

Test Valley Borough Local Plan 2011-2029 – Five Year Review

Report of the Planning Portfolio Holder

Recommended:

- 1. That the five year review of the Test Valley Borough Local Plan 2011-2029 Annexes to the report be approved and published in accordance with Regulation 10A The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).**
- 2. That the Head of Planning Policy and Economic Development, in consultation with the Planning Portfolio Holder be delegated to carry out amendments of a minor nature to improve the presentation of the documents and correct any typographical errors.**

SUMMARY:

- The purpose of this report is to seek approval for the five year review of the Test Valley Borough Local Plan 2011-2029 and for this to be published.
- With the support of the Planning Advisory Service (PAS) the review has been undertaken by the Council through preparing an assessment using relevant parts of the PAS Local Plan Toolkit. This assessment has then been subject to review by independent consultants appointed PAS to assist the Council.
- The outcome of the five year review will assist in informing how preparation of the next Local Plan, which has commenced, now moves forward to the formal consultation stages.

1 Introduction

- 1.1** The Local Plan is a key policy document of the Council setting out the planning framework for the Borough together with implementing the spatial aspects of the Council's priorities, as set out the Corporate Plan.
- 1.2** A five year review of the Test Valley Borough Local Plan 2011-2029 has been undertaken as it has reached the five year anniversary of its adoption on 27 January 2016. The review considered whether there has been a significant change in circumstances which affects the plan's strategy and whether it remains up to date and consistent with current national planning policy, as expressed in the National Planning Policy Framework (NPPF) 2019.
- 1.3** Working with the support of the Planning Advisory Service (PAS) the adopted Local Plan has been reviewed by officers undertaking an assessment using the relevant parts of the PAS Local Plan Route Mapper Toolkit. This assessment has then been reviewed by independent consultants appointed by PAS to provide advice to the Council regarding the review of the Local Plan.

- 1.4 The Council has already commenced the preparation of the next Local Plan and the outcome of the five year review will assist in informing how this now moves forward to the formal consultation stages. The current Local Development Scheme (LDS) which sets out the timetable for preparing Development Plan Documents including the next Local Plan. The most recent stage was a Refined Issues and Options Consultation undertaken July-August 2020.

2 Background

- 2.1 The adopted Local Plan was tested at examination and found sound against the NPPF 2012. As it has now reached the five year anniversary of its adoption in January 2021, a formal review is required to be undertaken as to whether it needs to be updated, under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 2.2 This five year review is an assessment of whether the plan remains up to date, taking account of whether there has been a significant change in circumstances which affects the plan's spatial strategy, and whether it remains consistent with current national planning policy, as expressed in the NPPF 2019. In this regard the term 'review', means a discrete assessment of whether the adopted Local Plan needs to be updated, for these reasons. This assessment will in turn inform the scope of the next Local Plan (or Local Plan Review) in its wider more general sense.
- 2.3 NPPF 2019 Paras 31-33 covers the issue of preparing and reviewing plans, including evidence base and sustainability appraisal requirements. Para 33 provides details regarding the review of plans at least once every five years, and then as necessary to assess whether they need updating. Reviews should be completed no later than five years from the adoption date of the plan, and take into account changing circumstances affecting the area, or relevant changes to national planning policy. The review completed in January 2021 and is now brought to Cabinet to be approved and published. Relevant strategic policies will also need updating at least once every five years, if the local housing need figure has changed significantly or is expected to do so in the near future. For Test Valley, the latest calculation using the Government's standard method is 550 dwellings per annum (dpa), which is not significantly different (and lower) than the 588dpa in the adopted Local Plan.
- 2.4 A further revised draft NPPF 2021 was published for consultation on 30 January 2021. These changes relate to the quality of design of new development and which respond to the recommendations of the Building Better, Building Beautiful Commission. It also makes a number of environmental changes, including amendments on flood risk and climate change. There are also a number of further minor amendments to clarify policy arising from legal cases, for updating and on consistency with other recent announcements. Given the date of publication and that these are draft proposals, these revisions, have not been covered in the five year review, which is based upon the NPPF 2019.

