

## **South Norfolk Village Clusters Housing Allocations Plan (VCHAP)**

### **Regulation 18 Consultation on Alternative Sites and Focused Changes**

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**Portfolio:** External Affairs & Policy  
Stronger, Greener Economy

**Ward(s) Affected:** All

#### **Purpose of the Report:**

To agree to publish the South Norfolk Village Clusters Housing Allocations Plan (VCHAP) Regulation 18 Alternative Sites and Focused Changes document for consultation.

#### **Recommendations:**

Cabinet to agree:

- i. That the Council publishes the attached Regulation 18 Alternative Sites and Focused Changes document (Appendix A) for a period of eight weeks public consultation, between 11 December 2023 and 5pm on 5 February 2024.
- ii. To delegate authority to the Assistant Director for Planning, in consultation with the Portfolio Holders to make minor amendments to the document prior to consultation.

## **1. Summary**

- 1.1 Between 23 January and 8 March 2023 the South Norfolk Village Clusters Housing Allocations Plan (VCHAP) was published for comments under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following the close of the publication period it was identified that one of the proposed allocation sites (VC ROC2, South of The Street, Rockland St Mary) could no longer be delivered, whilst a second (VC TAS2, Church Road, Tasburgh) needed to be slightly reduced in capacity. The resultant loss of 30 units takes the VCHAP allocations marginally below the Greater Norwich Local Plan (GNLP) minimum requirement for the South Norfolk Village Clusters.
- 1.2 In order to address the shortfall and resolve other minor issues, it is proposed that a further focused consultation is undertaken, looking at a limited range of possible “alternative” sites to repair the VCHAP. The consultation looks at both the merits of the sites individually and the size of the overall buffer, above the GNLP minimum requirement of 1,200 dwellings, that should be allocated.

## **2. Background**

- 2.1 The VCHAP sets out to allocate at least 1,200 dwellings across 48 Villages Clusters in South Norfolk, in accordance with the requirements of the Greater Norwich Local Plan (GNLP). The GNLP sets out the overall housing requirements for Broadland, Norwich and South Norfolk between 2018 and 2038, using the Government’s Standard Method for identifying housing need; the VCHAP will deliver part of that requirement.
- 2.2 Since early 2020 over 500 sites have been assessed across the South Norfolk Village Clusters and a range of supporting evidence base documents have been commissioned or prepared in-house. Sites were subject to initial Technical Consultation with key regulatory bodies, service providers and utilities and there has been ongoing dialogue with the majority of these under the Duty to Cooperate.
- 2.3 In June 2021 Cabinet agreed a set of preferred sites, plus reasonable alternatives, for consultation from June to August of that year under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Almost 2,200 representations were received.
- 2.4 Following the Regulation 18 consultation, the evidence base for the VCHAP was more fully developed to include: Habitats Regulation Assessment (HRA); Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA); Strategic Flood Risk Assessment (SFRA); Water Cycle Study (WCS); Viability Assessment; plus Heritage Impact Assessments (HIAs) for a series of sites agreed with Historic England, and Landscape and Visual Appraisals (LVAs) for all of the potentially preferred sites. The site assessments, evidence base and consultation responses were then used to formulate allocation policies for all of the preferred VCHAP sites, which formed the core of the Regulation 19 publication.

2.5 The Regulation 19 Pre-Submission document was subsequently agreed by Cabinet and published for comments on matters of soundness and legal compliance from January to March 2023.

### **3. Current positions/findings**

3.1 The Regulation 19 publication generated a considerable amount of interest, resulting in almost 1,000 comments being submitted.

3.2 Whilst representations were received across most sites, a number of locations, including Bawburgh, Rockland St Mary, Ashwellthorpe and Bergh Apton attracted more responses. Broadly the issues across sites and settlements were consistent, with the main concerns being:

- The impact of further traffic, both in terms of highways safety and quality of life (pollution, parking, congestion) and the limited public transport alternatives;
- Pressure on already stretched services, such as schools and GPs;
- Impact on the appearance of the settlements in terms of townscape and landscape;
- Impact on infrastructure, such as drainage systems;
- Loss of greenfield land and/or the potential for development on greenfield land to increase flood risk; and
- Impact on ecology and biodiversity.

3.3 Whilst the representations are understandable, the issues raised have appropriate responses. Broadly, either the technical consultees are satisfied that existing infrastructure is capable of absorbing the growth, or being improved via development so that it can absorb the growth, or the evidence base (such as the Landscape and Visual Appraisal, Heritage Impact Assessment, Strategic Flood Risk Assessment etc.) have demonstrated that, whilst there will be impacts from development, these can be mitigated and/or are acceptable in terms of the need to deliver new housing on the best of the available sites. More details can be found in the December 2023 Statement of Consultation; the main report is attached as Appendix B, with Appendix 5 of that document which details the representations received and the Council's responses, being available as part of the forthcoming consultation.

