

Test Valley Local Development Scheme (2021)

Report of the Planning Portfolio Holder

Recommended:

1. That the Test Valley Local Development Scheme (2021), as Annexed to the report, be approved.
2. That the Head of Planning Policy and Economic Development, in consultation with the Planning Portfolio Holder, be authorised to make changes of a minor nature to the Test Valley Local Development Scheme (2021) prior to publication.

SUMMARY:

- The purpose of this report is to outline the scope for preparing the Local Plan and seek approval to amend the Local Development Scheme to reflect the amended timetable.

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 in the Corporate Plan.
- 1.2 The Adopted Local Plan was adopted in January 2016 and covers the period up to 2029. The Council adopted its current Local Development Scheme in January 2020 which sets out the approach and timetable the Council will follow in the preparation and adoption of planning policy documents, including the Local Plan. The most recent stage in the Local Plan's preparation was a Refined Issues and Options Consultation which was undertaken 3 July – 28 August 2020 (delayed from 2020 Q1 as scheduled in the LDS 2020), and this followed initial Issues and Options Consultation between 6 July – 14 September 2018.
- 1.3 The purpose of this report is to set out the reasons for reviewing the scope and timescale of the Local Plan, and thus to seek approval for a revised timetable for this, as set out within a new updated LDS (Annex 1).

2 Background

- 2.1 It is a legal requirement for the Council to publish a Local Development Scheme setting out the approach and timetable for preparing future Development Plan Documents (DPD) which form part of the Development Plan, and to keep it up to date.

- 2.2 The current LDS states the next stage of the Local Plan, Regulation 18 Preferred Options consultation draft, was scheduled for Q1 2021 however since the current Local Development Scheme was adopted in 2020, the context within which preparation of the Local Plan needs to be undertaken has continued to evolve, such that there are now a number of factors which lead to a need to review the scope and timetable going forward. These factors influence the process, content and proposals for the Local Plan, some of which are outside of the Council's control. These are detailed below.

Planning Reforms and Planning Bill

- 2.3 In August 2020 the Government published 'Planning for the Future' White Paper which sought views on a number of packages regarding proposals for reform of the planning system in England to streamline and modernise the planning process. A Planning Bill was confirmed in the Queen's speech in May 2021. The new Planning Bill would take forward these changes, however given a detailed timetable is yet to be announced, there is the risk that national legislation could change during the preparation of the Local Plan and have an impact on it. This risk is outside of our control and will apply to all local authorities however we will continue to monitor the progress of the Planning Bill and future proof the Local Plan as appropriate.
- 2.4 Although the Government is progressing with a new Planning Bill, the Government is still encouraging local planning authorities to continue to progress with reviewing and updating their local plans and not await the outcome of the proposals. The Government's target remains for all local planning authorities to have an up to date local plan in place by the end of 2023. Our proposed timescale will not meet this target, as adoption is scheduled for Q3 in 2025, however we will have made significant progress of having a draft plan (Regulation 19) out to public consultation by the end of 2023. This will ensure the Council are continuing to make progress with plan making in accordance with the Government's guidance on encouraging local planning authorities to continue to progress their local plans.

2.5 Evidence Base

- 2.6 The content of the Local Plan will need to be justified by evidence. The Council continues to progress with updating its evidence base studies, updates are provided below. The evidence for the Local Plan will need to take account of potential impacts from Brexit and the COVID pandemic. These factors are outside of our control and will influence how we plan for our communities going forward. However these impacts are still emerging and thus the timing of understanding these impacts, alongwith Government advice of continuing to progress with updating local plan, is a big challenge. Our proposed timetable provides a degree of flexibility for our evidence to take account of these impacts, however as time progresses, it is likely that we will need to consider undertaking further updates to our evidence.