- 2.5 There is no prescribed format for a five year review, but Planning Practice Guidance (PPG) provides further guidance on how they should be undertaken. Consistent with the NPPF, once the review is completed the local planning authority should decide that either: a) that their policies do not need updating and published their reasons for this decision; and/or b) that one or more policies do need updating, and update the LDS to set out the timetable for this revision.
- 2.6 PPG guidance confirms that a plan does not become out of date automatically after five years. It is also clear that the purpose of reviews is not to continually change the strategic decisions and direction of growth, which would undermine the intention in the NPPF of strategic policies to anticipate and respond to long term requirements and opportunities, reflecting a plan led approach to provide certainty. PPG also advises that the review process is a method to ensure that a plan and the policies remain effective. In this regard, it should assess based upon evidence, whether it continues to operate effectively and delivers upon its objectives and strategy. Furthermore, PPG advises that a local planning authority may need to gather new evidence to inform their review and sets out that proportionate, relevant and up to date evidence should be used to justify a decision not to revise policies.
- 2.7 The Council has undertaken the review through officers completing a self-assessment using the relevant parts of the PAS Local Plan Route Mapper Toolkit which has been prepared for this process. This has comprised: Part 1 Local Plan Review Assessment (Annex 1 to the report) Part 2 Local Plan Form and Content Checklist (Annex 2 to the report).
- 2.8 Part 1 is intended to assist in undertaking a review of policies and assess whether these need updating. It supplements the NPPF and PPG, on the review of policies in the plan. This is to assist in understanding which policies may be out of date for the purposes of decision making, or where circumstances have changed and whether or not plan policies continue to be effective in addressing local issues that are identified in the plan. In doing so, this assists in focusing on whether and to what extent an update of the plan policies is required.
- 2.9 Part 2 sets out a detailed checklist of the specific individual key requirements for the content and form of local plans as set out in NPPF 2019. The assessment considers for each relevant NPPF 2019 paragraph, whether: a) the requirement has not changed from the NPPF 2012 in relation to plan making, or b) the revised plan making requirement contains some changes from the NPPF 2012, or c) this is a new plan making requirement that was not contained within NPPF 2012. This assists in determining the extent to which the adopted Local Plan does or does not accord with relevant key requirements in national policy and in therefore in deciding whether or not there is a need to update policies in the plan, and to what extent. A judgement can then be made as to whether the adopted Local Plan remains up to date and sound. The requirement of each relevant NPPF 2019 paragraph has been considered against the content and policies of the adopted Local Plan.

- 2.10 There are also additional Part 3 and Part 4 elements to the PAS Local Plan Route Mapper Toolkit, but these have not been completed at this time as they are not relevant to the five year review of the adopted Local Plan at this stage, but rather concern legal and procedural compliance, and ensuring a sound plan at examination.
- 2.11 This assessment (using Part 1 and Part 2 of the PAS Local Plan Route Mapper Toolkit) has then been reviewed by independent consultants 'Intelligent Plans and Examinations' appointed by PAS to work with the Council and assist in informing the preparation of the next Local Plan who have prepared an advisory note (Annex 3 to the report) setting out their response, focusing on advice in informing the potential content of the next Local Plan, the scale of review of the adopted Local Plan which is necessary and consideration of the associated risks and legislative requirements under the Duty to Co-Operate. The support of PAS has provided for the five year review to be undertaken in a thorough and robust manner and which has been independently reviewed.

3 Corporate Objectives and Priorities

- 3.1 The Local Plan is a key policy document for the Council in respect of delivering our corporate objectives as set out within the Corporate Plan. It sets out the planning policy framework for protecting and enhancing the environment, and making provision for new housing, employment, community facilities and other land uses, to meet the needs of our communities.

4 Consultations/Communications

- 4.1 If approved and agreed for publication, the outcome of the five year review will be published on the Council's website.

