

Test Valley Borough Local Plan – Regulation 18 Stage 1 Public Consultation

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Test Valley Borough Local Plan 2040 Regulation 18 Stage 1, attached as the Annex to the report, be published for public consultation.**
- 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, or to improve the presentation in the Annex to the report prior to publication.**

SUMMARY:

- The purpose of this report is to seek approval for public consultation on the Council's proposed Local Plan 2040 Regulation 18, Stage 1 document.

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 included in the Corporate Plan. It also seeks to reflect the aspirations of our communities.
- 1.2** The current Local Plan was adopted in January 2016 and covers the period up to 2029. The Council approved an updated Local Development Scheme (LDS) in September 2021, setting out the future timetable for preparing the next Local Plan. The Regulation 18 Stage 1 is the latest stage of plan preparation.
- 1.3** The Council has undertaken two stages of non-statutory public consultation:
 - Issues and Options document. Public consultation was undertaken between 6 July and 14 September 2018. This consultation sought views on issues that the Borough, and those that live and work in Test Valley will face in the future, together with how best to deal with them. This has helped us to better understand what our communities see as the key planning issues going forward.
 - Refined Issues and Options document. Public consultation was undertaken between 3 July and 28 August 2020. This consultation sought to build upon the outcomes of the Issues and Options consultation and to recognise and take account of recent key changes and trends through presenting more detailed and specific policies and proposals. The comments received have informed the detailed policies and proposals set out in the Regulation 18 Stage 1 document.

- 1.4 The purpose of this report is to seek approval for the first statutory stage of the Local Plan 2040, the Regulation 18, Stage 1 to be published for public consultation.

2 Background

- 2.1 The Borough Local Plan is the statutory document that provides the spatial vision for the future of Test Valley in land use and planning terms. It will set out the level of new homes, jobs and infrastructure to be provided to support the Borough's communities and meet their future needs, whilst also protecting the local environment. It will also set out planning policies that will be used as the starting point for determining planning applications. The Local Plan is therefore a key policy document for the Council, setting out the planning framework for the future of the Borough. It also helps implement the spatial aspects of the Council's priorities and delivery of infrastructure, as set out in the Corporate Plan and the Climate Emergency Action Plan.
- 2.2 This stage is the first statutory step in preparing a draft Local Plan, and there is considerable flexibility open to local planning authorities in how they carry out this stage. However, it has to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in relation to how the Council consults along with complying with the Council's Statement of Community Involvement. The Statement of Community Involvement was adopted in December 2017 and an Addendum was approved in June 2020 to take account of changes to consultation when coronavirus restrictions are in place.
- 2.3 The Council is undertaking this first statutory step in two stages. This approach was agreed by Cabinet on 29 September 2021. This two-stage approach provides the opportunity to present a clearer stepped approach to proposals. Strategic matters are set out at this stage (Stage 1). These will be refined and updated at the next stage (Stage 2) along with providing our draft site allocations and Development Management policies. Stage 2 will therefore be a full draft Local Plan document. This approach and timescale enable an iterative plan making process to be undertaken, ensuring evidence led approach along with ensuring engagement and consultation outcomes can be considered and reflected in the Local Plan.
- 2.4 The structure of the Local Plan allows the Council to continue to work collaboratively with our communities and wider stakeholders in preparing the Local Plan alongside meeting the requirements of Government policy as set out in national planning guidance. The consultation responses received on both previous stages of consultation have also influenced the content. Officers have also engaged with key external stakeholders and neighbouring authorities on the content of this Local Plan.

- 2.5 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 to take forward these changes. However, the full extent of the reform is currently unknown, as is the timetable for any changes that result from the future Planning Bill. At the same time, the Government is also encouraging local planning authorities to continue to review and update their local plans with a Government's target for all local planning authorities to have an up-to-date plan in place by the end of 2023.
- 2.6 Over the timeframe of preparing the Local Plan, there is the risk that national legislation will change and have an impact on the Local Plan. This does present a risk as changes to national legislation could lead to need to halt plan preparation and consider implications on the Local Plan. If this were to take place, there may be need to pause plan preparation and consider any implications for the preparation of the Local Plan.

3 Corporate Objectives and Priorities

- 3.1 The Local Plan is a key policy document for the Council in respect of delivering our corporate objective set out within the Corporate Plan 2019-2023 'Growing our Potential' approved in April 2019, setting our vision and four strategic priorities. The Local Plan 2040 plays a key role in:
- Providing a long-term strategic overview of what is needed in our **town centres**, within an ever-changing environment, putting in place the mechanisms to enable regeneration with the Adopted Masterplans for the respective Town Centres being key to delivery of this.
 - Strengthening our **community**-led approach to spatial planning so that people can play an active part in shaping their communities.
 - Supporting our communities to ensure that the right infrastructure at the right scale is secured that delivers homes and employment growth, enabling **people** to access a job, live in a decent home and fulfil their aspirations.
 - Identifying opportunities to increase access to the **local environment** including countryside and green spaces for Test Valley residents.
- 3.2 Since the latest Corporate Plan was approved, the Council declared a climate emergency in September 2019 and approved its first Climate Emergency Action Plan (CEAP) in 2020. The CEAP concentrates on what the Council can do to make a difference. The Local Plan is a mechanism to address and counter our changing climate and is embedded in the Local Plan. It will help to minimise the impact of new development relating to many matters, from design and layout of building to nature-based solutions.

