

Test Valley Local Development Scheme (2022)

Report of the Planning Portfolio Holder

Recommended:

1. That the Test Valley Local Development Scheme (2022) be updated in accordance with the timetable set out in the report.
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 prior to publication.

SUMMARY:

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

1 Introduction

- 1.1 The current Local Plan, adopted in January 2016 has a plan period which runs to 2029. The Council has commenced the process of preparing the next Local Plan 2040. The Council adopted its current Local Development Scheme in September 2021 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 draft Regulation 18 Stage 1 consultation undertaken between 11 February and 8 April 2022.
- 1.2 The purpose of this report is to set out the reasons for reviewing the timetable of the Local Plan 2040 and thus to seek approval for a revised timetable. This will lead to the need to update the LDS.

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, draft Regulation 18 Stage 2 consultation, is scheduled for Q4 2022 however since the current Local Development Scheme was adopted in 2021, there has been a change in a key factor relating to ensuring an iterative plan making process is undertaken, which leads to a need to review the timetable going forward.

- 2.3 Plan making needs to be an iterative process to ensure evidence and engagement outcomes inform the plan and ensure the plan's policies and sites contribute to the achievement of sustainable development. The National Planning Policy Framework states local plans should be positively prepared, shaped by engagement and underpinned by relevant and up to date evidence. Reflecting this, we are undertaking a series of technical evidence studies and engagement to inform the proposals in the Local Plan including evidencing our site allocations.

Planning Reforms and Regeneration and Levelling Up Bill

- 2.4 Since public consultation concluded on the draft Local Plan Regulation 18 Stage 1, the Government have published the Regeneration and Levelling Up Bill (May 2022). The Bill proposes changes to plan-making in the future which will be set out in regulations in due course for public consultation. The Government are still intending to progress with a 30 month timescale to produce a Local Plan through these regulations however the Government recognise that local planning authorities will require time to transition to the new system. No guidance has been issued as to when these transitional arrangements will be published including timescales for public consultation upon them.
- 2.5 The implications presented from changes to national policy and legislation are out of our control and not unique to Test Valley. We will need to keep the proposed changes under review and once further details are known, and depending on its implications for us, we may need to review and pause progress to consider whether these changes have an impact on the timetable or content of the draft Local Plan 2040.

Duty to Co-operate

- 2.6 We are working with our neighbouring authorities under the duty to cooperate on strategic across boundary matters. Of particular relevance is the work being undertaken through the Partnership for South Hampshire including on an updated Statement of Common Ground (SoCG). An updated timetable is expected to be considered by the PfSH Joint Committee in December 2022. This work will inform the proposals within the draft Local Plan including ongoing work on meeting housing needs across South Hampshire.

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 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 revised timetable would enable further time to be provided to undertake the necessary evidence base studies to ensure it can be demonstrated that the proposals in the Local Plan are contributing towards achieving sustainable development through an iterative plan making process. The proposed approach would also provide the opportunity to reinforce the Council's commitment to enable greater engagement with communities and organisations. It would also allow for the work progressing on the masterplans for both Andover town centre and south of town centre, Romsey to inform the draft Local Plan. 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 recommended revised timetable; or
- Continue with the current agreed LDS timetable; or
- Consider alternative timetables which provide a longer timetable

6 Option Appraisal

- 6.1 The revised timetable of the Local Plan is considered necessary to ensure an iterative plan making process can be undertaken to ensure the Local Plan's proposals contribute towards achieving sustainable development. We have commenced a series of evidence-based studies, including, but not limited to, landscape sensitivity analysis, viability assessment, strategic flood risk assessment, and transport assessment. However the latter, the transport assessment, will not be completed in time to inform the proposals within the Regulation 18 Stage 1 draft in accordance with the current timetable. Without this evidence, it does not give the Council the ability to assess the likely highway impacts that may arise from preferred site allocations.
- 6.2 This also has knock on implications for other evidence studies due to dependency on this key piece of evidence; this is the air quality assessment and the Habitats Regulations Assessment. The air quality assessment requires likely traffic movements arising from the proposals in the draft Local Plan, to be able to assess impact on air quality. The Habitats Regulations Assessment (HRA) is dependent on the air quality assessment to be able to screen and assess air quality impacts on the integrity of European Designated Sites. The scope of assessing air quality impacts within the HRA will not be able to be undertaken to inform the Regulation 18 Stage 1 draft in accordance with the current timetable.

