

Agenda Item No: 13
Report To: CABINET
Date of Meeting: 7TH December 2017



Report Title: **Response to public consultation on the proposed 'Main Changes' to the draft Local Plan to 2030 and proposed submission of the Plan for public examination**

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Portfolio Holder Cllr. Clokie (Planning & Development)
Portfolio Holder for:

Summary: The new Local Plan to 2030 will replace the adopted Core Strategy 2008 and the other geographically based Development Plan Documents that form part of the Borough's current development plan, except for the Chilmington Green AAP.

A draft version was subject to public consultation in summer 2016 and a series of proposed main changes to the draft Plan were consulted upon for 8 weeks this summer. A summary of the representations received and the responses to them are attached to this report.

The Cabinet is now asked to approve the final submission version of the Local Plan to 2030 and recommend that the Full Council approves the submission of the Plan for public examination.

Key Decision: NO

Significantly Affected Wards: ALL

Recommendations: **The Cabinet is recommended to:-**

- I. Approve the schedule of responses to the public consultation on the proposed 'Main Changes' to the Regulation 19 draft Local Plan to 2030 (published in July 2017), attached as Appendix 2 to this report;**
- II. agree the proposed further minor amendments to the Regulation 19 version of the Local Plan to 2030 set out in Appendix 3 to this report;**
- III. Recommend to Full Council to authorise the Head**

of Planning to submit the Local Plan to 2030 attached as Appendix 1 to this report (as amended by the further minor amendments in Appendix 3) to the Secretary of State for independent public examination;

- IV. grant delegated authority to the Head of Planning to:**
- a. make any further modifications he considers necessary or desirable before or during the examination,**
 - b. ask the Inspector to recommend modifications to the draft Local Plan under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004, if such modifications are considered necessary to make the Plan sound and/or compliant with legal requirements; and,**
 - c. take any action he deems necessary to progress the draft Local Plan through the examination process.**

Policy Overview: The submission of the Local Plan to 2030 means that the policies contained therein may be considered to have more weight in the decision-making of the Council in respect of planning applications than previously has been the case, although policies in adopted Development Plan documents will still have the greater weight.

Financial Implications: The submission of the Local Plan will trigger the formal examination process. This has significant resource implications including providing for the subsequent costs of the Planning inspectorate in carrying out the examination but these have been assessed and budgeted for based on a reasonable assessment of the length of the examination.

Legal Implications: In preparing a Local Plan, the Council has to comply with procedural and legal duties as set out in its Statement of Community Involvement and in statutes, regulations and guidance (para. 12 refers). The Council will prepare and submit to the Planning Inspectorate statements setting out in detail how these duties have been complied with, and the Inspector's tasks will include considering whether he/she is satisfied that this has been done. Should he/she not be so satisfied, then he/she has the power to bring the Examination to a halt and to ask the Council to undertake further work, and/or to reject the Plan entirely. This is considered a very unlikely outcome, given the work which the Council has undertaken up to this point.

Equalities Impact See Attached.

Assessment

Other Material Implications: None

Exempt from Publication: **NO**

Background Papers: None

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Introduction and Background

1. The Local Plan to 2030 will replace the adopted Core Strategy 2008 and the other geographically based Development Plan Documents that form part of the Borough's current development plan, except for the Chilmington Green AAP. It will also replace any existing 'saved' planning policies from the Borough Local Plan 2000 when it has been adopted.
2. Preparation of the evidence base that supports the Local Plan to 2030 commenced several years ago following the introduction of the National Planning Policy Framework (NPPF) in 2012. The NPPF set out the Government's new policies for Plan-making replacing the more centralised, top-down approach that existing via regional plans previously and laid out the expectations that Local Plans need to meet in order to be considered soundly based when examined.
3. Since 2012, a number of further refinements to the planning system and the need to address changing housing requirements in particular has meant that further updates have been needed to the Plan's evidence base to ensure that it is as robust as possible when it came to be formally submitted for examination.
4. In June 2016, the initial Regulation 19 draft version of the Plan was published for public consultation with the Council receiving approximately 2900 responses from a wide variety of local residents and other stakeholders. The need to respond to increased household projections for the borough published by the Office for National Statistics in 2016 led to a further series of proposed 'Main Changes' to the Local Plan being published for public consultation for 8 weeks in July and August 2017. Around 1150 responses were received in response to this consultation.

Proposal/Current Position

5. Since the closure of the proposed 'Main Changes' public consultation on the 31st August, officers have been considering the representations received and a schedule of proposed responses is attached as Appendix 2 to this report for approval. In summary, no further main changes to the Local Plan are now proposed although a suite of further minor amendments are proposed in the schedule set out separately in Appendix 3 to this report. Cabinet is asked to agree these further minor amendments which will then be incorporated into the text of the version of the Local Plan attached to this report prior to formal

submission. No additional pre-submission consultation is required on these suggested amendments.

6. If no additional 'Main Changes' are to be made to the Plan, it is now open for the Council to progress to the next stage of the Plan-making process by formally submitting the Local Plan to the Secretary of State for public examination. This is known as the 'Submission' version of the Plan.

