

CABINET

Agenda Item: 7

Wards: Whole District

Portfolios: Planning Policy and Local Plan

Report Author(s): Cllr Janine Nash – Portfolio Holder for Planning Policy and Local Plan

Meeting Date: 7th October 2019

SUBJECT: Local Plan Part 2 Examination Update

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Report Sign off	Seen by:	Name	Date
	Chief Executive/ Deputy Chief Executive(s)	Tracy Aarons	18.09.19
	Legal	Martin Evans	25.09.19
	Finance	Duncan Moss	18.09.19
	Group Manager	Julie Reader-Sullivan	18.09.19
	Portfolio Holders	Cllr Janine Nash	19.09.19

Summary:	To report on the Interim Note and changes sought by the examination Inspector to the Mendip Local Plan Part 2. Cabinet is requested to agree to continue the examination process and delegated authority is sought to prepare the changes required for further consultation.
Recommendations:	<p>Cabinet is asked to :</p> <ul style="list-style-type: none"> • Note the post-hearing advice note received from the Local Plan Part 2 Inspector and the need for Main Modifications. • Request officers prepare Main Modifications to Local Plan Part 2 to be agreed with the Examination Inspector for public consultation. • Delegate authority to the Deputy Chief Executive in conjunction with the Leader of the Council and Portfolio Holder for Planning Policy and Local Plan to review and finalise the Main Modifications and consider the options around designation of Local Green Spaces.
Direct and/or indirect impact on service delivery to our customers and communities:	Local Plan Part 2 contains additional policies and development allocations to support the adopted planning framework.
Contribution to corporate priorities	Adoption of Local Plan Part 2 is an identified corporate priority.
Legal Implications:	The Council cannot adopt a local development plan which has been examined and considered unsound. The Council has requested that the Inspector identifies Modifications to make the Local Plan Part II sound.

Financial Implications:	No additional expenditure requirements are identified in this report. The Main Modifications are part of the examination process. Examination costs are drawn down from the Local Plan Reserve allocated for this purpose.
Climate change implications:	Local Plan Part 2 contains non-strategic policies which are subject to the adopted environmental policies in Local Plan Part 1. Climate change policies will be a key part of the review of Local Plan Part 1
Impact on service plans:	Progress on the Local Plan Part 2 is 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.
Value for Money:	Local Plan Part 2 supports the Council's housing and economic development objectives. It provides direction to developers and communities and will reduce costs associated with planning appeals and speculative development.
Equalities Implications:	The submitted plan includes an equalities impact assessment. Equalities implications from modifications in relation to traveller sites will be fully assessed.
Risk Assessment and Adverse Impact on Corporate Actions:	Preparation of Main Modifications is essential to the delivery of Local Plan Part 2. The report makes recommendations to ensure this takes place and to avoid delays to the review of Local Plan Part 1.
Scrutiny Recommendation	N/A.

INTRODUCTION

The report provides a brief update on the Local Plan Part 2 examination and Interim Note received by the Inspector. It does not explore the implications in detail but makes recommendations to allow officers to progress the examination process and prepare modifications to the Plan.

BACKGROUND

Local Plan Part 2 was submitted for independent examination on 23rd January 2019 following additional consultation on Proposed Changes to the Plan and submission of statements, eight days of public hearings were held from 23rd July - 2nd August.

The Inspector examined both the Plan and Proposed Changes which was agreed at Full Council in December 2018 - as one document.

The Council received an Interim Note from the Inspector (Mr Mike Fox) on 11th September 2019. The note sets out the changes (called 'Main Modifications') considered necessary to make Local Plan Part 2 acceptable as 'sound' in terms of national planning policy. The Interim Note is an 'examination document' available on the Mendip website (ED20). <https://mendip.gov.uk/localplanexamination>.

The requirement of modifications by an Inspector is an accepted part of the plan development process. The Council is tasked to draft the schedule of modifications, but these must be agreed by the Inspector before full formal consultation - which is at least 6 weeks. Responses to the consultation go back to the Inspector and are taken into account in his final report. The consultation will only apply to the main modifications and no new objections/comments can be raised.