- 2.7 The evidence base studies we have completed at present, are regarding retail, landscape character assessment, employment land needs, playing pitch strategy and sport and recreation strategy, and renewable and low carbon energy. Further studies on Housing Market Areas to inform the spatial strategy, a new Strategic Housing Market Assessment (SHMA) to inform the future mix of housing including affordable housing and the housing needs of particular household groups, gypsies and travellers, and a replacement Strategic Flood Risk Assessment (SFRA), are currently underway. In addition we are undertaking a Sustainability Appraisal, as required by national legislation, on emerging proposals to ensure sustainability is embedded in the Plan and we are updating our Strategic Housing and Economic Land Availability Assessment which will inform our site selection process. Other evidence base studies will need to be undertaken as plan preparation continues and have been factored into the timetable.
- 2.8 The current Government standard methodology figure (using 2014-based household projections and latest 2020 affordability ratio) is for 541 dwellings per annum (dpa) Borough-wide, compared to 588dpa in the Adopted Local Plan. As plan preparation progresses, the housing need figure generated using the standard methodology may change as the inputs are variable which we will need to take into consideration. Consideration will also need to be given to planning for sufficient supply of homes to meet this requirement, to allow for flexibility and resilience in our supply for the future. It remains uncertain whether the housing requirements of neighbouring authorities will result in any future requests for Test Valley to help meet any shortfalls. This in part will be considered in the context of ongoing joint working on strategic planning for South Hampshire in preparing an updated Statement of Common Ground by the Partnership for South Hampshire (PfSH) under the Duty to Co-Operate.

Five Year Review of Adopted Local Plan

- 2.9 As the adopted Local Plan reached the five year anniversary of its adoption on 27 January 2021 a (five year) review was undertaken of the plan in accordance with Regulation 10A The Town and Country (Local Planning) (England) Regulations 2012 (as amended) using the PAS Assessment Toolkit. The Council is legally required to review its local plan five years from adoption to ensure that policies remain relevant. This does not mean that a new local plan needs to be adopted within five years, but that the review should either be underway or triggered, depending on the issue.
- 2.10 The purpose of the review was to ensure that the plan and its policies remain effective and to identify any areas which need to be reviewed. The review was approved by Cabinet on 10 March 2021 (Item 431). The review concluded that the spatial strategy is considered to remain sound and plan polices remain up to date and continue to provide a robust basis for decision making in the determination of planning applications. Recent appeal decisions have also confirmed that the adopted Local Plan is consistent with the NPPF 2019. This demonstrates that whilst the new Local Plan is being prepared, the Council's existing Adopted Local Plan still provides a robust basis for decision making on planning applications.

- 2.11 The review did advise on whether new policies may be required for consideration in the Local Plan. It also advised that consideration could be given to whether policies could be 'Saved' from the Adopted Local Plan, in particular in relation to Development Management policies, which would not need to be reviewed through the Local Plan as they remain effective in implementation.

Five Year Housing Land Supply

- 2.12 Alongside the preparation of the Local Plan, we will still need to monitor our five year housing land supply (HLS). The calculation of the latest HLS position (as at April 2021) is currently in preparation. Forecasting future supply is complex and there are a number of variables which can affect it, including how the nutrient neutrality issue impacts delivery. The Council has taken positive steps to assist in mitigating the impact of nitrates on the Solent and support the delivery of homes however this issue is one that the Council can not resolve on its own. If required, the Adopted Local Plan, at paragraph 5.103 includes a number of contingency measures which could be brought forward by the Council if considered needed to supplement our supply.

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 set out within the Corporate Plan and has continually been identified within the annual Corporate Action Plan. It will set 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. It will have a key role in delivering the Council's priorities through providing a planning policy framework to support the emerging proposals of the town centre masterplans and the actions needed to address the climate emergency.

4 Consultations/Communications

- 4.1 The Council's proposed approach would look to reinforce its commitment to greater engagement with communities and organisations. The proposed revised timescale would allow for greater time for the Local Plan to seek to consider the priorities and aspirations of the community, including those of parish councils and other stakeholders and for the preparation of the evidence base and supporting technical work. It would also allow for the ongoing collaboration being undertaken through the Andover Vision and Romsey Future community initiatives to be taken into account, as well as the work in progressing the masterplans for both Andover town centre and south of town centre, Romsey. The Local Plan will sit alongside current and future community-led Neighbourhood Plans, in providing the future Development Plan for the Borough.

5 Options

5.1 The key options for the timetable for the Local Plan are as follows:

- Approve the recommended revised timetable and scope; or
- Consider alternative timetables which present quicker or slower timescales.

5.2 The key options for the scope for the Local Plan are as follows:

- Full Review of the Adopted Local Plan
- Partial Review of the Adopted Local Plan

6 Option Appraisal

6.1 The proposed revised scope and timescale of the Local Plan is considered appropriate and achievable in light of current circumstances and taking account of all relevant considerations, at present. The reasons behind why it has been proposed and why is considered appropriate are discussed below.