Implications and Risk Assessment

7. When the Local Plan is formally submitted to the Planning Inspectorate (on behalf of the Secretary of State), the public examination process will commence. An Inspector will be appointed to oversee the examination process and he/she will normally then draw up a list of matters they wish to see discussed at the examination hearings. The scope of these matters are, of course, a matter for the Inspector but they would normally include fundamental issues such as the overall amount of housing and employment land the Plan is making provision for; the planning strategy adopted in the Plan for the allocation of sites to meet housing and employment requirements; whether there is sufficient land identified to meet 5 year housing land supply targets; the consideration of 'omission site' proposals promoted by developers and whether the development management 'topic-related' policies are reasonable and consistent with NPPF policy.
8. The examination process enables the Inspector to invite specific parties to hearing sessions to discuss the merits of the Plan – these will normally be those parties seeking changes to the Plan with the Council acting on behalf of all those who support the Plan as submitted.
9. Following the examination hearings, the Inspector will prepare a report for the Council. The report may find the Plan sound as it was submitted or unsound but with the opportunity to make it sound through changes recommended by the Inspector. In the latter case, the Council needs to have indicated in advance that it is happy for the Inspector to make such recommendations and this is strongly advised to avoid an 'all or nothing' outcome.
10. In a worst case scenario, the Inspector may consider that the Plan cannot be remedied through amendments in a way that could make it sound. In these circumstances, the Council would be advised what further work it needs to undertake before it could be properly examined again. This outcome is reasonably rare but it can elongate the examination process considerably. The Inspector will normally highlight any fundamental problems to the Council in advance of the examination hearings and give the Council the opportunity to withdraw the Plan from the examination process. Officers are confident that the Local Plan to 2030 has been soundly prepared and whilst it is reasonable to anticipate that the Inspector may consider some amendments are required, these should not relate to fundamental matters which might cause the examination process to stall.

Equalities Impact Assessment

11. Members are referred to the attached Assessment. There are no significant implications identified in respect of the nine protected characteristics.

Consultation Planned or Undertaken

12. As referred to earlier in this report, there has been substantial consultation undertaken at various stages of the Plan-making process. This will be fully set out in the Council's evidence base (Regulation 22 Consultation Statement) but has included both informal consultation during the 'Plan-it Ashford' exercises undertaken with different communities and groups during 2012/13 and the formal consultation exercises on the draft plan and its proposed changes in 2016 and 2017. There has also been regular liaison with neighbouring local authorities and KCC in order to address the requirements of the 'Duty to Co-operate' that LPAs are required to meet in plan-making.
13. Within the Council, the Local Plan & Planning Policy Task Group has driven the Local Plan-making process forward and shaped the strategy and content of the Plan as it now stands. At its meeting on the 22nd November, the Task Group considered and endorsed the Submission version of the Plan.

Other Options Considered

14. The option to delay submission of the Local Plan to make further 'main changes' has been considered by officers and members of the Local Plan & Planning Policy Task Group. Representations from many different parties in response to the July / August 2017 'Main Changes' public consultation propose a wide range of changes to the Local Plan. Those from landowners and developers tend to object that the Plan does not allocate sufficient land for housing and that the specific sites they are promoting should therefore be included in the Plan.
15. In contrast, many local residents and some Parish Councils consider that too much land has been identified for housing and should be scaled back. Specific objections to particular site allocations make up the majority of the representations received.
16. In practice, such representations are to be expected and are a normal part of the plan-making process. It is unrealistic to expect that a Local Plan can accommodate the views of all stakeholders. Any further main changes to the draft Plan would require another minimum 6 week public consultation exercise to be undertaken prior to the formal submission of the Plan for examination. This delay to the submission of the Plan would also run the significant risk of the Council being unable to take advantage of the transitional arrangements identified in the recent DCLG consultation on 'Planning for the right homes in the right places' which enables Local Planning Authorities to submit their Local Plans on the basis of existing evidence of housing need for their area. A delay in submission may require the Council to review this central aspect of the Plan which may result in further consequential delay.
17. In any event, officers consider that the Submission version of the Local Plan before Members now (a composite of the 2016 draft and the proposed main and minor amendments made in 2017 plus the further minor amendments now proposed in the appendix to this report) is a sound document and offers the right strategy and policies for the future planning of the borough and any

additional main changes are not necessary. Two formal rounds of public consultation has provided opportunities for comments and issues to be raised and it is reasonable now to expect the Planning Inspectorate to consider those outstanding objections to the Council's Plan.

Next Steps in Process

18. The authorisation of Full Council is needed to enable the Council to submit the Local Plan for examination and hence the Cabinet is asked to recommend that Full Council gives this authorisation when it meets on 14th December.
19. If Full Council gives authorisation to submit the Plan, then officers will assemble the Submission version of the Plan and the necessary background evidence documents and send these to the Planning Inspectorate prior to the 31st December. Contact has been made with the Inspectorate to advise them of this scenario and we have been sent the Inspectorate's standard Service Level Agreement to sign. The SLA indicates that the examination hearings will normally commence within 14 weeks of submission of the Plan, which would mean the hearings commencing in early April 2018.

Conclusion

20. The Submission of the Local Plan for examination is a key milestone. It signifies a passing of the Plan-making process from the Council to the Planning Inspectorate and marks the conclusion of the Council's deliberations on the content of the Plan it wishes to see adopted.
21. The scale of consultation, both formal and informal, throughout the process to date has been very significant and where it has reasonable to address objectors' concerns, then the Plan has been amended accordingly. Unlike all previous Local Plans for the borough dating back to the early 1980s which have been prepared in the context of either County-level Structure Plans or regional Plans, this is the first to require the Council to establish and set its own housing target for the borough in a Local Plan. Dealing with this issue, as well as the more traditional challenge of identifying where new development should take place, has brought particular challenges to the preparation of this Local Plan.

Portfolio Holder's Views

22. I particularly want to thank the officers for their hard work and perseverance in producing this Borough plan which now sets out the context in which all planning in the borough will be organised over the next decade. It ensures the maintenance of the borough's country ambiances; whilst at the same time balances the abnormality factors with the need for extra housing.
23. This plan sets out our demands for building quality, internal living space, and affordable housing ratios. It is now incumbent on all colleagues' members and officers to ensure that its policies and guidelines are maintained and delivered.

Contact and Email

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