3.4 Prior to, and in parallel with, the Regulation 19 there has been on-going engagement with site promoters. This has sought confirmation that they can deliver the sites whilst meeting the requirements set out in the Regulation 19 policies, alongside other requirements such as policy compliant open space provision and affordable housing. As part of this process it became apparent that the promoters of VC ROC2, South of the Street at Rockland St Mary could not give sufficient assurance that the site is deliverable. Therefore, it is necessary to remove this site from the VCHAP.

- 3.5 The consequence of removing the site is that the VCHAP would only be delivering 1,203 additional dwellings. Added to this, further discussions with Historic England, including an on-site meeting, have concluded that VC TAS1, Church Road, Tasburgh, should be reduced by 5 dwellings, taking the VCHAP allocations below the 'at least 1,200 dwellings' required by the GNLP. Whilst this shortfall is marginal, it also leaves no scope for further changes to sites during the Examination process, should an Inspector identify any issues.
- 3.6 Consequently, rather than progress to submitting the VCHAP for Examination, it is recommended that a Regulation 18 consultation on alternative sites and focused changes be undertaken to look at alternatives for plugging the small shortfall in numbers.
- 3.7 The focused consultation looks at the following sources supply for repairing the shortfall:
- a) New/substantially amended sites submitted during the 2023 Regulation 19 consultation – whilst the Regulation 19 did not include a 'call for sites', a small number were submitted, and a handful of other sites were significantly amended in response to the comments and concerns from the earlier Regulation 18 stage;
  - b) Extensions to the preferred Regulation 19 allocation sites – several of the allocations are part of larger sites submitted for consideration, which have been reduced in scale and/or density to fit with the aims of the VCHAP, as such there is scope for small increases to a number of those sites; and/or
  - c) Use of the 'reasonable alternative' sites identified at the 2021 Regulation 18 stage – many of these were not taken forward because they were in a cluster/settlement where a preferred site was already identified, however, they are still considered potentially suitable for development.
- 3.8 Since the loss of VC ROC2 became apparent, work has been undertaken to:
- fully assess the new/revised sites under 3.7 a)
  - to establish whether the sites under 3.7 c) are still available and being actively promoted, and
  - establish whether there are any technical issues that need to be addressed (e.g. highways, flood risk, heritage impact etc.) for either extending the sites under 3.7 b) or bringing forward the sites under 3.7 c).
- 3.9 Following an initial sift of the sites a shortlist was drawn up for possible consultation. A summary of the reasons for not taking forward the remaining sites is set out in the note and table at Appendix C. Based on this shortlist, work has been ongoing to prepare consequential updates to some of the key evidence base documents, specifically the Sustainability Appraisal incorporating Strategic Environmental Assessment (SA/SEA) and the Strategic Flood Risk Assessment (SFRA), as well as prepare new or updated Heritage Impact Assessments (HIAs)

and Landscape and Visual Appraisals (LVAs). The supporting Sustainability Appraisal addendum is attached as Appendix D.

3.10 The assessment of sites has also considered the Objectives of the VCHAP as set out in the Regulation 19 document (particularly Objectives 2 and 3), looking at the impact on the wider settlement and cluster. Consequently, the VCHAP aims to avoid:

- promotion of individual sites of more than 25 dwellings unless there are particular local issues to address, a larger allocation could result in additional local benefits, or a larger allocation is necessary to meet overall housing requirements in a sustainable manner;
- any individual allocation in excess of 50 dwellings;
- a level of development in an individual settlement or cluster that would be inconsistent with the Objectives of the Plan.

3.11 The document also includes revisions to two sites where revised boundaries are proposed, to address issues raised in response to the Regulation 19 document.

#### **4. Proposed action**

4.1 Following consideration of options at the 5 September, Stronger, Greener Economy Policy Committee, and consistent with the updated Local Development Scheme (LDS) agreed by October Cabinet, it is now proposed to undertake a Regulation 18 consultation on alternative sites and focused changes to repair the VCHAP. The proposed consultation document is attached as Appendix A.

4.2 The consultation has two main elements. Firstly, it looks at the extent of the buffer which the Plan should include. Three options are presented:

- A buffer of circa 30 dwellings (2.5% above the minimum) consistent with the previous approach in the January 2023 Regulation 19 document.
- The allocation of all 13 sites that form part of this consultation resulting in a buffer of circa 170 dwellings (14% above the minimum). or
- The allocation of a select number of the sites in this consultation to achieve a buffer of circa 60-70 dwellings (5% - 6% above the minimum).

The pros and cons of each option are presented in paragraph A.30 of the consultation document.