5 Options

- 5.1 The only option is whether or not the five year review of the adopted Local Plan should be approved and published. It is a requirement for the Council to conduct such a review, the adopted Local Plan having reached its five year anniversary of adoption.

6 Option Appraisal

- 6.1 Having undertaken the assessment using the PAS Local Plan Route Mapper Toolkit Part 1 and Part 2, it is a judgement for the Council using its findings, as to whether it considers that the adopted Local Plan remains up to date and sound, and over whether and to what extent an update of plan policies is required. The review assessed whether there has been any significant change in circumstances which affects the plan's strategy, and whether it remain up to date and consistent with current national planning policy, as expressed in the NPPF 2019.

- 6.2 The assessment using Part 1 of the toolkit has considered against plan review factors and policy update factors, whether policies remain up to date for decision making, if circumstances have changed, and whether or not plan policies continue to be effective, to determine whether and to what extent an update of the plan policies is required.
- 6.3 The findings of the assessment using Part 1 have concluded that following assessment of the plan review factors, the spatial strategy of adopted Local Plan is considered to remain sound and plan policies remain up to date. Therefore, these policies are considered to continue to provide a robust basis for planning decision making in the determination of planning applications. Plan policies will be updated as relevant in order to provide spatial strategy beyond the 2029 plan period of the adopted Local Plan.
- 6.4 The assessment using Part 2 of the toolkit has considered against each relevant paragraph of the NPPF 2019 on local plan requirements the content and policies of the adopted Local Plan, together with where applicable, other relevant Council documents, and where the issue(s) covered by these paragraphs may be reviewed in preparing the next Local Plan. This has been summarised using a Red/Amber/Green (RAG) analysis.
- 6.5 The findings of the assessment using Part 2 have concluded that NPPF 2019 requirements necessitate some new or additional policy, or revision of the current policy approach being considered to address these, or which will be taken into account and considered in preparing the next Local Plan, or which could alternatively be addressed through Supplementary Planning Documents or other additional guidance. The Refined Issues and Options Consultation has already indicated the potential topic matters for such new policies and revisions of the current policy approach which will be considered in progressing with preparation of the next Local Plan. Examples could include: self build and custom build housing, housing for older people and specialist housing, and electric vehicle charging. However these are not considered to mean that the adopted Local Plan is out of date or unsound. Recent appeal decisions have also confirmed the adopted Local Plan is consistent with the current NPPF 2019.
- 6.6 The assessment has been subject to review by independent consultants appointed PAS to assist the Council who have prepared an advisory note setting out their response, focusing on advice in informing the potential content of the next Local Plan, the scale of review of the adopted Local Plan which is necessary and consideration of the associated risks and legislative requirements under the Duty to Co-Operate. On the five year review, it considers that this has been used in a positive and constructive way and is supportive of the approach which has been taken in the assessment, including how the adopted Local Plan's policies have been considered. For the next Local Plan, it suggests that this could take the form of a partial review of adopted Local Plan supported by an updated evidence base, depending upon the scale of changes to the spatial strategy. This will be considered in informing the scope and future stages in the next Local Plan's preparation.

- 6.7 It is considered that the review (Annexes to the report) be approved and published. This will ensure that the requirement to undertake a review and publish the outcome of the decision as to whether the adopted Local Plan and its policies require updating is met. The completed assessment made using Part 1 and Part 2 of the toolkit for plan review factors on any changes in circumstances, and relevant paragraphs of the NPPF 2019 on local plan content respectively, provides this information for each relevant requirement.
- 6.8 The outcome of the five year review will assist in informing how preparation of the next Local Plan which has commenced, now moves forward to the formal consultation stages. Implications for next Local Plan and Local Development Scheme (LDS) review.

