

Test Valley Borough Local Plan – Regulation 18 Stage 2 Public Consultation

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Test Valley Borough Local Plan 2040 Regulation 18 Stage 2, attached as Annexes 1 and 2 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 Annexes 1 and 2 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 2 document.

1 Introduction

- 1.1** 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.
- 1.2** This report sets out the context and the proposed content of the draft Local Plan 2040 Regulation 18 Stage 2 for public consultation (Annex 1) along with the draft Policies Map and associated Inset Maps (Annex 2).

2 Background

- 2.1** 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 2023-27. It also seeks to reflect the aspirations of our communities.
- 2.2** 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 November 2023, setting out the future timetable for preparing the next Local Plan 2040. The Council agreed, at Cabinet on 29 September 2021, to undertake the first statutory step (Regulation 18) in two parts. This approach and timescale enabled an iterative plan making process to be undertaken.

- 2.3 This two-stage approach provided the opportunity to present a clearer stepped approach to proposals. Strategic matters were set out in the Regulation 18 Stage 1 document which was published for consultation in February 2022. Stage 2 provides draft site allocations and Development Management policies along with those policies which have been refined following the Stage 1 consultation. In essence, Stage 2 is therefore a full draft Local Plan 2040 document. The consultation on the Regulation 18 Stage 2 is the next stage of plan preparation.
- 2.4 The National Planning Policy Framework (NPPF) sets out that each authority should produce a local plan to deliver its strategic priorities in order to secure the economic, social and environmental dimensions of sustainable development. The emphasis is on delivering the strategic priorities which includes creating sustainable homes and jobs needed in the area; conservation and enhancement of the natural and historic environment; and the provision of appropriate infrastructure and facilities. These priorities should be aspirational, but realistic.
- 2.5 In seeking to achieve the three dimensions of sustainable development there is often the need to balance competing aims. This results in difficult decisions needing to be made. For example, achieving the right balance between the scale of new development, and the provision of new affordable houses against the loss of greenfield sites.
- 2.6 The Local Plan 2040 has been prepared against the background of legislative and policy changes. The Levelling-up and Regeneration Act has been introduced. There have also been, and there will continue to be, a number of government consultations that will propose changes to the town and country planning system which will impact Plan-making. This includes proposed changes to how plans are prepared which the Government is proposing to introduce from end of June 2025.
- 2.7 A new NPPF was published on 19 December 2023 which the Plan has been amended to reflect, as far as possible, along with a Written Ministerial Statement. Both set out the priority of Local Authorities to prepare up to date Local Plans.
- 2.8 A central feature of policy formulation is an up-to-date evidence base. A number of key studies have been commissioned to inform the Local Plan's preparation. The consultation responses received on previous stages of consultation have also influenced the content. Officers have engaged with key external stakeholders and neighbouring authorities on the content of this Local Plan. Other material factors which the Council needs to take account of include previous representations, the macro social, environmental and economic situation, national guidance and other case law.

3 Corporate Objectives and Priorities

- 3.1 The Local Plan 2040 is a key policy document in respect of delivering the Council's own corporate objectives. It sets out the policy framework for protecting and enhancing the environment helping to provide a greener borough and it makes provision for new housing, employment and other land uses to provide lasting benefits for our communities and support economic growth. It also helps deliver and implement the spatial aspects of the Council's priorities and delivery of infrastructure, as set out in the Corporate Plan 2023-27.
- 3.2 The Council declared a climate emergency in September 2019 and approved its first Climate Emergency Action Plan (CEAP) in 2020. A cross-party Climate Emergency Working Group was established by Cabinet on 15th November 2023. The CEAP concentrates on what the Council can do to make a difference. The Local Plan 2040 is one of the mechanisms to use to address and counter our changing climate and is embedded in the Local Plan 2040 as one of the Plan's objectives. 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 involvement of the public and organisations in the preparation of planning policy documents is an integral part of the process. The Council has set out in its Statement of Community Involvement (2023) how it will involve the community in this process. The proposed consultation is in conformity with the SCI.
- 4.2 The Council has produced a Statement of Consultation setting out a summary of the consultation responses received to the Regulation 18 Stage 1 document. This highlights the main issues raised, which includes, but not limited to, overall support for our Vision and Objectives, ensuring policies relating to climate change, design and town centres are flexible, viable and can be implemented relating to specific standards and whether the housing requirement should take account of meeting any unmet housing needs from our neighbouring authorities.
- 4.3 The Statement of Consultation sets out the Council will undertake public consultation for a minimum of 6 weeks on Regulation 18 stage documents. For the public consultation on the Regulation 18 Stage 1 undertaken between February and April 2022, an 8-week consultation period was undertaken. It is proposed an 8 week consultation period is undertaken for the Regulation 18 Stage 2 document.