INTERIM NOTE

The Interim Note covers a limited number of matters of most concern to the Inspector and does not have the status of a final report. Only the larger housing allocations are included, none of which are proposed for deletion at this stage. Further information is requested on a number of sites to address deliverability.

A brief summary of key modifications are listed below.

- (1) A policy in Local Part 2 which will commit the Council to an immediate review of the adopted Plan with submission within three years from adoption of LP2 (i.e. Spring 2023)
- (2) A need to provide 505 dwellings which is specified in Local Plan Part 1 in locations on the boundary with Bath & NE Somerset and villages in the northeast of the district. On this issue, the Inspector did not accept the Council's argument this had already been addressed through development built or committed elsewhere in the district.
- (3) That the identified Local Green Spaces (LGS) do not meet the high bar required by national policy and should be more selective. The Inspector has recommended that either all LGS sites are withdrawn and re-considered in the Part 1 review or the Council undertake a new designation exercise from scratch. This would involve the suspension of the examination until completed.
- (4) That the Morlands employment allocation should make provision for a travellers' site in view of the significant current shortfall in accommodation.
- (5) Inclusion of a highways policy for Frome where cumulative impacts on the town centre and the A36 will need to be assessed on larger schemes.

- (6) Endorses a range of site-specific policy and text changes, based on agreed position statements with other parties made during the examination and follow-up questions.

PROGRESS ON MODIFICATIONS

The Modification stage forms part of the examination process. The schedule of modifications is prepared by the Council but can only be finalised with agreement of the Inspector. It is therefore recommended that Cabinet delegate the review and approval of emerging modifications to the Deputy Chief Executive, Leader and Local Plan Portfolio Holder.

In terms of timescales, the Inspector does not set a deadline for the modifications and the Council must advise on this. Given that additional housing sites need to be considered and technical consultation required, initial scoping suggests that consultation on modifications in January 2020 would be realistic. This would put back the earliest date for the final Inspectors Report to March 2020 and adoption in April. The Inspector has asked the Council to respond as soon as practicable on the issue of continuing the examination and the review of options for Local Green Spaces.

There will therefore need to be an early decision status of the Local Green Spaces (LGS) in the Plan. LGS are covered in the note in Paras 31 to 44. The Inspectors comments take account of detailed discussion at the examination hearings and the provision of a substantial amount of additional material provided from the Council, including its background notes and information on rejected LGS sites. However, the Inspector clearly states that *“I recognise that many if not all the LGS designations are important to local communities; but this is a lower bar than being ‘special’ and of ‘particular local significance.’”* He is also critical that he does not consider that the Council has used the designation ‘*sparingly*’ in its approach –although this is not a term used in the NPPF.

Officers will need to consider further the work involved in an immediate review of LGS and the impact of the suspension of the examination in delaying the start of the Part 1 Plan review. The comprehensive review of Local Plan Part 1 may be better placed to revisit the approach to LGS and how community expectations around protection of open space could be addressed. Neighbourhood plans could also be an alternative and more effective vehicle for identifying LGS given their focus on community-based evidence.

Officers will provide a further update to the November Cabinet on progress and matters arising from a more detailed assessment of the Inspector’s Interim Note.

RECOMMENDATION

Cabinet is asked to:

- Note the post-hearing advice note received from the Local Plan Part 2 Inspector and the need for Main Modifications.
- Request officers prepare Main Modifications to Local Plan Part 2 to be agreed with the Examination Inspector for public consultation.
- Delegate authority to the Deputy Chief Executive in conjunction with the Leader of the Council and Portfolio Holder for Planning Policy and Local Plan to review and finalise the Main Modifications and consider the options around designation of Local Green Spaces.

REASONS FOR RECOMMENDATION

To ensure the preparation of Main Modifications and consultation takes place as quickly and minimise delay in the progress of the Part 2 examination process and forthcoming review of Local Plan Part 1

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List of background Papers

All the following documents are available on the on local plan examination webpage

<https://mendip.gov.uk/localplanexamination>

ED20 – Local Plan Part 2 Examination Interim Note – Post-Hearing Advice

Examination - Responses to Additional Questions – IQ01 to IQ34

Planning Inspectorate Procedure Guide for Local Plan examinations -

see chapter on Main Modifications