

**Ward:** All

**Portfolio:** Planning and Growth

**Report Author(s):** Principal Planning Officer

**Meeting Date:** 18<sup>th</sup> December 2017

**SUBJECT: Approval of Draft Local Plan Part II for Consultation**

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<b>Report Sign off</b>	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	Chief Executive Officer	Tracy Aarons	4.12.2017
	Legal	Lesley Dolan	8.12.2017
	Finance	Duncan Moss	6.12.2017
	Group Manager	Ian Bowen	2.12.2017
<b>Summary:</b>	<p>The report requests Full Council approval to publish a draft Local Plan Part II for statutory consultation. It follows the Cabinet resolution made on 13/11/2017. This will allow representations to be made on the Plan and modifications to be considered before it is submitted to the Secretary of State. Publication is a key stage in the progress of Local Plan Part II (see timetable in Table 1 at the end of this report).</p> <p>The Plan proposes additional housing and employment sites to meet residual housing requirements in the Local Plan Part I and address national planning guidance to maintain a forward supply of housing sites. It reflects a comprehensive options consultation completed in January 2016, informal consultation with Parish Councils and input through the Member Advisory Group (MAG).</p> <p><b>Given the scope of the draft Plan and background material, Members are requested to submit any detailed questions concerning to the Planning Policy Team by Friday 15<sup>th</sup> December</b></p>		
<b>Recommendation:</b>	<p><b>In line with Cabinet’s resolution of 13<sup>th</sup> November 2017, that Full Council:</b></p> <p><b>(1) Approves the draft Local Plan Part II (comprising the written statement, policies, maps and draft guidance in appendices 1,2,3 and 4 to this report) for statutory public consultation;</b></p> <p><b>(2) Delegates responsibility to the Portfolio Holder for Planning and Growth in conjunction with the Group Manager for Planning and Growth Services to:</b></p>		

	<p><b>(a) Approve any changes to the draft Local Plan Part II in the interests of clarity and accuracy before publication;</b></p> <p><b>(b) Review the representations submitted to the consultation and need for Modifications to the Plan;</b></p> <p><b>(c) Report to Cabinet on progress and make recommendations for Modifications in response to the consultation; and</b></p> <p><b>(d) Undertake submission of Local Plan Part II and necessary modifications, provided there are no representations received that raise fundamental issues on the soundness of the Plan.</b></p>
<b>Direct and/or indirect impact on service delivery to our customers and communities:</b>	Plan proposals impact on place-shaping, economic growth and affordable housing delivery. They also provide a context for neighbourhood Planning.
<b>Contribution to Corporate Priorities:</b>	Progress on the draft Local Plan forms part of Corporate Strategy commitments and measures in the Economic Development Strategy Action Plan. It also contributes to joint plans such as the Somerset Growth Plan.
<b>Legal Implications:</b>	Statutory consultation refers to a consultation undertaken in accordance with Regulation 19 of Development Plan Regulations 2012. This requires that Council resolves to publish its development plan for formal consultation and submit it to the Secretary of State for examination. The preparation stages of development plans cannot be questioned through a legal challenge in accordance s113(2) of the Planning and Compulsory Purchase Act 2004. The policies and proposals in the draft Local Plan Part II have very limited planning weight at this stage.
<b>Financial Implications:</b>	The immediate costs associated with the consultation proposed are limited (as this will be largely online) and accounted for within existing service budgets. The costs involved in convening and resourcing the Public Examination are likely to fall within the next financial year and will call on the earmarked Local Plan Reserve held for this purpose. The planning framework may also provide direct and indirect benefits to realising the potential of Council assets in the plan period.
<b>Impact on Service Plans:</b>	Taking the draft Local Plan to the next consultation stage addresses Planning and Growth objectives and will help meet future national performance targets on housing delivery.
<b>Value for Money:</b>	An up to date Local Plan and forward supply of housing land provides gives clear direction to developers and communities and will reduce costs associated with planning appeals and speculative development. There are indirect benefits though New Homes Bonus.

<b>Equalities Implications:</b>	An equalities impact assessment will be published alongside the Pre-Submission Draft plan for public consultation.
<b>Risk Assessment and Adverse Impact on Corporate Actions:</b>	<p>Consulting on the Plan now and submission by March 2018 will mitigate the risk of the delays from planning appeals and the potential introduction a new round national planning reforms.</p> <p>Publication also allows pre-submission advice to be obtained from the planning inspectorate and the input of infrastructure providers.</p>
<b>Cabinet Recommendation</b>	<p>Cabinet resolved on 13<sup>th</sup> November 2017 to endorse the principal content of the Pre-Submission Draft Local Plan Part II and authorised the Group Manager for Planning and Growth Services, in consultation with the Portfolio Holder for Planning and Growth, to finalise the written statement and supporting parts of the Local Plan Part II.</p> <p>It was also resolved to recommend to Full Council approval of the Pre-Submission Draft Local Plan II for a statutory consultation from January 2018. The resolution delegated authority to the Portfolio Holder for Planning and Growth in consultation with the Group Manager for Planning and Growth Services to undertake the formal Submission of the plan to the Secretary of State for Public Examination, provided there were no valid representations received during the consultation that raised fundamental issues on the soundness of the Strategy. It also delegated the making of any adjustments or necessary changes to the Draft Local Plan Part II in the interests of clarity and accuracy before it is submitted.</p>
<b>Scrutiny Recommendation</b>	A Member Advisory Group has been involved in the Part II Plan throughout its development scrutinising actions and making recommendations. The new scrutiny arrangements will apply to future work on the single Local Plan.

