- 2.75 We support the basis for this policy which seeks to secure high quality developments which drawn on local character.
- 2.76 However, it is considered that the wording of this policy is overly prescriptive in places. For example, the following sentences require amendments: *'Plot sizes should be appropriate to the character of the local area. and comparable to nearby development'* and *'Building heights should relate to the buildings and landscape features in their immediate context and follow the rhythm and character of the area'*. The text in its current form fails to recognise that there may be instances in which new developments are located in areas where existing densities/built form do not appropriately capitalise on the sustainability of their respective settlement and therefore a more efficient use of land would be for a scheme of a higher density/height than neighbouring areas. A focus should instead be shifted to ensuring that the amenity of neighbouring development is protected with schemes being proposed that are appropriate in scale/density to their location.

COM 02: New Development and Health Impact

- 2.77 The requirement for the provision of a Health Impact Assessment as part of a planning application is becoming an increasingly common validation requirement for major development schemes. However, it is noted that a development quantum is typically identified which triggers the need for such a requirement and that this is currently absent from the draft policy. The current trigger of *'where the Council considers there are likely to be clear health implications from the proposal'* is subjective and creates ambiguity for developers. It is recommended that in line with the North Norfolk and Great Yarmouth emerging local plans, a 500 unit threshold would be appropriate.

INF 03: Flood Risk & Surface Water Drainage

- 2.78 This policy requires all new development to demonstrate that it has consulted the Lead Flood Authority. A blanket requirement should not be imposed on development and is unreasonable in that it gives no regard to scale, site context or drainage impact. It depends on the LLFA being able to resource pre-application discussions, and they periodically pause this service when they experience constrained resources. It is understood that the LLFA do not comment on non-major planning applications so it would not be possible for minor developments to comply with this requirement.

- 2.79 The reference to the LLFA Guidance Document should be deleted. This runs the risk of effectively giving this document (and any future currently unknown update to it) development plan status. It is understood that the LLFA do not consult with LPAs on the guidance updates and as such it is unclear to what extent the LPA can ensure it aligns with the other objectives of the Local Plan. It is the role of the LPA to balance all considerations in determining planning applications and this inclusion gives unwarranted priority to very specific and detailed drainage criteria; the impacts on the viability and deliverability of development which have not been tested.

APPENDIX 1

ALTERNATIVE DEVELOPMENT STRATEGY OPTIONS & INITIAL PHASE 1 SITE ASSESSMENTS, FEBRUARY 2024

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