

Test Valley Local Development Scheme

Report of the Planning Portfolio Holder

Recommended:

That the Test Valley Local Development Scheme be updated in accordance with the timetable set out in section 5 of the report.

SUMMARY:

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

1 Introduction

- 1.1 The Council has commenced the process of preparing the next Local Plan 2040. The Council adopted its current Local Development Scheme (LDS) in October 2022, which sets out the approach and timetable the Council will follow in the preparation and adoption of planning policy documents, including the next Local Plan 2040. The most recent stage development of the Local Plan 2040 preparation was a draft plan Regulation 18 Stage 1 consultation undertaken between 11 February and 8 April 2022. This included: the broad scale of development, spatial strategy, settlement hierarchy and strategic policies.
- 1.2 The purpose of this report is to set out the reason for reviewing the timetable for preparing the next Local Plan 2040 and thus to seek approval for a revised timetable. This will lead to the need to update the LDS to re-schedule the timescale for the future Regulation 18 Stage 2 and Regulation 19 stages.

2 Background

- 2.1 It is a legal requirement for the Council to publish a LDS, 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 preparing a new Local Plan 2040, draft Regulation 18 Stage 2 consultation, was scheduled for 2023 Quarter 3. However, since the current Local Development Scheme was adopted in October 2022, there has been a change relating to the ongoing preparation of the evidence base required to support the new plan.

- 2.3 Plan making needs to be an iterative process prepared in line with relevant regulations and guidance to ensure evidence and engagement outcomes inform the plan's development and mean the plan's policies and sites contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) states local plans should be positively prepared, shaped by engagement and underpinned by relevant and up to date evidence. Reflecting this, the Council is undertaking a series of technical evidence studies and engagement to inform the proposals in the Local Plan, including evidencing our proposed site allocations which will be needed to accommodate the growth the Borough needs to make provision for.
- 2.4 This includes ensuring that up to date evidence on transport assessment to model the highway impacts of potential development sites, is completed for inclusion in the analysis for determining the content of the Regulation 18 Stage 2 draft plan and its choice of proposed development allocations. This work following engagement with Hampshire County Council and our consultants, although currently underway, is complex and extensive, including the use of separate transport models for the northern and southern parts of the Borough. Due to its complex nature this work is taking longer than anticipated. Without this evidence, it does not give the Council the ability to assess the likely highway impacts that may arise from preferred site allocations. This delay has a consequent impact upon the timing for air quality modelling and associated Habitats Regulations Assessment (HRA) too. The air quality assessment requires likely traffic movements arising from proposals to assess their impact on air quality. The HRA in turn depends upon the air quality assessment to assess impacts on Internationally Designated Sites. This leads to a need to review the timetable going forward, as it is considered an essential element of the site appraisal work.
- 2.5 Significant progress continues to be made in the context of preparing for the Regulation 18 Stage 2 consultation document. Various other evidence base studies having been undertaken, the remainder of the site assessment work and the drafting of development management policies, have progressed over the last year, including engagement on these with both internal and external partners.

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 2023-27 and has continually been identified within the Corporate Action Plan. It will set out the planning policy framework for the spatial aspects of delivering: sustainability to meet our communities' needs, protecting and enhancing our natural environment including biodiversity and the environmental impacts of development, and prosperity and economic growth to achieve a robust local economy for residents and businesses, 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:

- emerging proposals of the town centre masterplans,
- actions needed to address the climate emergency, and
- place-based community focused priorities.

3.2 The revised timetable would enable further time to allow for the transport assessment modelling work to be completed. This is as a key element in undertaking the necessary evidence base to ensure it can be demonstrated that the development proposals in the Local Plan are contributing towards achieving sustainable development. In particular, it will ensure that highway impacts are taken into account through an iterative plan making process. The Local Plan will sit alongside current and future community-led Neighbourhood Plans, in providing the future Development Plan for the Borough.