4.3 The second element of the consultation considers thirteen specific sites. Eleven of these sites are possible options for addressing the loss of units from VC ROC2 and VC TAS1, and the two remaining sites (VC BAW1 at Bawburgh and VC TAC1 at Tacolneston) are included in order to consult on revised boundaries which address comments made during the January to March Regulation 19 publication period.

4.4 The eleven alternative sites proposed for consultation are as follows:

- One new site, submitted during the January to March Regulation 19, SN6000 at Barford. The site is more complex than many, involving the replacement of the existing village hall and playing pitch, alongside the approximately 30 dwellings and additional community land.
- Five of the existing Regulation 19 allocations are considered to have scope for extension: VC DIT1 at Ditchingham; VC SPO1 at Spooner Row; VC WIC1 at Wicklewood; and VC GIL1 at Gillingham, the last of which is also subject to a current Planning Application. A planning application has also been submitted for VC SWA 1 at Swardeston which promotes an increase in dwellings within the existing boundary of the site. The increases on these sites range from 5 to 20 additional units, but in all cases keep the site to a total of approximately 35 to 45 dwellings.
- Five previously shortlisted sites have been identified as suitable for further consideration as potential allocations, in Alington, Barford, Barnham Broom, Broome and Earsham.

4.5 The consultation document sets out what is proposed for each site and the reasons for making that proposal. The consultation asks two questions in relation to each site: the first regarding whether consultees agree that the site is suitable for what the Council proposes, and the second whether there is anything specific a policy for the site should contain (other than for VC BAW1, where no change to the Regulation 19 Policy is proposed).

4.6 Following the focused Regulation 18 consultation, the responses will be analysed, and a final selection of sites agreed by Cabinet for inclusion in the version of the Plan that the Council intends to submit for independent examination. There will be a further opportunity to comment on the 'soundness' and legal compliance of the final choice of sites from this consultation when a Regulation 19 document of Focused Changes to the previous draft plan is published during 2024.

## **5. Other options**

5.1 It would be legitimate for the Council to make a choice from the eleven consultation sites, propose the boundary changes at VC BAW1 and VC TAC1 and move directly to a focused Pre-Submission (Regulation 19) publication, setting out the minimum number of amendments needed to address 'soundness' issues. This process would likely be quicker and less costly than the proposed action.

5.2 However, this option would be inconsistent with the published LDS and would limit public engagement in the process, with consequential reputational implications for the Council. It may also make it more difficult to consider wider options to expand or add to the currently proposed allocations in order to improve the resilience of the plan.

- 5.3 The Council could also consider consulting on other sites from the categories listed in paragraph 3.7 above; however, the reasons for not including other sites at this stage are summarised in the Selection of Sites Note, attached as Appendix C

## 6. Issues and risks

- 6.1 **Resource Implications** – Many aspects of VCHAP production are being met within the existing resources of the Place Shaping Team and the specific budget that has been made available for the completion of this document.

The additional work needed to repair the plan is likely to put significant strain on the identified budget and there is a risk that the scale of work required to address the shortfall in numbers will ultimately exceed the currently identified budget. The necessary work includes reviewing and updating the supporting evidence, further technical work on sites (e.g. liaison with Norfolk County Highways, Historic England etc.), plus the cost associated with an additional focused Regulation 18 consultation and Regulation 19 publication.

- 6.2 **Legal Implications** – Reasonable and proportionate steps have been taken to ensure that the plan has been prepared in accordance with the relevant legislation and regulations. Public and stakeholder scrutiny is a fundamental part of the plan making process. This includes the right to submit a legal challenge. Officers will take further advice on legal implications, as necessary, as part of the plan making process.
- 6.3 **Equality Implications** – Stakeholder engagement, in accordance with the Council's Statement of Community Involvement (SCI) has been undertaken as part of the preparation of the plan as required by regulations. An Equalities Impact Assessment (EqIA) was prepared to accompany the Regulation 19 publication of the plan and has been updated to accompany this consultation, see Appendix E. This will continue to be updated as necessary.
- 6.4 **Environmental Impact** – A Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA), and Habitat Regulations Assessment (HRA) have been prepared alongside the plan. These assessments and the plan itself will be supported by a proportionate evidence base, which will include a Water Cycle Study (WCS) and Strategic Flood Risk Assessment (SFRA). Relevant updates to the SA and SFRA and the SA addendum is attached as Appendix D.
- 6.5 **Crime and Disorder** – it is not considered that the preparation of the plan will have significant material implications in terms of Crime and Disorder.
- 6.6 **Risks** – Other than as set out above, the key risks associated with the plan are as follows:
- **Greater Norwich Local Plan (GNLP)** – the VCHAP is reliant on the GNLP, particularly in terms of establishing the principle of Village Clusters as a basis on which to allocate housing in smaller settlements, and also in setting the overall

distribution of development, including the housing requirement for the VCHAP. It is also reliant on the GNLP in respect of matters such as the strategic mitigation for the impact of development on internationally protected species and habitats. Consultation on the Inspectors' Main Modifications to the GNLP is currently ongoing, ending on 6 December 2023. As such the risk that the GNLP will be found unsound has significantly diminished, although adoption of the Plan would still be open to legal challenge.