## **INTRODUCTION**

1. This report seeks approval of the draft Local Plan Part II for consultation. The Plan is a complementary document to the adopted Local Plan Part I and contains additional site allocations and development policies. The draft reflects detailed work on site assessments and consultation with communities and stakeholders since 2015.
2. Consultation on the draft Local Plan Part II is proposed to run from 2<sup>nd</sup> January to 12<sup>th</sup> February 2018. Following this consultation period the Council may consider Modifications to the Plan before submission to the Secretary of State. This is a key stage in progressing Local Plan Part II as outline in the timetable which is shown in Table 1.

### **Documents making up the Part II Plan**

3. The Plan for approval is set out in three sections as appendices to this report. Appendix '1' contains the written statement. Appendices '2' and '3' contain the draft site allocations policies for towns and villages. Appendix '4' contains draft guidance on the interpretation of Policy DP24.
4. Sections 12 and 13 of the Plan which contain maps of Local Green Spaces for villages in open countryside and maps of existing/future employment sites are available online and in the Members room.
5. Following Full Council, officers will complete and finalise the Plan with details of the consultation arrangements, update cover and contents and make any minor changes or corrections as required. Any changes will be reviewed and agreed by the Portfolio Holder for Planning and Growth prior to publication as set out in the recommendation.
6. Additional consultation documents to those in the Background papers are listed in Para 1.24 of the written statement. These include supporting information on the consultation, site selection and infrastructure.
7. A colour inspection copy of sections of the Plan and Background Papers are available in the Members room including the statutory Sustainability Appraisal report and a Habitat Regulations Assessment.

## **BACKGROUND**

### **Scope of Local Plan Part II**

8. Publication of Local Plan Part II forms part of the Council's Development Plan programme - the Local Development Scheme or LDS - which was agreed in January 2017.
9. Following publication of the Somerset Strategic Housing Market Assessment (SHMA) in late 2016, Cabinet agreed that sustainable options to deliver an uplift in the minimum housing targets should be tested through Local Plan Part II. This Plan has therefore considered delivery from available sites above the adopted requirement of 420 homes per year. Cabinet also agreed that a full review of the

current adopted plan target should be addressed through a future single Local Plan review (see below).

10. The scope of the Plan is to address the requirements in the adopted Local Plan Part I and in the National Planning Policy Framework (NPPF). It does not seek to review the adopted housing requirement or the approach to the distribution of housing growth (the spatial strategy).

11. The purpose of Mendip District Local Plan Part II (Sites and policies) is to:

- Identify and allocate additional sites for housing to meet the requirements for affordable and market housing set out in Local Plan Part I ;
- To ensure there are sufficient sites to enable a rolling five year supply of housing land in the District and possible introduction of national targets for local housing delivery;
- To review and allocate additional employment land to support economic development;
- To update development limits around towns and villages;
- To review and update the open and community space designations;
- To set out additional development management policies to meet objectives in Local Plan Part I and the National Planning Policy Framework.

12. The Pre-submission Plan proposes to allocate a number of housing and employment sites as well as designating Local Green Spaces. It also contains additional policies on:

- Single-Plot Exception Sites (Draft Policy DP24) - A policy to enable small scale lower-cost market homes in a way which benefits local communities. This also provides a route for limited development in non-primary and secondary villages;
- Employment Land (Draft Policy DP25) - A policy to recognise the need to retain established employment sites and identify future employment areas; and
- Green Belt (Draft Policy DP26) - this policy will incorporate the 'saved' Green Belt policy from the Structure Plan into the Mendip Development Plan. No changes to Green Belt are proposed.

13. Appendix 4 sets out guidance on how Policy DP24 will operate in practice. This will be published for consultation alongside Local Plan Part II with a view to making it a Supplementary Planning Document.

### **Single Local Plan Review from 2020**

14. In addition to the SHMA evidence, the government is expected to clarify that housing requirements in adopted plans may be treated as 'out of date', after five years from plan adoption (i.e. January 2020 in the case of Mendip). The expectation is that local authorities in areas of housing pressure or where affordable homes are 'out of reach' such as Mendip will be expected to plan for more housing. This will require a wider review of the growth policies in the Local Plan Part I.