4 Consultations/Communications

- 4.1 The draft Local Plan (Annex to the report) has been drafted with the aim of providing clarity to the process and direction of travel of the Council with a wide range of communities, third parties and interest levels but balanced with the need to use technical language to demonstrate the Local Plan will meet Government tests for Local Plans. Inevitably, given the range of issues that the Borough faces and the content the Local Plan needs to cover, the document is lengthy.
- 4.2 The draft Local Plan does look different to the previous documents. This is the first document that identifies draft policies and approach focussing on our strategic priorities. We are seeking comments on the draft policies and approaches set out in the Local Plan. We have set out specific queries where we are seeking views on specific matters to assist in refining our policies and / or evidence.
- 4.3 In drafting the Local Plan Regulation 18 Stage 1 Local Plan, officers have built upon the feedback received in the responses made to the previous two stages of consultation. The Statement of Consultation sets out the methods we have used to undertake public consultation, the main issues arising from consultation comments and a large schedule that summarises all consultation comments with officer responses. The latter is set out in an Appendix to the Statement of Consultation.
- 4.4 As explained above, public consultation of the draft Local Plan needs to be in conformity with the statutory requirements and the processes and methods set out in the Council's Statement of Community Involvement in Planning 2017 (SCI) and Addendum (2020) if coronavirus restrictions are in place. Section 5 of the SCI sets out the requirements for consulting on the local plan documents, including notifications and publishing details on websites/local media. At present, there are no coronavirus restrictions in place that would affect our ability to undertake our statutory consultation measures however, we will keep this under review depending on the coronavirus restrictions in place at the time of public consultation.
- 4.5 Consideration will need to be given about the ability to attend face to face meetings dependent on the coronavirus position at the time of consultation. This is at odds with our community focussed approach. In order to address this issue and in taking account of our Public Sector Equality Duty and other requirements of the Equality Act 2010, additional or enhanced consultation methods will be undertaken through the greater use of social media and the use of digital and virtual tools where possible. We will also look to see how we can best engage with community and voluntary groups who. Planning officers will work with our Communities Team to establish the most effective methods to undertake.

5 Options

- 5.1 The options to consider are whether or not to publish the draft Local Plan Regulation 18 Stage 1 for public consultation.

6 Option Appraisal

- 6.1 The merits of undertaking a two-stage process for the Regulation 18 Local Plan was outlined in the September 2021 Cabinet report. The content of the Stage 1 document is based on current guidance, evidence and the outcome of previous consultations.
- 6.2 The Stage 1 document is focussed on strategic matters which address the strategic priorities for Test Valley. This is split into four chapters:
- **Vision and Objectives:** The Vision summarises the Council's aspirations for the Borough over the plan period. The Objectives set out our planning priorities for Test Valley reflecting the challenges we face and the issues that resonate with our communities. The 10 Objectives provide the connection between how we will deliver the Vision through providing specific priorities for the plan's policies.
 - **Spatial Strategy:** The Spatial Strategy sits alongside the Objectives and sets out the overarching direction of the location, types and shape of development. It identifies where and what sustainable development looks like for our communities in Test Valley.
 - **Strategic Policy Framework:** This sets out a strategic policy framework to guide development reflecting our economic, social and environmental priorities for Test Valley as set out in our Objectives. They address our corporate priorities such as regeneration of our town centres, and the need to counter climate change. They also address the delivery of high-quality development, conserving and enhancing Test Valley's high quality natural, historic and built environment. Not all strategic policies have been set out at this stage, reflecting where our evidence is still emerging or where national policy is significantly evolving. Where this is the case, we have set out the next steps for drafting these policies.
 - **Meeting our Needs:** A key part of delivering a sustainable pattern of development, is meeting the development needs of our Borough. This stage of the Local Plan identifies our housing needs. It sets out the next steps to identifying our employment needs and the needs of the Gypsy, Traveller and Travelling Showpeople community as we are currently undertaking evidence to identify these needs. We will be assessing our needs for retail, leisure and other uses, for the next stage of the Local Plan, Regulation 18 Stage 2.
- 6.3 There are a number of appraisals or assessments that are critical to inform the preparation of the Local Plan. These include the Sustainability Appraisal, Habitats Regulations Assessment, Equalities and Health Impact Assessments. These appraisals or assessments ensure sustainability is embedded within the Local Plan, as well as ensuring the impacts from the proposals or policies in the Local Plan on protected habitats, equality and health are fully considered and reflected in the Plan.