- **Consistency with National Policy** – In developing its site assessment criteria the Council has sought to strike a balance between promoting housing development that will enhance or maintain the vitality of rural communities, whilst providing opportunities for sustainable and active travel commensurate with a rural area. Several representations have been received through consultation concerning this approach, and as to whether this would result in an appropriate level of access to services and facilities. Alongside the individual suitability, availability and deliverability of sites, the questions of whether or not the Council has struck the right balance in respect of these key planning issues is likely to be the main area of challenge at Examination. This is particularly relevant given the changes to the criteria around access to services and facilities used within the VCHAP site assessments when compared to those within the Norfolk HELAA.
- **Sustainability Appraisal, incorporating Strategic Environmental Assessment (SA/SEA)** – The preparation of an SA/SEA is a legal obligation. Part of the process is the equitable consideration of reasonable alternatives. Members have previously expressed a preference for a particular approach to the distribution of development across the South Norfolk Village Clusters and size of potential allocation site. Members should have regard to the conclusions of the SA/SEA and demonstrate that they have engaged objectively with reasonable alternative approaches to distribution and why, in light of the SA/SEA findings, it is considered that the selected approach is justified. This is likely to be a key issue at Examination of the VCHAP. The Council's SA/SEA has been prepared by an independent consultant and findings of the SA/SEA has been (and will continue to be) reported to members at appropriate junctures throughout the plan making process. The addendum to the SA for the focused Regulation 18 consultation is attached as Appendix D.
- **Evidence Base** – A range of evidence base documents have been prepared to support the preparation of the South Norfolk Village Cluster Housing Allocation Plan.

These documents have been prepared by suitably qualified consultants appointed by the Council and therefore are considered to be reliable. Notwithstanding this there remains a risk that further changes may be needed to these documents, which may result in consequential amendments being needed to the VCHAP.

The identification of two of the three typologies assessed in the Viability Assessment falling below the target developer profit on Gross Development Values (GDV) is likely to be a key consideration at Examination and may increase pressure to consider increasing the size of proposed allocations or looking to



replace smaller allocations with larger ones. The Viability Assessment is also particularly time sensitive and may need updating prior to submission.

- **Neighbourhood Plans** – Allocations of land for housing in the Village Clusters of Roydon, Scole and Burston with Shimpling have been made through the Diss and District Neighbourhood Plan. Allocations of land for housing in the Village Cluster of Dickleburgh are to be made through the Dickleburgh Neighbourhood Plan.

Diss and District Neighbourhood Plan has been made and is now part of the Development Plan for South Norfolk.

Dickleburgh Neighbourhood Plan was published for comments under Regulation 14 and the Council returned a number of substantive comments on the Plan. There remains a risk that the Dickleburgh Neighbourhood Plan will not make timely allocations of circa 25 dwellings, albeit that this risk is being managed through ongoing engagement with the Neighbourhood Plan group and the Group is continuing to take proactive steps to progress the Plan.

## **7. Conclusion**

- 7.1 The loss of 30 dwellings from the VCHAP, following the close of the January to March 2023 Regulation 19 Publication, has required the Council to assess alternatives for ensuring the Plan meets the minimum GNLP requirements. The Regulation 18 consultation on alternative sites and focused changes looks at how that shortfall might be addressed.
- 7.2 The consultation looks at two main issues, the overall number of dwellings to be allocated, over the GNLP minimum requirement of 1,200 units in the South Norfolk Village Clusters, and at various site options to deliver that number.
- 7.3 It is proposed to consult on this document (Appendix A) under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, for a period eight weeks, from 11 December 2023 to 5pm on 5 February 2024.

## **8. Recommendations**

Cabinet to agree:

- i. That the Council publishes the attached Regulation 18 Alternative Sites and Focused Changes document (Appendix A) for a period of eight weeks public consultation, between 11 December 2023 and 5pm on 5 February 2024.
- ii. To delegate authority to the Assistant Director for Planning, in consultation with the Portfolio Holders to make minor amendments to the document prior to consultation.

## **Background papers**

South Norfolk Village Clusters Housing Allocations Plan – Regulation 19 Pre-Submission  
Draft (January 2023) <https://southnorfolkandbroadland.oc2.uk/document/12>