15. Measures to drive up housing delivery and planning are expected to take effect from mid-2018. Transitional arrangements are expected for LPA's to incorporate changes through their development plans. However, timely consultation and submission of this Part II plan is recommended to reduce the risk of delays to the Part II programme. This could increase the risk of challenge on the Council to start a wholesale review much earlier instead of proceeding with Part II.

### **Approach to Site Allocations.**

16. The Part I plan establishes a settlement hierarchy (towns, primary, secondary villages) and principles for identifying sites in Local Plan Part II (See Para 4.36 of the adopted Plan). Officers have followed these as far practicable, focusing on the sites in the Mendip towns and villages where there is a residual housing requirement.

17. The draft plan rejects approaches which are considered less sustainable such as allocating sites in villages that have already experienced substantial development, changing the adopted settlement hierarchy at this time or relying on established employment sites for housing delivery. The Plan provides clarification on Future Growth Areas identified Local Plan Part I including options to improve deliverability on the strategic site west of Street.

18. A sustainability appraisal has been prepared which has assessed all the land promoted at issues and options stage and used to inform the site allocations process at settlement level. Proposed allocations have also been subject to screening for impacts on habitats of European Significance (the Habitat Regulations Assessment). Specific mitigation measures are included in the draft policies for each site. Some additional sites are identified to meet specific local housing needs or community objectives.

19. Overall, the Plan identifies sites which have a potential capacity to deliver around 1500 dwellings over the remaining plan period to 2029. The capacity of these sites combined with existing housing supply with permission would provide both a rolling five year supply. They would provide an uplift in potential delivery to around 480 homes p.a. from 2017-2029. This would align with the higher estimates of need based on the findings of the SHMA.

20. Draft policies include comments made by Infrastructure providers where available. An Infrastructure Plan will be published for consultation alongside the draft Local Plan Part II and will be updated at submission. Further work on infrastructure will be programmed as part of the single Local Plan Review which will include further consideration of the Community Infrastructure Levy in 2018.

### **Housing in non-primary/secondary settlements**

21. Officers have reviewed the scope for more flexibility to allow for some housing growth in villages outside the Local Plan Part I hierarchy. However, there are difficulties framing a sustainable district-wide policy which is not in conflict with the adopted Local Plan Part I. In response, the draft Plan introduces a single-site exception policy. This approach – which is consistent with the spatial strategy - has proved effective in other rural districts to provide opportunities for home

ownership for households with a strong local connection. As an exception policy, it will apply to smaller villages.

### **Employment Land**

22. The plan identifies a number of mixed use and employment allocations in Street, Shepton Mallet and Frome. It also seeks to clarify planning objectives and the approach to employment land - taking into account the current economic development strategy. There includes more explicit recognition of the value of established employment and commercial sites in the District.
23. Relatively few sites tend to be promoted for employment use or are normally encouraged to proceed through a planning application. The Plan recognises this by taking a pro-active approach to encourage additional sites for consideration. A number of Future Employment Growth areas are identified where potential for additional employment development is identified but not formally allocated. The Council will be inviting additional land for consideration as a Future Employment Growth areas through the Pre-submission consultation. Overall, the intention of this draft plan is to act a 'stepping stone' to a broader review of housing and employment development opportunities in the next review of Local Plan Part I.
24. No allocations or new policies are included in town centres as the Council's approach and planning considerations are already established in adopted town policies (CP6 – 10). A policy for Saxonvale is included to add clarity to the Part I plan but does not change the policy approach.

### **Consultation Arrangements**

25. Subject to approval of the Plan, the formal consultation will start on the 2<sup>nd</sup> January 2018 with a deadline for responses to be submitted by 12<sup>th</sup> February 2018. All consultation material will be online and Council offices and Inspection Points.
26. Apart from statutory consultees, contacts who have previously submitted comments or promoted land will be notified of the consultation. Given the time elapsed since the original issues and options consultation, summary details of comments will be available online to allow to objectors to refer to their original representations. In line with planning guidance, owners of land which are proposed as a Local Green Spaces have been notified and invited to comment.
27. Specific consultation will also take place on the Infrastructure Delivery Plan with providers and with wildlife/environment bodies on the Sustainability Appraisal and Habitat Regulations Assessment.
28. A report will be published alongside the plan giving details of consultation work undertaken to date.

### **Status of Policies**

29. At publication stage, some regard may be given to the proposals and plans in Local Plan Part II as an 'emerging Plan'. However, they carry very limited weight ahead of formal consultation.