- 6.3 National policy and the Habitats Regulations require evidence to be undertaken and feed into the Regulation 19 stage of the Local Plan. Therefore not having this evidence to feed into the Regulation 18 Stage 2 document, is technically acceptable however it does pose a risk that we would not have all technical evidence to inform our preferred sites and their likely impact on highways and thus whether, on balance, they will be contributing to achieving sustainable development.
- 6.4 The revised timescale would also provide the opportunity to have further time to undertake further engagement with stakeholders and the community. By maximising the potential for an iterative plan making process to be undertaken through evidence and engagement, will increase the likelihood of overcoming outstanding matters and reduce likelihood of objections from statutory consultees.
- 6.5 In relation to national planning policy and potential changes, the Regeneration and Levelling Up Bill has scaled back the level of change compared to initial proposals set out in the Planning White Paper back in August 2020, however they will still have an impact on plan production. The timescale for progressing these changes through national legislation and identifying transitional arrangement for plans under progress, is unclear. Transitional arrangements set out the timescales for when the current planning system will apply to plan making and when the new planning system will apply to plan-making. This will have an impact on how the Local Plan is prepared. The revised timetable of preparing the Local Plan could increase the risk of not being within the transitional arrangements.
- 6.6 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 5.72 years for Northern Test Valley and 7.18 years for Southern Test Valley and work is underway to update this position. The risk of not maintaining a 5YHLS can increase, the longer the Local Plan takes to adopt. 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.
- 6.7 As explained above, the revised timetable does present increased risks because the Adoption date of the Plan is further away. This relates to potentially not being within the transitional arrangements for applying the current planning system for plan making and of maintaining a 5YHLS. 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, 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 2021 by Cabinet.

- 6.8 Continuing with the current approved timetable would provide less risk in terms of potentially not being within the transitional arrangements for applying the current planning system to local plan making, and of maintaining a 5YHLS, purely because the Adoption date of the Plan is sooner. However there is a risk posed by this option in relation to ensuring an iterative plan making process can be undertaken and having sufficient technical outputs to ensure proposals contribute towards achieving sustainable development. This does have a knock on risk of receiving objections from statutory consultees through public consultation on the Regulation 18 Stage 2 draft.
- 6.9 An alternative longer timetable could be considered. This would result in Regulation 18 Stage 2 taking place post Q3 2023. This timetable would provide the opportunity to enable an iterative plan making process and the benefits associated with this, as explained in paragraph 6.2 above. However the risks associated with the recommended option, would be increased.
- 6.10 The Government’s target remains for all local planning authorities to have an up to date local plan in place by end of 2023, identified in ‘Planning for the Future’ March 2020. The Government have stated they will prepare to intervene where local authorities fail to meet this deadline, in accordance with existing statutory powers which will be considered on a case by case basis. This deadline was further emphasised in Planning Update Written Ministerial Statement in January 2021 including the use of statutory powers where needed. However subsequent to the Regeneration and Levelling Up Bill, there has been no further guidance on the deadline for having an adopted plan although it still remains in place. None of the options for the timetable will meet this timescale, however the revised timetable is a little further away from this target than the current timescale.
- 6.11 The revised timetable provides a balance of still making positive progress on the Local Plan but provides further time to undertake an iterative plan making process to ensure the Council has the appropriate evidence to demonstrate proposals contribute towards achieving sustainable development. The options for the timescale are set out in table 1.

Table 1: Options for Local Plan Timetable

	Recommended Revised timetable	Current agreed timetable (LDS - September 2021)
2022 Q1	Public Consultation on Regulation 18 Stage 1	Public Consultation on Regulation 18 Stage 1
2022 Q2		
2022 Q3		
2022 Q4		Democratic Sign Off and Public Consultation on Regulation 18 Stage 2
2023 Q1		
2023 Q2		
2023 Q3	Democratic Sign Off and Public Consultation on Regulation 18 Stage 2*	
2023 Q4		Democratic Sign Off and Public Consultation on Regulation 19

	Recommended Revised timetable	Current agreed timetable (LDS - September 2021)
2024 Q1		
2024 Q2		
2024 Q3	Democratic Sign Off and Public Consultation on Regulation 19	Submission
2024 Q4		Examination
2025 Q1		
2025 Q2	Submission	
2025 Q3	Examination	Adoption
2025 Q4		
2026 Q1		
2026 Q2	Adoption	

**Public consultation will go into Q4*

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 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 timetable for 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 \(Local Government Act 1972 Section 100D\)](#)

[Revised Local Plan \(DPD\) | Test Valley Borough Council](#)

[Local Plan 2040 Regulation 18 Stage 1 \(13\).pdf](#)

[LDS Jan 2021 v3 \(3\).pdf](#)

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:	None	File Ref:	pp1
(Portfolio: Planning) Councillor P Bundy			
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Report to:	Cabinet	Date:	26 October 2022