Recommended Timescale

6.2 The recommended timescale is as follows:

- Regulation 18 public consultation is undertaken in two stages:
 - Stage 1 public consultation would be undertaken in 2022 Q1 and cover strategic matters
 - Stage 2 would be undertaken in 2022 Q4 and provide a full draft document
- A Regulation 19 public consultation undertaken in 2023 Q4
- Submission would take place in 2024 Q3
- Examination scheduled for 2024 Q4
- Adoption scheduled for 2025 Q3

6.3 The recommended timescale for the Local Plan is realistic and enables the Council to balance a number of factors. A two stage approach to our Regulation 18 stage provides the opportunity to present a stepped approach to proposals with strategic matters proposed at Stage 1 which can be refined and updated as part of a full Regulation 18 document at Stage 2. This approach and timescale enables an iterative plan making process to be undertaken, which will ensure an evidence led approach along with ensuring engagement and consultation outcomes can be considered and reflected in the Local Plan. This two step approach will provide some flexibility to appropriately consider and take account of evidenced impacts from Brexit and COVID pandemic which can be reflected in the Local Plan.

- 6.4 In addition, and as mentioned above, the Government is proposing a new Planning Bill however the resulting changes to national legislation and any transitional arrangements set out between the current and new system are likely to have implications. The proposed timescale enables a degree of flexibility for changes to be considered and to consider future proofing the Local Plan to enable longevity however, as explained above, this impact is wholly dependent on the scale and timescale of the national changes taken forward.
- 6.5 Overall the proposed timescale provides a balance between making positive progress in a timely manner whilst ensuring an iterative plan making process can be undertaken with a degree of flexibility to enable the management of risks.
- 6.6 There are risks attached to extending the local plan timescale. The National Planning Policy Framework (NPPF) (para.11) sets out that where the most important policies for determining planning applications are out of date a 'presumption in favour of sustainable development' applies. As the local plan ages and fresh guidance/new case law is produced there may be increased challenge from applicants/developers that the policies are out of date. This risk will remain until the Local Plan is Adopted. To reduce this risk, and as explained above, the Council has undertaken a five year review of the adopted Local Plan to ensure that policies remain relevant. This review was undertaken using the PAS Toolkit and was approved on 10th March by Cabinet.

Alternative Timescales

- 6.7 Alternative timescales could be undertaken for the Local Plan for both a quicker and slower timescale.
- 6.8 A quicker timescale would not enable an iterative plan making process to be undertaken and thus not enable an evidence led approach and for consultation outcomes to be appropriately considered and reflected. This presents a risk of significant objections being received to the Local Plan. In addition, there would be a minimal degree of flexibility within the timescale to manage risks and change. However it could enable the Council to progress a Local Plan that is nearer to meeting the Government's target of having an up to date Local Plan by 2023, but given an iterative plan making process won't be undertaken and subsequent level of objection, there is a risk the Plan would not be able to be progressed quickly through Examination and therefore there is the risk that Adoption of the Plan would be delayed.
- 6.9 A slower timescale would enable an iterative plan making process to be undertaken and provide sufficient time for an evidence led approach and consultation outcomes to be appropriately considered and reflected. It would also provide flexibility within the timescale to enable risks and change to be managed. However this would be contrary to Government guidance in terms of continuing to make positive plan progress and we would be further away

from achieving the 2023 target date of having a Plan adopted. It also presents an increase risk that the existing Local Plan will become out of date and not provide a robust basis for decision making.

Scope of Local Plan

- 6.10 There are two options to consider in taking forward the scope of the Local Plan: a partial review, which the five year review of the adopted Local Plan suggests could be undertaken in particular for development management policies, or a full review. It is proposed a full review of the plan be undertaken. Both options provide for the opportunity to review and update parts of the adopted Local Plan and identify new policies however a partial review provides the opportunity to save Adopted Local Plan policies which are currently effective in implementation. This would mean these policies would not need to be re-examined through the plan making process of the Local Plan.
- 6.11 A partial review of development management policies could result in reducing some of the time it takes to prepare them due to not re-opening examination of such policies. However, given development management policies are generally less controversial than other parts of the Local Plan, those benefits are considered marginal. A full review would also provide the opportunity to carry forward effective policies however there would be the flexibility to update these policies to respond to changes both at a national and local level and as the local plan evolves through the plan making process. It provides the opportunity to add a local distinction to policies. This will ensure these policies are up to date at the point of adoption of the Local Plan and minimise the risk of these policies having a limited life span.
- 6.12 On balance, a full plan review is recommended to provide flexibility to respond to change, strengthen the resilience and longevity of policies and enable local distinction to be reflected in these policies.