4 Options

4.1 The key options for the timetable for the next Local Plan 2040 are as follows:

- Option 1 Approve recommended revised timetable; or
- Option 2 Continue with the current agreed LDS timetable; or
- Option 3 Consider alternative timetables

5 Option Appraisal

5.1 The revised timetable for preparing the next Local Plan 2040 is considered necessary to ensure the evidence base is completed to inform the Council's proposals. This includes updated evidence on transport assessments to model the highway impacts of potential development sites. Without this evidence, it does not give the Council the ability to assess the likely highway impacts that may arise from preferred site allocations.

5.2 This also has knock on implications for other evidence studies due to dependency on this key piece of evidence which affects the air quality assessment and the Habitats Regulations Assessment (HRA). 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 HRA is dependent on the air quality assessment to be able to screen and assess air quality impacts on the integrity of Internationally 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 2 draft in accordance with the current timetable. However, following the completion of the transport modelling work currently underway, it is expected at present that this will be able to completed to inform Regulation 18 Stage 2 draft, under the recommended revised timetable.

5.3 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. Therefore, it is not recommended to continue with the adopted LDS timetable and to allow more time for key studies to be completed and inform the Regulation 18 Stage 2 Plan.

- 5.4 The revised timetable would amend the dates for draft Regulation 18 Stage 2 consultation to 2024 Quarter 1, and final draft Regulation 19 consultation to 2025 Quarter 1, respectively. However, it would not change the dates for subsequent Submission, Examination or Adoption. The 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 Planning Advisory Service Toolkit and was approved on 10 March 2021 by Cabinet. The material weight of those policies continues to be monitored against other considerations e.g. national guidance or case law. However, a longer timetable, would increase these potential risks due to the resulting longer timescale to adoption.
- 5.5 There is the option of having a different timetable for the production of the Local Plan 2040. Whilst further amendments to the timetable can’t be ruled out at this stage the recommended approach is based on achieving an adopted local plan as quickly as practicable. At this time, there are proposed reforms to the plan making process. This does create a degree of uncertainty with regards to future stages and timings of the local plan. However, it is still important to make progress with the Council’s local plan, based upon the current system. Not to do so would not provide the plan led certainty for our communities.
- 5.6 The revised timetable provides further time to complete the transport modelling evidence base undertake an iterative plan making process to ensure the Council has the appropriate evidence to demonstrate proposals contribute towards achieving sustainable development. The current agreed timetable and recommended amended timetable are set out in the below table.

Table: Options for Local Plan Timetable

	Recommended Revised timetable	Current agreed timetable (LDS - October 2022)
2023 Q3		Democratic Sign Off and Public Consultation on Regulation 18 Stage 2*
2023 Q4		
2024 Q1	Democratic Sign Off and Public Consultation on Regulation 18 Stage 2**	

	Recommended Revised timetable	Current agreed timetable (LDS - October 2022)
2024 Q2		
2024 Q3		Democratic Sign Off and Public Consultation on Regulation 19
2024 Q4		
2025 Q1	Democratic Sign Off and Public Consultation on Regulation 19	
2025 Q2	Submission	Submission
2025 Q3	Examination	Examination
2025 Q4		
2026 Q1		
2026 Q2	Adoption	Adoption

**Public consultation will go into 2023 Q4*

***Public consultation will go into 2024 Q2*

For the reasons set out above, option one is the recommended option.

6 Risk Management

- 6.1 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.

7 Resource Implications

- 7.1 There are no resource implications from the recommended change to the LDS and Local Plan 2040 timetable.

8 Legal Implications

- 8.1 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.

9 Equality Issues

- 9.1 The recommended action results in no impacts on protected groups. The overall Local Plan delivery timetable is not disturbed.

10 Other Issues

- 10.1 Community Safety – N/A
- 10.2 Environmental Health Issues – N/A

10.3 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 (SA) 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.

10.4 Property Issues – N/A

10.5 Wards/Communities Affected - All

11 Conclusion and reasons for recommendation

11.1 The report outlines the reason for reviewing the timetable for the next Local Plan 2040. In light of these, it recommends 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 \(January 2016\)](#)

[Test Valley Borough draft Local Plan 2040 Regulation 18 Stage 1 \(February 2022\)](#)

[Test Valley Local Development Scheme 2022 \(October 2022\)](#)

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
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(Portfolio: Planning) Councillor P Bundy

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Report to:	Cabinet	Date:	15 November 2023
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