5 Options

- 5.1 The options to consider are whether or not to publish the draft Local Plan Regulation 18 Stage 2 for public consultation.

6 Option Appraisal

- 6.1 Producing a Local Plan is one of the most important undertakings for the council. Local Plans set out a long-term vision and strategy for how we meet the needs of our communities, with policies that will shape development across the Borough outside the New Forest National Park. They address a wide range of issues, from strategic planning matters that affect the whole of Test Valley to specific site allocations.
- 6.2 The draft Local Plan 2040, attached at Annex 1, sets out the key challenges and objectives facing the Borough, the spatial strategy and what development is recommended to meet the needs of our communities. There is also a suite of theme based policies that would provide the planning framework for determining future planning applications (more commonly known as Development Management policies).
- 6.3 This stage of the local plan process introduces complex and challenging issues particularly around the proposed overarching distribution, scale and location of housing and employment 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 has reviewed the Sustainability Appraisal (SA), which appraises options, undertaken a Habitats Regulations Assessment, Equalities Impact Assessment, Health Impact Assessment, Infrastructure Delivery Plan and other evidence base studies to ensure that the Regulation 18 Stage 2 is robust and in line with national guidance.
- 6.4 The Council reviewed the approach taken to identifying the scale of future housing need in the Borough as part of its Strategic Housing Market Assessment (SHMA) 2022, to take account of the Government's standard method. This was set out in the Regulation 18 Stage 1 document. The Regulation 18 Stage 2 document continues with this approach and has been updated to take account of the latest household projections and affordability, which results in a minimum housing requirement of 550 homes per year, or 11,000 homes 2020-2040. This approach also continues with the split in housing market areas between the north and south. Therefore the housing requirement for Northern Test Valley is proposed to be 6,270 homes and for Southern Test Valley it is proposed to be 4,730 homes. The split between the two Housing Market Areas follows parish boundaries along the A30.
- 6.5 On 6 December 2023, the Partnership for South Hampshire (PfSH) approved an updated Spatial Position Statement (SPS). This has identified a current lack of housing supply reflecting that local plans are at an early stage, such that some housing need is currently unidentified and yet to be provided for through future allocations or other potential supply. Respective local plans will assess and determine how best to meet their need. It is therefore expected that the level of currently unidentified housing need will reduce, although as yet it is unknown to what extent and if any unmet need will remain. At present there is no evidence of a specific and quantified unmet need from our

neighbouring authorities or across the South Hampshire sub-region as a whole, although consultation response through the Regulation 18 Stage 1 consultation requested that this should be considered. The 'broad areas of search for growth' identified in the SPS, have been considered through the site assessment work.

- 6.6 In identifying locations for potential new housing the principles of sustainable development, as set out in the NPPF, have been followed. The sites identified have been assessed through a clear and stepped approach to site assessment which has been guided by the Council's Strategic Housing Land Availability Assessment (SHLAA) where promoted residential sites have been set out recognising the variety of scale of sites and associated infrastructure promoted, the Sustainability Appraisal (SA), the settlement hierarchy, many technical evidence base studies and engaging with stakeholders.
- 6.7 The Council could decide to undertake a different strategic approach to the draft Local Plan 2040 prior to consultation. However, alterations to the core strategic direction would need to be carefully considered and justified and potentially could be contrary to the technical evidence that has been gathered 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. Consultation responses received on the Regulation 18 Stage 1 document raised no significant issues regarding our proposed approach.
- 6.8 The Council has a responsibility to meet the housing need of its communities which national policy requires. The assessment of sites has been undertaken against the framework of sound planning principles and the assessment of sustainable development. There is already a significant level of development that is already taking place across northern and southern Test Valley however additional sites still need to be found to ensure we meet our needs and reduce the risk of speculative development in the future.
- 6.9 Reflecting the spatial strategy and directing development to our most sustainable sites, the proposed housing sites are located on the edge of these larger settlements providing a mixture of sizes. This includes housing sites at Andover, on land at Ludgershall located within Test Valley, at Romsey, Chandlers Ford and at Ampfield.
- 6.10 The rural areas have historically provided a small supply of dwellings when compared to the overall Borough housing requirement. This reflects the disparity of the size of our settlements between our larger, more sustainable settlements and the much smaller rural villages and hamlets. Growth in our rural area will therefore in totality be relatively small. However the level of historic completions and outstanding permissions shows a continuous housing supply has been provided appropriate to the scale of our settlements in our rural areas under the Adopted Local Plan 2016.