Regulation 18 'Preferred Approach' consultation

- 6.13 Following the statutory plan preparation process, the next consultation stage is the Regulation 18 which will identify our preferred approach. There is considerable flexibility open to local planning authorities in how they carry out the initial stages of plan production providing they comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulation 2012 on consultation matters. Therefore a two stage approach is proposed for our Regulation 18 stage, for the reasons explained above. The proposed scope of the respective Regulation 18 Stage 1 and Stage 2 documents is detailed below. Stage 1 will only address strategic matters whereas Stage 2 will be a full draft Regulation 18 document which will encompass the strategic matters addressed in the Stage 1 document however these will be updated reflecting outcomes of evidence and consultation, as considered appropriate.

Regulation 18 Stage 1 (Strategic Matters)

- Vision and Objectives
- Spatial Strategy (distribution of growth, delivery of infrastructure, delivery of sustainable and well designed places and settlement hierarchy)
- Housing and Economic Needs
- Corporate Priorities (Andover and Romsey Town Centres and Climate Emergency)
- Site Selection Methodology Topic Paper

Regulation 18 Stage 2 (Full draft document)

- All topics covered at Stage 1, and as explained above, updated as appropriate to reflect the outcomes of public consultation and any further evidence
- Settlement Boundaries
- Site Allocations
- Development Management Policies

6.14 It is proposed that the Local Plan will include provision for the gypsy, traveller and travelling showpeople community rather than a separate Development Plan Document however this does depend upon the outcomes of the review of the evidence base. The Sustainability Appraisal and Habitats Regulations Assessment will be undertaken on all proposals within the Local Plan which will include assessment on proposals to meet provisions for this community.

6.15 In order to reflect the recommended scope and revised timetable as detailed above for the Local Plan, as required by legislation, the Council would need to update its Local Development Scheme. An updated Local Development Scheme (2021) to be approved is provided as an annex to this report.

Plan Period

6.16 The Council will need to extend beyond the current 2029 date in the Adopted Local Plan. The National Planning Policy Framework indicates that strategic policies should look ahead over a minimum 15 year period from adoption. Whilst a meaningful extension is needed, the longer ahead into the future this goes, the greater the uncertainty over forecasting future growth. A starting point of 2036 is proposed in which will be finalised through the Stage 2 Regulation 18 document.

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. A factor affecting this risk is the time frame for consultation and undertaking the relevant evidence to ensure an iterative plan making process is undertaken to inform the production of the Local Plan. Approval of the proposed timetable and update of the Local Development Scheme would therefore contribute to the mitigation of this risk.

8 Resource Implications

- 8.1 The principal resource in preparing the Local Plan as identified in the Local Development Scheme 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 A Local Development Scheme is required under Section 15, Planning and Compulsory Purchase Act 2004 (as amended by Localism Act 2011) and should be kept up to date.

10 Equality Issues

- 10.1 An EQIA is not needed because the issues covered have previously been considered by Councillors at Cabinet.

11 Other Issues

11.1 Community Safety – N/A

11.2 Environmental Health Issues – N/A

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. In addition the Council is required to undertake a Sustainability Appraisal on the proposals within the Local Plan to ensure sustainability is embedded within the Local Plan. Both mitigation of the impact of development on climate change, and adaption to the impacts of climate change, will be issues which the Local Plan will seek to take into account, as well as responding to the declared climate emergency.

11.4 Property Issues – N/A

11.5 Wards/Communities Affected - All

12 Conclusion and reasons for recommendation

- 12.1 The report outlines the reasons for reviewing the scope and timetable for the the Local Plan. In light of these, it proposes a revised timetable to be reflected within an updated Local Development Scheme along with any other relevant updates required to the Local Development Scheme.

Background Papers (Local Government Act 1972 Section 100D)

Test Valley Borough Local Plan 2016

Test Valley Gypsy and Traveller DPD (Regulation 18 consultation draft) 2015

Test Valley Local Development Scheme, updated 2020

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:	1	File Ref:	pp1
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(Portfolio: Planning) Councillor Adams-King

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Report to:	Cabinet	Date:	29 September 2021
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