7 Risk Management

- 7.1 Failure to agree and implement up to date strategic and local planning documents is recorded as a risk in the Council's Corporate Risk Register. Moving forward with progressing with preparation of the next Local Plan mitigates this risk.
- 7.2 Failure to undertake and publish a five year review of the adopted Local Plan and whether its policies need updating is a risk of not complying with the legal requirement to do so. The outcome of this review will assist in informing the preparation of the next Local Plan.
- 7.3 Having an up to date and sound Local Plan compliant with national planning policy is also important in mitigating the risk of decisions being taken outside of a plan led approach.
- 7.4 A risk assessment has been completed in accordance with the Council's Risk management process and the existing risk controls in place mean that no significant risks (Red or Amber) have been identified.

8 Resource Implications

- 8.1 The support of the PAS and that of the consultants appointed by PAS to review the assessment has been provided at no cost to the Council.
- 8.2 The principal resource in preparing the next Local Plan is significant time required from officers within the Planning Policy team and the support required from other services. The cost of delivery, including the commissioning of specialist studies required to update the evidence base, will be met from existing resources.

9 Legal Implications

- 9.1 Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Council is required to undertake a review of the local plan and which is to be completed every five years starting from the date of adoption. This requirement came into force in April 2018. The Council is required to publish to outcome of such reviews.

10 Equality Issues

- 10.1 An EQIA screening has been completed in accordance with the Council's EQIA methodology and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EQIA has not been carried out.

11 Other Issues

- 11.1 Community Safety - None

- 11.2 Environmental Health Issues - None

- 11.3 Sustainability and Addressing a Changing Climate – Sustainability is a fundamental element of the planning system and is incorporated within any future planning decision. The review identified where the adopted Local Plan does not have specific policies, however, both mitigation of the impact of development on climate change, and adaption to the impacts of climate change, will be issues which the next Local Plan will seek to take into account, as address as relevant.

- 11.4 Property Issues - None

- 11.5 Wards/Communities Affected – All

12 Conclusions and reasons for recommendation

- 12.1 Having reached the five year anniversary of its adoption, the Council is required to undertake a review of whether the adopted Local Plan remains up to date. The review considered whether there has been a significant change in circumstances which affects the plan's strategy and whether it remain up to date and consistent with current national planning policy, as expressed in the National Planning Policy Framework (NPPF) 2019.

- 12.2 The five year review of the adopted Local Plan which has been undertaken through preparing an assessment using the PAS Local Plan Route Mapper Toolkit Part 1 and Part 2. This assessment has then been subject to review by independent consultants appointed PAS to assist the Council who have prepared an advisory note setting out their response, focusing on advice in informing the potential content of the next Local Plan, the scale of review of the adopted Local Plan which is necessary and consideration of the associated risks and legislative requirements under the Duty to Co-Operate.

- 12.3 The findings of the assessment using Part 1 have concluded that the spatial strategy of adopted Local Plan is considered to remain sound and plan policies remain up to date. Plan policies will be updated as relevant in order to provide spatial strategy beyond the 2029 plan period of the adopted Local Plan.

- 12.4 The findings of the assessment using Part 2 have concluded that NPPF 2019 requirements necessitate some new or additional policy, or revision of the current policy approach being considered to address these, or which will be taken into account and considered in preparing the next Local Plan, or which could alternatively be addressed through Supplementary Planning Documents or other additional guidance. However these are not considered to mean that the adopted Local Plan is out of date or unsound.
- 12.5 It is considered that the review (Annexes to the report) be approved and published. This will ensure that the requirement to undertake a review and publish the outcome of the decision as to whether the adopted Local Plan and its policies require updating is met.
- 12.6 The outcome of the five year review will assist in informing the preparation of the next Local Plan, which has commenced, now moves forward to the formal consultation stages.

Background Papers (Local Government Act 1972 Section 100D)

National Planning Policy Framework 2019

Planning Practice Guidance

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Test Valley Borough Local Plan 2011-2029

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	3	File Ref:	pp1
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(Portfolio: Planning) Councillor N Adams-King

Officer:	David Bibby	Ext:	8105
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Report to:	Cabinet	Date:	10 March 2021
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