- 6.11 The draft Local Plan 2040 supports appropriate, sustainable development in our rural areas through continuing to take forward the encouraging approach of bringing forward homes in our rural areas. The nature of our rural area varies significantly in terms of the level of constraints and therefore a blanket approach or equal distribution of housing across our rural areas is not appropriate and will not deliver the aims of sustainable development. It is therefore considered that the number of homes that can be delivered in the rural area is a minimum of 542 homes reflecting existing housing supply and housing proposed to come forward through designated active neighbourhood plans. It is proposed that the Council will engage with parish councils during the consultation process on the issue of housing numbers for neighbourhood plan, and on the approach to settlement boundaries.
- 6.12 A number of mechanisms are being introduced to enhance the support for our communities and pro-actively inform our communities of the benefits and process of undertaking neighbourhood planning. Part of this is a review of the Community Planning Toolkit. These mechanisms will take some time to demonstrate successful implementation. Therefore should monitoring demonstrate on the five year review of the Local Plan 2040, that a sufficient number of rural sites are not coming forward the Council may review its approach and potentially make allocations.
- 6.13 The Local Plan 2040 also seeks to support and grow the local economy. The Test Valley Employment Needs Further Analysis Study (DLP) (2022) has been undertaken to inform our employment land needs. This concludes a need of 31.3 hectares of employment land in Northern Test Valley and 40.4 hectares of employment land in Southern Test Valley.
- 6.14 Proposed employment allocations are proposed to supply and deliver the range of employment land that is needed. The draft Local Plan 2040 proposes to meet the total overall amount of employment need in both southern and northern test valley, but there is a specific shortfall in Use Class B8 'warehousing' in southern test valley. The total amount of employment need is split by the different types of employment land and this reflects that there is a large need for warehousing and logistics in southern Test Valley. The Council is proposing to meet this need as far as practicable and over provide for other employment Use Classes however, there will remain a marginal shortfall in the Use Class B8 'warehousing' in Southern Test Valley given the current lack of availability of suitable sites for this particular use. To minimise the risk to the soundness of the plan a further 'call for sites' exercise is proposed to run in tandem with the local plan consultation to seek any further suitable sites for consideration to inform the Regulation 19 stage.
- 6.15 The Test Valley Employment Needs Further Analysis Study (DLP) (2022) identifies advanced manufacturing as a growth employment sector for the Borough. In response to this, land at South of Thrupton Aerodrome has been proposed to help provide choice and competition with a specific focus on aviation and motorsport to recognise the historic and specific connection with the existing uses at Thrupton Aerodrome.

- 6.16 A Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (ORS) (2021) has been undertaken. This concludes 47 pitches and 25 plot are required to meet the Council's needs for Gypsy and Travellers and Travelling Showpeople respectively. This is a significant increase from the Adopted Local Plan 2016 and potentially reflects a combination of matters including increased response rate to surveys and previous under estimation of need. This does seem to reflect the national position.
- 6.17 The draft Local Plan 2040 is proposing to meet some of this need through maximising capacity on existing sites and proposing a new site at Bunny Lane, Timsbury for 4 pitches. However the combination of a lack of known available sites and ecological constraints has limited the Council's ability to propose further sites. A call for sites is proposed alongside the consultation on the Regulation 18 Stage 2 document to seek for any further sites for Gypsies, Travellers and Travelling Showpeople to be submitted and considered. The Council will assess any new sites and other mechanisms to seek to address our needs to inform the Regulation 19 stage.
- 6.18 The Local Plan 2040 can play a leading role in addressing the issues of climate change. At this stage the Council is proposing policies covering sustainable building and energy use; low carbon energy and a policy on water use and management. Over the course of the local plan process it is likely that national policy will evolve, and recently a Ministerial Statement on 'Planning - Local Energy efficiency Standards Update' was published (13 December 2023). This requires planning policies that go beyond current or planned building regulations should be rejected if they do not have a well-reasoned and robustly costed rationale. The Council has undertaken a viability assessment of the proposals in the Local Plan 2040 to ensure what is proposed is viable. Nevertheless, we will need to consider the implications of this Statement on the proposed sustainable building and energy use policy for Regulation 19 stage.
- 6.19 Through the Local Plan the policies and proposals seek to conserve and enhance the biodiversity of the Borough in line with the current requirements of the Environment Act (2021). Further guidance on the delivery of measurable gains of biodiversity are still emerging, which the draft Local Plan 2040 will need to take account of as the plan progresses to Regulation 19. The Local Gaps identified in the Adopted Local Plan 2016 are proposed to be rolled forward in the draft Local Plan 2040, justified and evidenced by the Local Gaps Study 2023.
- 6.20 Over the timeframe of preparing the draft Local Plan, the Levelling Up and Regeneration Act has been introduced. Whilst some of the Government's intentions for the planning system require secondary legislation or further consultation there is a risk that the outcomes may have an impact on the Local Plan process or content. This has been demonstrated through the recent publication of the new NPPF. This does present a risk as changes could lead to the need to pause plan preparation and consider the implications but at this stage it is one which is outside the Council's control.