- 6.4 Those that have been undertaken include a Sustainability Appraisal and an Equalities and Health Impact Assessment. The outcomes of these have informed the draft policies. A Habitats Regulations Assessment will be produced alongside the preparation of the next stage of the Local Plan. This will assess if the draft Local Plan as a whole, could have significant harm on the designated features of a European Site.
- 6.5 This stage of the local plan process introduces complex and challenging issues particularly around the scale and overarching distribution of housing that the Borough will need to accommodate. The draft document represents the culmination of various pieces of research, appraisal and assessment undertaken within the context of the planning framework and case law. The Council could decide to undertake a different strategic approach to the draft Local Plan prior to consultation. However, alterations to the core strategic direction would need to be carefully considered and justified and as such are not recommended. The consultation does provide the opportunity to receive feedback from our communities and other interested parties on the proposal and give the Council the ability to review, consider and make amendments, where justified and appropriate.
- 6.6 It is proposed that the plan period for the Local Plan starts in 2020 and although it was previously suggested an end date of 2036 in our Refined Issues and Options document, we are now proposing an end date of 2040. The plan period has been amended to reflect the change in the timescale to prepare the Local Plan (as set out in the updated LDS September 2021) and the need to be in conformity with national policy. National planning policy is clear that the Council needs to look ahead over a minimum 15 years from the date of adoption of the plan and as the adoption of the Local Plan is expected to take place in 2025, the Local Plan end date is proposed to be 2040.
- 6.7 In recommending the publication of the draft Local Plan for consultation the Council is mindful of the current circumstances caused by coronavirus and a need to consider the most suitable way to proceed reflecting this. A balance needs to be struck between continuing to make progress, whilst mindful of how public consultation can be appropriately conducted without groups being at a disadvantage or put at risk.
- 6.8 There are also likely to be national government announcements regarding the next steps for planning reform in 2022, as initially identified in the Planning for the Future White Paper (August 2020) and confirmed in the Queen's Speech in May 2021 however the timescale and extent of reforms is currently unknown. This risk is outside of our control and will apply to all local authorities. It could lead to the need to halt plan preparation and consider implications however we will continue to monitor the progress of any changes and future proof the Local Plan as appropriate.
- 6.9 However, at the same time, the Government is also encouraging local planning authorities to continue to review and update their local plans and not await the outcome of the planning reforms. The Government's target remains for all local planning authorities to have an up-to-date plan in place by the end of 2023.

- 6.10 The recommended approach is to proceed with public consultation on the draft Local Plan, Regulation 18 Stage 1, in order to demonstrate progress and maintain momentum, in accordance with government advice. The Council may not be meeting the Government target however it would have made significant progress with a final draft of the Local Plan 2040 (Regulation 19 stage) being published by the end of 2023. This timescale will ensure we have time to listen and consider the views of our communities and our evidence in preparing the Local Plan. Also, whilst the Local Plan 2040 is being prepared, the Council's existing Adopted Local Plan 2029 still provides a robust basis for decision making on planning applications. This was demonstrated through the Council's five-year review of the Adopted Local Plan 2029 (Cabinet 10 March 2021).
- 6.11 Public consultation will need to be undertaken in a manner which as is reasonably practical, adapted to take account of the coronavirus circumstances at present. The Council will utilise the digital methods available to maximise opportunities to undertake public consultation and consider how best to reach groups at a disadvantage through these means.
- 6.12 The alternative is not to proceed with public consultation in the present circumstances. However, it is unclear when national legislation changes will take place and it is not known how long the impact of the coronavirus will have on our ability to undertake face to face engagement. In light of Government advice to proceed with plan preparation and the need to make progress in line with the LDS along with our ability to maximise appropriate forms of engagement. This alternative option is not recommended. The option as described in paragraphs 6.1-6.11 above and as set out in the recommendation at the beginning of this report is therefore the recommended option.

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 timetable for producing the Local Plan including undertaking the necessary evidence and the methods of public consultation. To minimise this risk, we are preparing the Local Plan in accordance with the approved Local Development Scheme (September 2021) and undertaking public consultation in accordance with the approved Statement of Community Involvement and Addendum.

8 Resource Implications

- 8.1 The proposed recommendation can be met from existing resources.

9 Legal Implications

- 9.1 The Council is required to prepare a local plan and for this to be kept up to date, with its policies reviewed at least every five years post adoption. The public consultation on the draft Local Plan needs to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

10 Equality Issues

- 10.1 An EQIA has been undertaken and potential impacts have been evaluated.
- 10.2 Community Safety – N/A.
- 10.3 Environmental Health Issues – N/A.
- 10.4 Sustainability and Addressing a Changing Climate – Sustainability is a fundamental element of the planning system and is incorporated within any future planning decision. Both mitigation of the impact of development on climate change, and adaption to the impacts of climate change, are key issues addressed in the Local Plan. The draft Local Plan seeks to reflect this throughout, and address as relevant to the policies.
- 10.5 Property Issues – N/A.
- 10.6 Wards/Communities Affected – All.

11 Conclusion and reasons for recommendation

- 11.1 The report seeks the approval to publish the Local Plan 2040 Regulation 18 Stage 1 document for public consultation.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Test Valley Local Development Scheme 2021 Statement of Consultation and Appendices Sustainability Appraisal Equalities Impact Assessment Health Impact Assessment			
<u>Confidentiality</u> 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:	pp1.2
(Portfolio: Planning) Councillor P Bundy			
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Report to:	Council	Date:	26 January 2022