## **OPTIONS CONSIDERED**

30. Progress on Local Plan Part II is a specific objective in the corporate plan and economic development strategy. Moving forward with the Local Plan Part II will ensure that there is a clear emerging strategy in place for plan led growth and options to maintain and increase the supply of housing land.
31. The Council could delay the publication of the Plan to re-consider the growth levels or policies proposed. However, there is no clear advantage to put back the process of public consultation on sites and policies. The Council has the option to consider modifications to the Plan in the light of representations.
32. Changes to the NPPF and government planning guidance are also promised in mid-2018. Delaying the plan at this time will increase the risk of having to re-consider elements of Local Plan Part II in the light of revised national policy requirements. Delays may also encourage speculative development applications on the basis that the Council does not have a clear timetable in place.

## **RECOMMENDATIONS**

**In line with Cabinet's resolution of 13<sup>th</sup> November 2017, that Full Council:**

- (1) Approves the draft Local Plan Part II (comprising the written statement, policies, maps and guidance in appendices 1,2,3 and 4 to this report) for statutory public consultation;**
- (2) Delegates responsibility to the Portfolio Holder for Planning and Growth in conjunction with the Group Manager for Planning and Growth Services to:**
  - (a) Approve any changes to the draft Local Plan Part II in the interests of clarity and accuracy before publication;**
  - (b) Review the representations submitted to the consultation and need for Modifications to the Plan;**
  - (c) Report to Cabinet on progress and make recommendations for Modifications in response to the consultation; and**
  - (d) Undertake submission of Local Plan Part II and necessary modifications, provided there are no representations received that raise fundamental issues on the soundness of the Plan.**

## REASONS FOR RECOMMENDATIONS

To ensure that progress continues to be made on the delivery of an up-to-date Development Plan for Mendip and to provide certainty for developers and local communities.

**Table 1 Stages / Local Plan Part II**

<b>Plan Preparation/Initial Consultation</b> <i>Local Plan Regulations 2012 – Regulation 18</i>		
<b>Issues and Options Consultation -</b>	<b>October 2015 to January 2016</b>	The Council published a comprehensive review of additional site options and open areas of local significance Mendip. Over 1000 people attended the drop in events throughout the district in October and November 2015 and 800 written responses were received. Summaries from the issues and options consultation were published in April 2016.
Further consultation with Parishes/Town Councils	December 2016 - April 2017	Initial officer-level views on sites and candidate Local Green Spaces were provided to Parish and Town Councils in late 2016. Review of options in response to comments from Parish Councils.
Review of National Policy/Strategic Housing Market Assessment	Through 2017	Through the Plan process, the policy team have also been considering the potential impact of changes to National Planning Policy and supporting guidance.
<div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center;"> <h3 style="margin: 0;">Publication</h3> <p style="margin: 0;"><i>Local Plan Regulations 2012 – Regulations 19 &amp; 17</i></p> </div> </div>		
<b>Plan Publication</b> (Pre-Submission Consultation)	January 2018 - February 2018	This is the formal consultation stage on the Part II plan. Representations made at this stage will be considered at examination.
<b>Submission</b> <i>Local Plan Regulations 2012 – Regulation 22</i>		
<b>Submission</b>	<b>March 2018</b>	The Plan, supporting evidence and details of representations are submitted to the Secretary of State. These will be considered by an independent planning Inspector who will advise on the key issues to be examined, timetable and participants.
Statement of Representations	March 2018	Council will prepare a statement on representations and main issues which is submitted with the plan
Pre-submission Modifications	March 2018	The policy team will compile the responses and consider if any changes should be made to the Plan before submission.
<b>Examination</b> <i>Local Plan Regulations 2012 – Regulations 23 &amp; 24</i>		
<b>Examination of the Part II Plan</b>	June/July 2018 (estimated)	This will be a public hearing on the main issues. Participation in the Examination will be determined by the Local Plan Inspector.
<b>Receipt of Inspectors Report</b>	November 2018 (estimated)	This is the earliest likely date for the Inspector to publish his report. The Inspector may issue interim findings earlier than this.  The Council will consider the report and any recommendations for changes. This may require additional consultation.
<b>Adoption</b>		
<b>Plan Adoption</b>	December 2018 (estimated)	The Plan will be formally adopted by the Council and forms part of the development plan.

## List of Background Papers:

### Reports to Cabinet

- 13<sup>th</sup> November 2017 Item 8 - Executive endorsement of Pre-Submission Local Plan Part II
- 9<sup>th</sup> January 2017 – Local Development Scheme
- 5<sup>th</sup> December 2016 Item 10 - Strategic Housing Market Assessment
- Council Response to 'Planning for Homes in the Right Places - (DCLG consultation)

### Statutory supporting documents (*in Members Room*)

- Draft Habitat Regulations Assessment
- Draft Sustainability Appraisal (Report and Appendices)

### Background papers (*in Members Room*)

1: Housing supply

2: Self Build and Custom Build Housing

3: Designation of Local Green Spaces including reasons.

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