- 6.21 The option of not going forward with public consultation on the draft Local Plan, runs the risk of not being within the transitional arrangements for a Local Plan to be prepared under the current system and could lead to delay in ensuring the Local Plan 2040 meets a new planning system.
- 6.22 There are more immediate risks should the Council consider not to progress with consultation. The Council's housing land supply for both southern and northern Test Valley housing areas remain above the five year requirement. However, there has been a decline in the number of dwellings completed. This is as a consequence of sites delivering at a slower rate than anticipated and the residual impact of needing to unlock the nitrate mitigation issue. Moving forward with the local plan puts the Council in a stronger position for defending the Borough against speculative planning applications, primarily those seeking permission based on the lack of a five year housing land supply.
- 6.23 In order to deliver growth and the necessary infrastructure within the Borough it requires successful implementation of the policies and proposals within the plan. However, the Council on its own will not be in a position to implement the Local Plan 2040 and will need the support of key partners and agencies to deliver infrastructure, services and funding. To achieve this will be a challenge given the ongoing economic situation. However, the Council has a positive and proactive relationship with stakeholders and this will need to be continued to achieve the requirements of the plan.
- 6.24 In summary, the alternative to not to proceed with public consultation in the present circumstances is not recommended. Moving forward with the draft Local Plan 2040 at this stage, and the difficult decisions that are required to be made, need to be balanced against the responsibility of meeting the needs of all our communities, not increasing the risk of speculative development in the future and reducing the risk of coming under the transitional arrangements for the proposed new plan led system which lead to a delay of the Local Plan 2040. The option as described 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. Making timely progress with the draft Local Plan consultation, as recommended in accordance with the Local Development Scheme, helps to mitigate that risk.

8 Resource Implications

- 8.1 The principal resource in the preparation of the Local Plan is the significant time required from Council's officers. Establishing the evidence base including commissioning of studies also requires funding. The cost of taking the document through the process of consultation and future Examination in Public will be met from existing resources. Officers are looking at different approaches in order to minimise cost.

9 Legal Implications

- 9.1 The Local Plan must be prepared in line with the process set out in national legislation/regulations. At this stage the draft Local Plan needs to comply with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 along with the content of the Statement of Community Involvement (2023).

10 Equality Issues

- 10.1 Undertaking an Equality Impact Assessment (EQIA) is a key part of preparing a 'sound' Local Plan. The Local Plan process needs to ensure that the issues and options that are considered during the process do not lead to unlawful discrimination (direct and indirect) of those with a protected characteristic and that there should be equality of opportunity between them and all others. An EQIA has been undertaken and no adverse equality impacts are identified and the Council's Equality Duty has been complied with).

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. 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.
- 11.4 Property Issues – N/A
- 11.5 Wards/Communities Affected – All

12 Conclusion

- 12.1 The report seeks the approval to publish the Local Plan 2040 Regulation 18 Stage 2 document for public consultation.

[Background Papers \(Local Government Act 1972 Section 100D\)](#)

[National Planning Policy Framework, December 2023](#)

[Planning Practice Guidance](#)

[Test Valley Local Development Scheme \(November 2023\)](#)

[Statement of Community Involvement \(January 2023\)](#)

[Adopted Test Valley Local Plan 2011-2029 \(January 2016\)](#)

[Test Valley Sustainability Appraisal \(Regulation 18 Stage 2\) \(January 2023\)](#)

[Test Valley Habitats Regulation Assessment Reports \(Regulation 18 State 2\) \(January 2023\)](#)
[Test Valley Statement of Consultation \(Regulation 18 Stage 2\) \(January 2023\)](#)
[Test Valley Equalities Impact Assessment \(Regulation 18 State 2\) \(January 2023\)](#)
[Test Valley Health Impact Assessment \(Regulation 18 Stage 2\) \(January 2023\)](#)
[Test Valley Infrastructure Delivery Plan \(Regulation 18 Stage 2\) \(January 2023\)](#)
[Other evidence base studies are available on the Council's website](#)

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:	2	File Ref:	N/A
(Portfolio: Planning) Councillor P Bundy			
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